MILPITAS PLANNING COMMISSION
STAFF REPORT

May 22, 2024

APPLICATION: **NEW MULTI-FAMILY HOUSING – 1905 TAROB COURT – P-SD23-0011, P-UP23-0007, P-MT23-0001, P-DB23-0002, P-TR23-0015, AND P-EA23-0002.** A Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to remove and replace 21 ordinance-sized trees and develop a multi-family residential project with 43 townhomes and 13 accessory dwelling units. The residential development will consist of eight multi-family residential buildings up to 39 feet in height (three stories), with 104 vehicle parking spaces and associated site improvements (Project) on a 2.3-acre site located in the High-Density Residential (R3-TOD) Zoning District with a Transit Oriented Development Overlay at 1905 Tarob Court. The Project is located within the Milpitas Metro Specific Plan and Former Transit Area Specific Plan area and submitted under California Senate Bill 330 (Housing Crisis Act of 2019).

RECOMMENDATION: **Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA, and adopt Resolution No. 23-021, recommending that the City Council approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002, subject to the Conditions of Approval.**

PROJECT LOCATION:

Addresses and Assessor's Parcel Number (APN): 1905 Tarob Court (086-36-041)

Area of City: Transit Area Specific Plan (TASP): Trade Zone/Montague Subdistrict (Previous) / Metro Milpitas Specific Plan (Metro): Tango District (Current)

PEOPLE:

Project Applicant: Nick Kosla, Land Entitlement Director
Toll Brothers, Pleasanton, CA

Consultant(s): Architect: *SDG Architects, Inc.,* Brentwood, CA
Civil Engineer: *Ruggeri-Jensen-Azar*, Pleasanton, CA
Landscape Architect: *R3 Studios*, Oakland, CA

Property Owner:	*Geomax*, Santa Clara, CA
Project Planner:	Michael Fossati, AICP, Senior Planner

LAND USE:

General Plan Designation:	Milpitas Metro Specific Plan (MMSP)
Specific Plan Designation:	Multi Family Very High-Density Transit Oriented Residential (R3-TOD) / Urban Residential (URR)
Zoning District:	Multiple-Family High-Density with Transit Oriented Development Overlay (R3-TOD) / Metro Urban Residential (R5-Metro)

ENVIRONMENTAL: The Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183.3(b) (Residential Infill). As a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15182 (Projects pursuant to a Specific Plan).

EXECUTIVE SUMMARY

The City of Milpitas received an application from Toll Brothers (applicant) requesting a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to allow the development of a 43-unit townhome condominium subdivision, comprised of eight multi-family buildings up to 39 feet in height, 104 parking spaces, and associated site improvements on a 2.3-acre site located at 1905 Tarob Court in the Tango District of the Milpitas Metro Specific Plan (formerly Trade Zone/Montague Subdistrict of the Transit Area Specific Plan - TASP area). The application was submitted in accordance with California Senate Bill 330 (SB 330), also known as the Housing Crisis Act of 2019.

Since the applicant qualifies for SB 330 status and submitted a pre-application before the adoption of the Milpitas Metro Specific Plan, the Project will be reviewed against the TASP area development standards as required by state law under Government Code section 65589.5(o).

The Project consists of 6 two-bedroom, 11 three-bedroom, and 26 four-bedroom townhome condominium units. All 43 townhome units will have an attached two-car garage. 8 of the four-bedroom units will also have a ground-floor, attached accessory dwelling unit (ADU). All ADUs will be studio units. 6 of the townhome condominiums (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom townhomes) will be reserved for moderate-income households (below 80 percent Average Median Income) and must pay an Housing in-lieu fee of .45 to fully comply with the City's Affordable Housing Ordinance.

Since the applicant proposes to restrict the sale of more than 10 percent of the townhome units to moderate-income households, the Project qualifies for one concession and multiple waivers under the State Density Bonus Law.

The proposed Project requires five entitlement approvals, as follows:

1. Site Development Permit No. SD23-0011: To allow the development of eight multi-family buildings, up to three stories in height, with 43 townhouse condominiums and 13 accessory dwelling units on the 2.3-acre site; and
2. Conditional Use Permit No. UP23-0007: To allow the subdivision of the residential units into condominiums; and
3. Vesting Tentative Map No. MT23-0001: To establish 43 residential condominium spaces, related common areas, and associated easements; and
4. Density Bonus Permit No. DB23-0002: To ensure the Project is compliant with State Density Bonus law and regulations; and
5. Tree Removal Permit No. TR23-0015: To remove 21 ordinance-sized trees and replace them with 107 new trees.

Although not an entitlement, Environmental Assessment No. EA23-0002 was prepared to establish CEQA compliance.

Staff has found the required entitlements comply with the policies, standards, and processes outlined in the State Density Bonus Law, the City of Milpitas 2040 General Plan, the Transit Area Specific Plan (TASP), the Zoning Ordinance, and other provisions of the Milpitas Municipal Code (MMC), and recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA and adopt Resolution No. 23-021, recommending approval of the Project to the Milpitas City Council, subject to the conditions of approval. The balance of this report provides specific details regarding the Project.

BACKGROUND

History

Currently, there is one 35,000-square-foot industrial building onsite. Light industrial uses have operated within this building for approximately 35 years. However, the surrounding neighborhood began transforming into multi-family residential uses, consistent with the transit-oriented vision established by the Transit Area Specific Plan, adopted in 2008. As this area transitions into a moderate to high-density residential lands, new amenities and trails will be developed to provide bicycle and pedestrian connections to local parks and commercial areas.

The Project site is located within the Trade Zone/Montague Sub-District of the TASP. This sub-district is located east of Montague Expressway and south of Capitol Avenue, extending to the city limits on Trade Zone Boulevard and Lundy Place. On the Tarob Court side of the sub-district, the TASP envisions a moderate-to-high density residential area, with ample green space, parks and trails along Penitencia Creek. Development along Montague Expressway is intended to be lined by mid and high-rise mixed-use buildings that buffer the internal lower density residential uses from noise and traffic.

On February 3rd, 2023, the applicant submitted a preliminary application pursuant to California Senate Bill 330 (SB 330) for a 43-unit townhome subdivision, which includes 13 ground-floor accessory dwelling units (ADUs).

On February 7th, 2023, the City of Milpitas adopted the Milpitas Metro Specific Plan (MMSP) to replace the TASP. The MMSP will continue to manage the transformation of high-density residential neighborhoods into vibrant transit-oriented communities with a mix of housing, retail, entertainment, and employment uses and a safe and attractive network of parks and trails. The Tarob Court residential redevelopment is highlighted in the MMSP and remains consistent with TASP. Since the SB 330 pre-application was submitted prior to the MMSP's adoption, the applicant has a vested right under state law to follow the development standards under the TASP, and not under the MMSP.

On July 25th, 2023, the applicant submitted a development application for the same townhome development. The architecture and design of the Project will remain consistent with the other townhome projects (Geomax I) currently being developed by Toll Brothers. Geomax I is a 78 townhome condominium unit development being constructed west of 1905 Tarob Court. Another moderate density townhome project is being developed by KB Home at 2001 Tarob Court, which is less than a quarter mile from the Project site.

California Senate Bill 330 (Housing Crisis Act)

California Senate Bill 330 (SB 330) is a statewide bill intended to accelerate housing production in California. It became effective on January 1, 2020, and Senate Bill 8 (SB 8) extended SB 330 through January 1, 2030. Under SB 330, eligible projects receive enhanced streamlining and vesting opportunities by filing a preliminary application. Those benefits include:

- Freezes the ability of local governments to downzone, adopt new development standards, or change land use in residential and mixed-use areas if the change results in less-intensive uses.

- Allows developers to request approval of housing developments that exceed density and design controls of the underlying zoning if the existing zoning conflicts with the General Plan or a Specific Plan.

- Expedites the permitting process for all housing development and limits the list of application materials that cities can review.

Through the Housing Accountability Act, the state requires a local jurisdiction to approve housing consistent with applicable, objective land use standards. Under the State Density Bonus Law, the state also requires a local jurisdiction to approve waivers and concessions for projects that meet certain affordability requirements. Consistent with state law, planning staff has determined that the Project is consistent with applicable, objective development standards provided under SB 330 and meets the requirements for waivers and incentives/concessions under the State Density Bonus Law. A local government agency can deny an eligible housing project only if there is strong evidence that denial is the only way to avoid an adverse impact on public health and safety.

PROJECT DESCRIPTION

Overview

The Project consists of 43 townhome condominium units, 13 attached accessory dwelling units, and associated site improvements, including private alleyways and outdoor amenity spaces. The townhomes will range from 1,288 to 2,191 square feet in size. 13 townhomes will include an

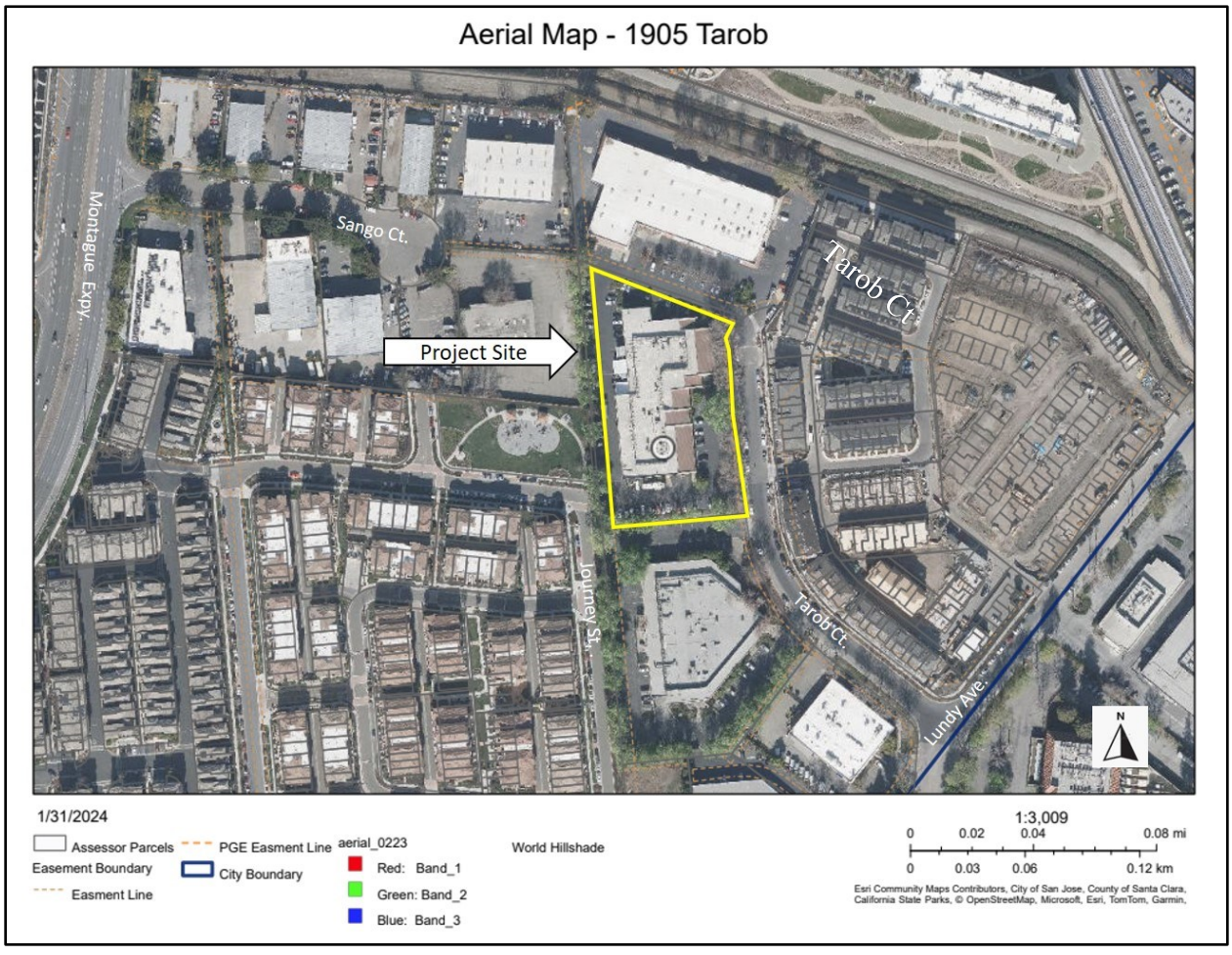
attached accessory dwelling unit (ADU) ranging in size between 282 and 361 square feet. The Project also provides 104 vehicle parking spaces (86 spaces within 43 -two car side by side garages, 18 surface spaces for guests). The applicant will also deed restrict and market 6 townhomes to moderate-income households and pay an in-lieu fee to comply with the City's affordable housing requirement.

Since more than 10 percent of the townhome units are reserved for moderate-income households, the Project is eligible for certain concessions, waivers, and parking incentives under State Density Bonus Law (Gov. Code § 65915 et seq.). The "Project Analysis" section of this staff report includes a full discussion of the State Density Bonus provisions related to this Project.

Location and Context

The Project is located on a 2.3-acre site on the west side of Tarob Court in the southern portion of Milpitas. Figure 1 shows the Project location:

Figure 1 – Aerial Map - 1905 Tarob Court



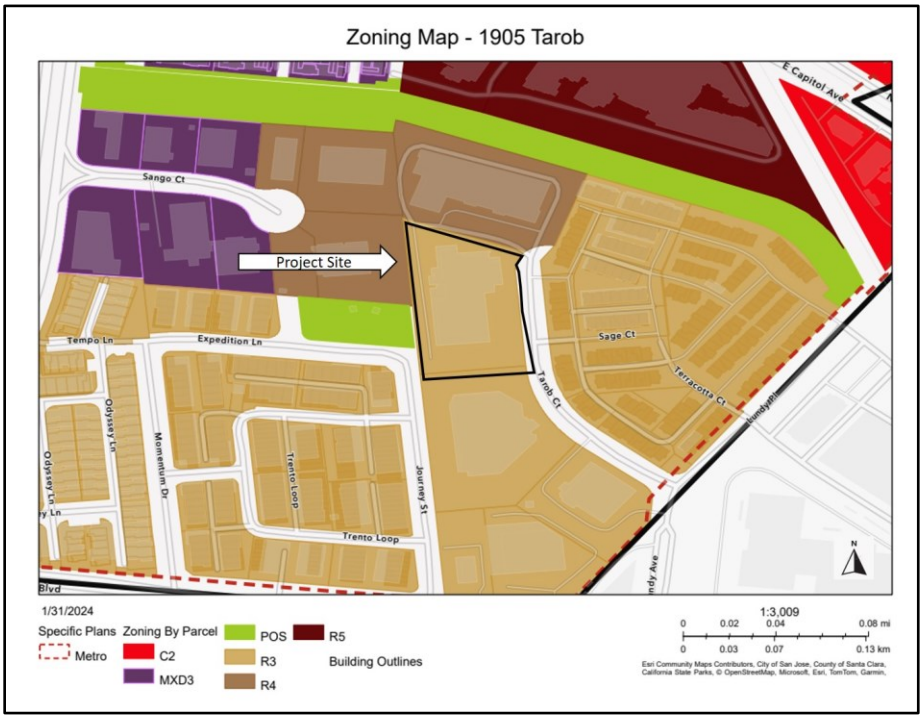
The property is located within the Transit Area Specific Plan (also known as the Milpitas Metro Specific Plan) area and zoned Multi-Family High-Density Residential with a Transit-Oriented

Development Overlay (R3-TOD). Table 1 and Figure 2 below summarize the land use designation and surrounding zoning of nearby properties:

Table 1: Surrounding Zoning and Land Uses (Under TASP)

	General Plan	Zoning	Existing Uses
Subject Site	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3-TOD)	Non-conforming Light Industrial
North	Milpitas Metro Specific Plan	Permanent Open Space	Non-conforming Light Industrial
South	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3)	Future Townhomes
East	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3)	Townhomes
West	Milpitas Metro Specific Plan	Permanent Open Space	Augustus Rathbone Park / Non-conforming Light Industrial

Figure 2 – Zoning Map – 1905 Tarob Ct. (Under TASP)



PROJECT ANALYSIS

This section will evaluate elements of the proposed Project for conformance with the Milpitas 2040 General Plan, the 2008 Transit Area Specific Plan, the Zoning Ordinance, and other provisions of the Milpitas Municipal Code, Senate Bill 330, and State Density Bonus Law.

General Plan Conformance

The General Plan designation for the Project site is MMSP, which was adopted on February 7, 2023. Since the applicant submitted a pre-application and invoked SB 330 on February 3rd, 2023, the TASP development standards currently apply. The MMSP and TASP standards intend to facilitate higher intensity, mixed-use neighborhood development near the Milpitas Transit Center to encourage walking, biking, and alternative modes of transportation for residents and employees in the immediate area.

The Project is in conformance with the applicable policies and standards in the City's General Plan, as outlined in Table 2:

Table 2: General Plan Consistency

Policy	Conformance
Policy LU 1-4: *Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offer residents of all income levels, age groups, and special needs sufficient housing opportunities and choices for locating in Milpitas.*	**Consistent.** The Project provides townhome condominiums and accessory dwelling units. This variety of housing types will meet the needs of individuals, families, and residents of all demographics and income levels. The Project includes 6 affordable and 37 market-rate townhome condominiums, consistent with the policy to provide housing types for all income levels.
Policy LU 1-8: *Maintain equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices, and have safe places to walk and bike.*	**Consistent.** The Project is located directly east of the future Augustus Rathbone Park extension. Furthermore, the Project's off-site improvement plan includes connecting Tarob Court with Sango Court, which will provide Tango District residents an additional connection to Montague Expressway. These improvements will ensure all residents in the Tango District area have greater access to community amenities and transportation choices.

Policy	Conformance
Policy LU 5-3: *Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City.*	**Consistent.** The Project meets the height standards by proposing three-story buildings, up to 39 feet in height, in a zoning district that allows building heights up to 75-feet. The Project's height is consistent with the recently entitled townhome project at 2001 Tarob Court, which will have buildings up to 50 feet in height, and 675 Trade Zone Blvd., with 37-foot-tall residences.

Transit Area Specific Plan Conformance

The TASP land use designation for the Project is High-Density, Transit-Oriented Residential. This designation provides for medium-density residential uses within the Trade Zone/Montague Subdistrict. As demonstrated in Table 3, the Project is consistent with the applicable TASP land use policies.

Table 3: TASP Consistency

Policy	Conformance
Policy 3.4*: Provide a variety of housing types for different types of households, different income levels, different age groups, and different life-styles.*	**Consistent**. The Project provides townhome condominiums and accessory dwelling units. This variety of housing types will meet the needs of individuals, families, and residents of all demographics and income levels. The Project includes 6 affordable, 5 ADA-accessible, and 32 standard townhome condominiums, consistent with the policy to provide housing types for all age and income levels, including households with special needs.
Policy 3.2: *Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on a project-by project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area. Allow housing developments of 12 units or less to pay a fee in lieu of providing affordable units.*	**Consistent**. The Project conforms to the City's Affordable Housing Ordinance by designating six out of the 43 townhome units, or 15 percent of the base number of units, for moderate-income level individuals or households. The additional .45 unit required will be made whole by paying a fee in lieu of providing affordable units.

Policy	Conformance
Policy 3.3: *Affordable housing should be integrated into all residential projects.*	**Consistent.** The Project includes 6 affordable townhome condominiums integrated into the design. The townhomes differ in type (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom units) to provide variety. These specific units will be restricted to moderate-income individuals or households for purchase. Furthermore, the Project includes 13 ADUs, which are considered "affordable by design" meaning they are small and efficiently designed yet include adequate amenities to serve as a dwelling unit for an individual or small household.

Zoning Conformance

The project site is zoned R3 Multiple-Family High Density Residential with a Transit-Oriented Development (-TOD) Overlay. As demonstrated in Tables 4 and 5, the project is consistent with most of the applicable development standards for the R3 Multiple-Family High Density Residential Zoning District and TASP area. Where the project is not in compliance with objective standards, the applicant may deviate the standards by invoking State Density Bonus Law.

Table 4: Summary of TASP R3-TOD Development Standards

Development Standard (R3-TOD)	Required	Proposed	Conformance
Density	21-40 du/ac	25.5 du/ac; 56 units total	Yes
Front yard Setback (from Tarob Court)	8 foot-15 foot (max.) from back of sidewalk	12 feet	Yes
Front yard Setback (from Sango Court)	8 foot-15 foot (max.) from back of sidewalk	8 feet	Yes
Side Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Rear Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes

Development Standard (R3-TOD)	Required	Proposed	Conformance
Height	Up to 75 feet	39-feet	Yes
Landscaping	A minimum of twenty-five percent (25%) of the total lot area shall be landscaped or recreational open space. 25% x 2.2 = 0.55 acres / 23,958 sq. ft. required	0.63 acres / 27,632 sq. ft.	Yes
Private Open Space	An average of 200 sq. ft. of usable open space shall be provided for each dwelling unit. 200 sq. ft. x 43 units = 8,600 sq. ft. Balconies and porches may be no less than 60 sq. ft. and patios no less than 100 sq. ft.	5,690 sq. ft. (private open space) + 27,632 sq. ft. (on-site open space) = 33,322 sq. ft. Private balconies range from 60 sq. ft to 174 sq. ft.	Yes

In addition, projects located in the TASP/MMSP area must comply with the additional development and design standards outlined in Table 5:

Table 5: Additional Development Standards Applicable in the TASP/MMSP

	Standard	Proposed	Conformance
Projections into Required Yards	Porches, stairs, balconies, bay windows, and awnings may project up to six feet into required setbacks.	Porches, stairs, balconies, bay windows and awnings project less than six feet into required setbacks	Yes
Building Orientation and Entrances	Building must face the street, and primary building entrances must be oriented toward the street.	Buildings are either facing the external streets, internal streets, future Augustus Rathbone Park, or internal paseos	Yes, with approval of a Density Bonus Waiver

	Standard	Proposed	Conformance
Vehicle Parking	Studios (ADUs) – 13 spaces Two / Three Br. Units – 27 spaces Four Br. Units – 68 spaces Guest Parking – 19 spaces Total – 127 spaces	86 garage spaces 18 surface spaces Total – 104 spaces	Yes, with approval of a Density Bonus Permit
Bicycle Parking	On-street guest racks equivalent to five percent (5%) of the parking requirement. Six (6) bicycle parking spaces	Six (6) bicycle parking spaces	Yes
Parking Location	Parking must be located so that it is not visible from the street.	43 private garage entrances face the interior drive aisle	Yes
Parking Garages attached to individual units	Garages may not occupy more than 50% of Ground Level Frontage facing street.	No parking garage is facing the street frontage.	Yes
Parking Access and Curb Cuts	Maximum two curb cuts per lot per street frontage	Two curb cuts along Tarob Court (one curb cut at the Tarob/Sango connection	Yes
Park Acreage Requirements	0.04 acres (after payment of TASP/MMSP fee) must be provided	0.29 acres	Yes

State Density Bonus Law

To encourage affordable housing production, the State Density Bonus Law (Gov. Code § 65915 et seq.) allows developers to receive a density bonus and other incentives, such as concessions, waivers, and parking reductions when affordable housing is incorporated within a project. The Density Bonus is a state mandate, and any Project that meets the state law requirements is entitled to receive the associated incentives.

The applicant may request waivers and concessions under the State Density Bonus Law because the Project reserves more than 10 percent of total units as affordable units for moderate-income households. The Project includes six affordable units, which satisfies State Density Bonus Law

and the City's Affordable Housing Ordinance requirement. Since the applicant meets State Density Bonus Law, the City must grant any waivers and concessions the applicant requests for a qualifying project under the State Density Bonus Law. Since the vast majority of the project is designed to meet City standards, the applicant has chosen not to apply for any concessions. The applicant has only asked for a waiver for the building orientation, as discussed further in the report.

Table 6 outlines the waiver requested for the proposed Project.

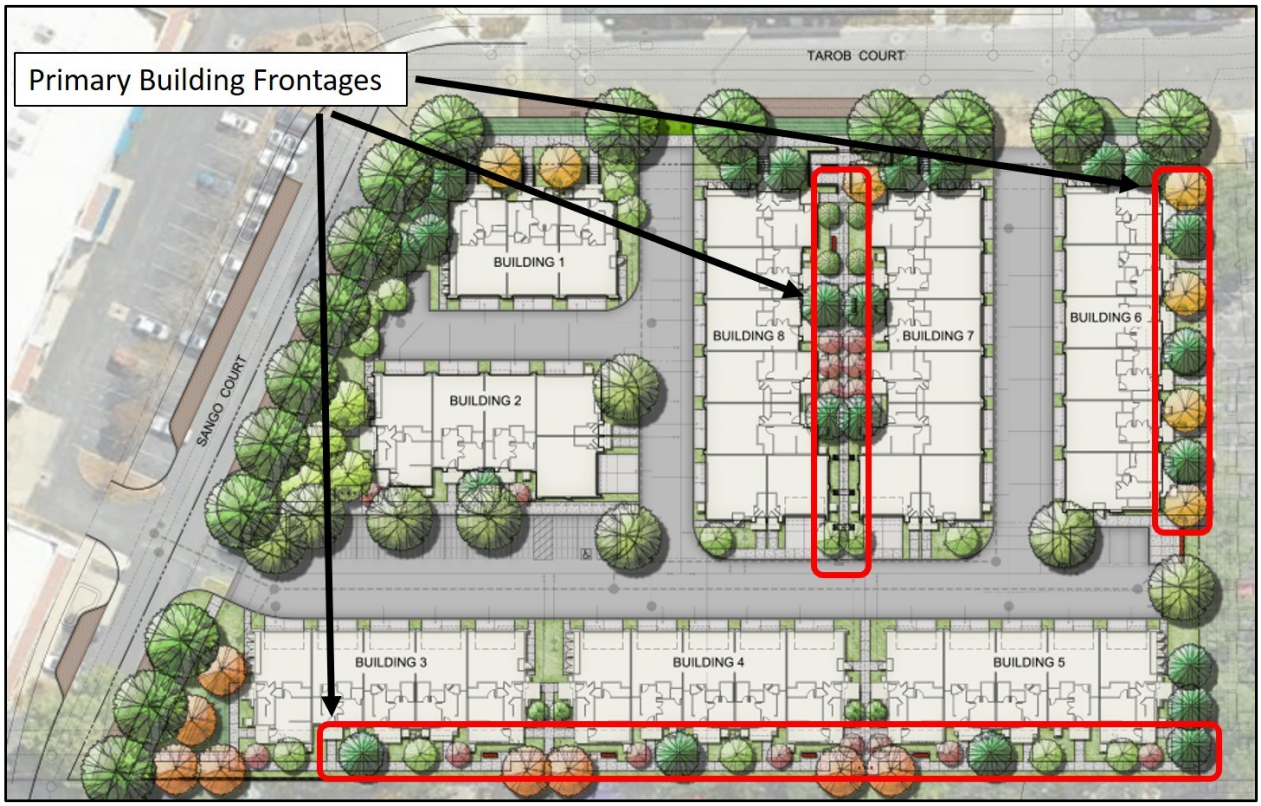
Table 6: State Density Bonus – Concessions, Waivers, and Incentives

Type of Modification	Standard	Applicant Request	Justification	Discretion
Waiver	Building Orientation and Entrances	29 buildings facing either internal courtyard, shared courtyard, or future Augustus Rathbone Park TASP requires building entrances face streets	In order to provide 25.5 du/acre and parking garage access, the developer had to design a proposal that required certain building entrances to face internal courtyards instead of streets.	This waiver is allowed under State Density Bonus Law and must be granted by the City.

State Density Bonus Waiver

TASP Table 5-1 (Development Standards) states "*Buildings must face the street; and primary building entrances must be oriented toward the street*." The Project proposes eight primary buildings. Six primary buildings have entrances that do not face a public or private street. Building 1 has entrances facing an internal courtyard. Buildings 3, 4, and 5 have entrances facing the future Augustus Rathbone Park, Building 6 has entrances facing a joint internal courtyard with the Geomax I project, and Building 7 has entrances facing an internal courtyard, as shown on Figure 3.

Figure 3 – Building Layout



Since most primary buildings do not face street frontages, the applicant has requested they receive a waiver for the objective standards, as permitted by State Density Bonus Law. Staff supports the waiver because facing primary entrances to streets may limit the number of residential units allowed on the site. Furthermore, a waiver must be granted because the project includes enough affordable units to qualify for State Density Bonus.

State Density Bonus Parking Concession

An applicant who qualifies for a density bonus (under State Density Bonus Law) may propose reduced parking standards. Projects located in the TASP area typically require 1.6 to 2.0 vehicle parking spaces for each two- and three-bedroom unit. Studios generally require 1.0 vehicle parking spaces per unit. The project must also provide an additional 20 percent of the required parking as vehicle parking spaces for guests. However, under State Density Bonus Law and upon a developer's request, the City must allow a reduction in vehicle parking, as shown in Table 7.

Table 7: Maximum Parking Requirements (under State Density Bonus Law)

Type of Unit (or Guest Parking)	Number of Vehicle Parking Spaces
Zero to One Bedroom	1.0 spaces
Two-Bedroom and Three-Bedroom	1.5 spaces
Four-Bedroom	2.5 spaces

Guest Parking	Zero spaces

The applicant has requested reduced parking standards, as demonstrated in Table 8.

Table 8: Parking Analysis (under State Density Bonus Law)

Land Use	Unit Count	Rate	Maximum Spaces Required	Spaces Provided	Notes
Two-bedroom and Three-bedroom	17	1.5 / unit	26	34	
Four- bedroom	26	2.5 / unit	65	52	
Studio (ADU)	13	1 / unit	13	0	
Guest Parking	N/A		0	18	Included as part of the total number of parking spaces required under the State Density Bonus Law
		Total	104	104	

In summary, each townhome includes a two-car, side by side, attached garage. In addition, 18 surface parking spaces will be provided for guests along the internal street network, making a total of 104 vehicle spaces. The proposed number of parking spaces is equivalent to the total number of parking spaces contemplated under the State Density Bonus Law. The applicant is additionally entitled to one concession under the State Density Bonus law and request to apply it to cure any irregularity in the total number of spaces required.

Subdivision Ordinance

The City of Milpitas Engineering Department has reviewed the Project's form, content, and dedications of the proposed tract map and deemed it consistent with MMC Section XI-1-4 (Tentative Maps) provisions, as outlined in the findings within Resolution No. 23-021. Tentative Maps require the Planning Commission to recommend final approval by the City Council.

Architectural Design

The Project's design concept includes three-story buildings consistent with existing and planned residential development patterns within the Tango area. The contemporary design includes the following design accents and materials:

- Roof: Composition Shingle (Gray)
- Exterior: Vertical Fiber Cement Siding and Stucco
- Accents: Coronado Stone and Metal Railings
- Lighting: Wall Sconce (Black)
- Entry Door: Modern Front Entry Door
- Garage Door: Cloplay Bridgeport Steel Garage Door

The Project conforms with the majority of TASP design guidelines, which require well-articulated exterior walls with consistent style and materials, muted colors for primary building walls with richer accent colors, and integrated parking. Furthermore, the Project has a harmonious architectural style to the Parkside development located across the street on Tarob Court. A rendering of the Project is shown in Figure 4 and proposed colors and materials are shown in Figure 5.

Figure 4 – Proposed Project Facing Augustus Rathbone Park



Figure 5 – Colors and Materials Board



Tree Removal and Landscaping Requirements

The landscaping plan within the Project demonstrates 36 existing trees to be removed. 21 of those trees are ordinance-sized and considered "protected" per MMC Section X-2.7.01-1. The applicant proposed to plant up to 107 new trees on site to mitigate the 36 trees being removed. By proposing to plant over 57 new trees, the applicant is maintaining conformance with MMC Section 7 – Tree Protection and Heritage Tree Program. Additional proposed landscaping includes various shrubs, grasses, and vines (New Zealand Flax, Manzanita, Reed Grass, and Creeping Fig) planted along the internal paseos and front yards, as demonstrated in Figure 6.

Figure 6 – Landscape Plan



Parkland and Open Space Requirements

The TASP requires all new developments to provide 3.5 acres of parkland for every 1,000 persons or payment of park in-lieu fees, as allowed by MMC Section XI-1-9 (*Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes*). The Parkland Fee is based upon the estimated number of persons expected to reside in the development (per U.S. Census definitions) and the estimated value of parkland in the City of Milpitas (currently $2,787,840 per acre).

The City estimates 2.49 people will occupy each unit. The Project proposes 43 units, resulting in an estimated population of 107 new residents. Based on this population estimate, the applicant must provide 0.37 acres of parkland, equivalent to approximately $1,044,729.

All projects in the TASP area are required to pay a Transit Area Development Impact Fee (TADIF). A portion of that fee pays for parkland. The park portion of the TASP fee for this project is valued at $927,269, equivalent to 0.33 acres of parkland. This amount will be applied to the Project's parkland requirement, leaving a delta of 0.04 acres to be satisfied.

To satisfy the 0.04-acre delta, the applicant has incorporated 0.29 acres as private recreation space on-site, as permitted by MMC Section XI-1-9. For example, each townhome has private patios and balconies totaling 5,690 square feet. In addition, the Project includes an additional 12,844 square

feet of on-site residential open space, which include grassy areas and internal paseos. The parkland requirement is met by designing these elements into the Project, as demonstrated in Table 9 below.

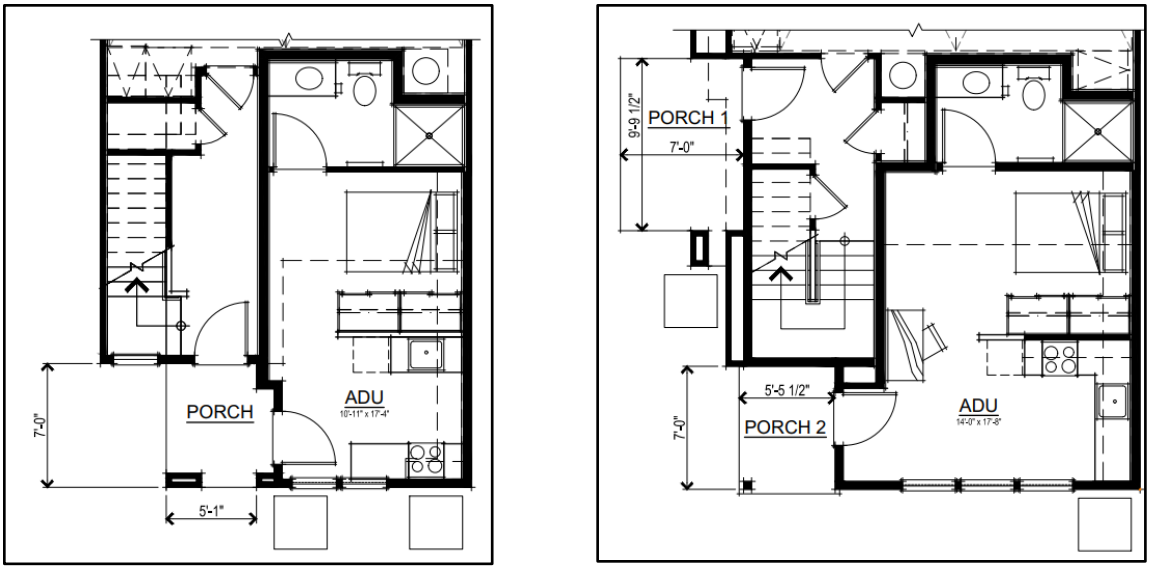
Table 9: Parkland Requirements Analysis

Toll Brothers Townhomes Proposed	43
Toll Brothers Townhomes Population Estimate (2.49 persons/unit per Census)	107 persons
TASP Parkland Requirement	3.5 acres/1,000 people or equivalent fees-in-lieu
Total Parkland Acreage or In-Lieu Fee Required	0.37 acres / $1,044,729
Amount Satisfied Through TASP Fees (Acreage/Dollars)	0.33 acres / $927,269
Remaining Parkland Acreage or In-Lieu Fee Required	0.04 acres / $117,459
Private Recreation/Open Space Included in the Project	0.29 acres
Balance of Parkland Acreage or In-Lieu Feed Due	**0.00 acres / $0**

Accessory Dwelling Units

The Project includes 13 attached ADUs located on the ground floor of 12 four-bedroom townhome condominiums. Each integrated ADU is a studio unit with a living/sleeping area, bathroom, kitchenette, and separate front door entrance, as demonstrated in the two options in Figure 7 below.

Figure 7 – Townhome/ADU Floor Plan



Although the proposed ADUs are considered residential units (for density purposes), their integral design limits the City's ability to charge development fees (such as TADIF or Park-In Lieu Fees).

Per Government Code Section 65852.2. (f)(3)(A), *A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet*. The proposed ADUs range in size between 282 and 362 square feet in size, thus qualifying for the impact fee exception under State law.

Affordable Housing Ordinance

According to MMC Section XII-1-3.00 (Affordable Housing), the applicant must reserve fifteen percent (15%) of the total number of dwelling units within the development as affordable units. For this project, the applicant must provide 6.45 affordable units. The applicant proposes to meet the City's affordable housing requirement by reserving 6 units on-site for moderate-income households, which includes 1 two-bedroom, 2 three-bedroom units, 2 four-bedroom units, and 1 four-bedroom unit with an ADU. The project has been conditioned to execute an agreement imposing appropriate ownership controls on the affordable units. The applicant will also pay an in-lieu fee for the 0.45 unit required.

Traffic and Access

Vehicular access to the project site will be provided two driveways with direct ingress/egress from either Tarob Court or the newly expanded Sango Court. An internal private street grid will provide access to the 43 private residential garages. In addition, 18 guest parking spaces will be provided along Court A and Street A, including an ADA-compliant spaces and two electric vehicle parking spaces. The EV parking spaces will provide full charging facilities.

Grading

The proposed Project would result in the demolition of all existing structures, paving, and landscaping on the subject site. Subsurface excavations for the foundations and utilities would likely occur to a depth of eight feet. It is anticipated that a total of 1,000 cubic yards of soil would be cut, and 9,000 cubic yards would be used for fill to pad the site and increase the finish grade heights to meet flood zone requirements. A total of approximately 2,000 tons of construction debris are anticipated to be removed from the project site during demolition of the existing buildings.

Utilities

The project site is in an urban area and is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. All public utilities will be provided to the Project site.

Climate Action Plan

The City of Milpitas Climate Action Plan (CAP) was adopted in 2022 and included Greenhouse Gas (GHG) reduction goals, policies, and actions for new and existing development projects. The Project would follow these goals and policies by locating future residents near public transportation, jobs, restaurants, and services and incorporate green building measures in compliance with CAL Green standard building measures for residential buildings and Title 24 requirements to reduce energy usage.

Development Fees

The Project is subject to the following impact fees:

TASP Impact Fee
The TASP impact fee is currently set at $50,056/unit for residential uses for the Fiscal Year 2023-2024, but the exact TASP fee will not be calculated until the building permit is ready for issuance. Based on the development of 43 residential units, the estimated TASP impact fee for this Project is approximately $2,152,408 ($50,056/unit x 43 units). This fee is automatically adjusted each fiscal year in conjunction with the City's annual budget process. The applicant must pay the fee before the building permit issuance.

Parkland Impact Fee
A portion of the TASP impact fee includes a portion of the parkland in-lieu fee. Therefore, by paying the TASP impact fee and developing at least 0.04 acres of public and private open space, the applicant will meet the parkland fee requirement without paying additional parkland fees. As previously stated, the applicant has proposed to develop 0.29 acres of private open space. Therefore, no additional park-in lieu fee will be required.

Public Art Fee
The Project will comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. This fee is currently set at one-half of one percent of building development costs. The proposed Project will pay the fee based on the construction valuation at the building permit issuance.

Affordable Housing Fee
The project will comply with the City's Affordable Housing, as set forth in Milpitas Municipal Code Section XII-1-3.00. The applicant will be providing 6.45 affordable units, but dedicating 6 units on-site for moderate-income households, which includes 1 two-bedroom, 2 three-bedroom units, 2 four-bedroom units, and 1 four-bedroom unit with an ADU. The applicant will be required to pay an in-lieu fee for the remaining 0.45 unit, which is calculated at building permit issuance.

The City Council may make specific findings that there is (1) an essential nexus between these fees and the Project, and (2) that the fees are roughly proportional to the Project's impact on the City's land use interest.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Vesting Tentative Map
To approve the Major Vesting Tentative Subdivision Map, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-20.01:

1. *The tentative subdivision map is consistent with the General Plan.*

The General Plan designation for the project site references MMSP, but since the applicant submitted a pre-application before the MMSP was officially adopted by the City Council, the TASP development standards currently apply. Both the MMSP and TASP standards intend to facilitate the development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and encourage walking, biking, and alternative modes of transportation.

The TASP designates this project site as Multiple Family – High Density Transit-Oriented Development (R3-TOD). The intent of this designation is to provide high-density housing at a density range of 21-40 dwelling units/acre. As this project proposes 25.5 dwelling units/acre, it is consistent with both the intended General Plan land use and the relevant density requirement. In addition, the Housing Element does not identify the project site for yielding affordable housing units. Therefore, there is no net loss of affordable housing opportunities.

Lastly, the Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2, above.

2. *None of the conditions identified in California Government Code Section 66474 exist, to wit:*

   A. *The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.*

      As outlined above, the Project includes the development of 43 residential condominium units with 13 ADUs, at a density of 25.5 dwelling units/acre. The Milpitas General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan land use designation applicable to the site (Milpitas Metro Specific Plan (MMSP), and High Density, Transit-Oriented Residential (HD-TOR)) allows residential development at 21 to 40 dwelling units/acre. The map is therefore consistent with the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan designations.

   B. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

      The Project proposes 25.5 dwelling units per acre, consistent with the 21-40 dwelling units per acre allowed by the general plan and corresponding specific plans. Additionally, the Project is consistent with the policies associated with the MMSP/TASP, as identified in Tables 3 and 5 above, except for front building orientations facing streets and the amount of vehicle parking standards. Both standards can be waived because the Project qualifies for Density Bonus Law waivers and concessions.

   C. *The site is physically suitable for the type of development.*

      The site is surrounded by high density, transit-oriented residential development and future park / open space lands under the City's General Plan and zoned for this type of development under the Milpitas Metro Specific Plan/Transit Area Specific Plan. In

addition, this site is suitable for the higher density development based on the location, physical attributes, and existing and proposed infrastructure improvements.

D. *That the site is physically suitable for the proposed density of development.*

The project site is within the MMSP/TASP specific plan designation of Multiple Family, High Density Transit-Oriented Development (R3-TOD), permitting residential development at 21 to 40 dwelling units/acre. The site is physically suitable for the proposed density because the site has (or will have) adequate utilities, sufficient open space, and adequate residential living facilities.

E. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Project, including the subdivision and its associated improvements, is in an urbanized area and was previously developed as an industrial building without wildlife habitat. Therefore, it will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The Project, including the subdivision and its associated improvements, have been designed in a manner that will not cause serious public health problems. The Project has been reviewed and conditioned by Building, Fire, Land Development, and Utility Departments. As a result, it has been determined that the development can be adequately serviced to preserve public health and wellness.

G. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any access easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision involves the vacation of a utility easement, which is no longer needed.

Site Development Permit

To approve the Site Development Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F):

a. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The Project's site design is consistent with the MMSP/TASP development standards for the Trade Zone/Montague Sub-district. The Project consists of 43 condominium units, 13

attached Accessory Dwelling Units and associated site amenities on a 2.3-acre site. The building's contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along Tarob Court. Colors are earth tone shades of tans and grays with black metal railings. In addition, future residents will access garages via private streets, similar to nearby residential developments.

b. The Project is consistent with the Milpitas Zoning Ordinance.

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4. The proposed multi-family residential building is permitted in the R3-TOD Multiple-Family, High Density Residential Zoning District with a Transit Oriented Development Overlay. The Project design conforms to the site and development standards of the R3-TOD zone.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the R3-TOD standards are needed, the applicant has requested waivers and parking exceptions under the State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waivers and parking reduction and concession will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

c. The Project is consistent with the Milpitas General Plan.

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2. Furthermore, as the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to waivers and reduced parking requirements. The requested waivers and parking reduction and concession will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

d. The Project is consistent with the Transit Area Specific Plan.

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/MMSP, as demonstrated in Tables 3, 4 and 5. The Project is eligible for State Density Bonus Law provisions per Government Code Section 65915(p)(5), and therefore entitled to design waivers and reduced parking requirements. The requested waiver and parking reduction and concession will support affordable housing unit development on a site where it would not otherwise be possible through a strict application of those specified standards.

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F):

a. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.*

The Project will not be detrimental or injurious to property or improvements in the vicinity or public health, safety, or general welfare. The Project is consistent with other multi-family residential projects within the immediate area and has been conditioned to preserve the health and wellness of future residents. In addition, the condominium project creates housing opportunities and increases the diversity of housing types in the City of Milpitas by utilizing accessory dwelling unit provisions.

b. *The Project is consistent with the Milpitas Zoning Ordinance.*

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4. The proposed multi-family residential building is permitted in the R3-TOD Multiple-Family, High Density Residential Zoning District with a Transit Oriented Development Overlay. The project design conforms to the site and development standards of the R3-TOD zone. Therefore, a conditional use permit is required to allow the subdivision of the proposed townhome units.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the R3-TOD standards are in conflict, the applicant has requested waivers and parking exceptions pursuant to State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waiver and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

c. *The Project is consistent with the Milpitas General Plan.*

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2.

d. *The Project is consistent with the Transit Area Specific Plan.*

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/MMSP, as demonstrated in Tables 3, 4 and 5. The Project is eligible for State Density Bonus Law provisions per Government Code Section 65915(p)(5), and therefore entitled to design waivers and reduced parking requirements. The requested waiver and parking exception will support affordable housing unit development on a site where it would not otherwise be possible through a strict application of those specified standards.

Density Bonus Permit

To qualify for a Density Bonus Permit, the following standards must be met pursuant to Milpitas Municipal Code Section XI-10-54.15(D):

1. *The maximum allowable base density specified in the General Plan, including any other permitted increases to density.*

   The proposed Project includes 43 townhome condominiums and 13 accessory dwelling units, equaling to 25.5 dwelling units per acre and within the General Plan density allowed in the immediate area.

2. *All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Redevelopment Agency modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.*

   The applicant has allocated 6 of the townhome condominiums (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom townhomes) to be reserved for moderate-income households (below 80 percent Average Median Income) to fully comply with the City's Affordable Housing Ordinance. The approximate locations for the 6 units will be adequately dispersed per the City of Milpitas Housing Department. The proposed affordable units will be developed with the same specifications as the standard, market-rate units. Additionally, the 0.45 unit will be paid by in-lieu Affordable Housing fee, calculated at time of Building Permit Issuance.

3. *Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

   The Project has been conditioned to provide an agreement to the City of Milpitas explaining the affordability requirements, processes and procedures, to the satisfaction of the Milpitas City Attorney prior to the release of any Certificate of Occupancy.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.*

   Prior to final building inspection and occupancy for the Project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder’s Office the City’s Agreement Imposing Restrictions on Real Property (Agreement). The Agreement shall explain the affordability requirements, including continued affordability for moderate-income households if the unit were to ever be sold, for a period of 30 years. The agreement shall be approved by the Milpitas City Attorney for content and form prior to recordation.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed*

thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.

The standard is not applicable to the Project, as the Project is creating townhome condominiums for sale, rather than for rent. Affordability provisions will be assessed on the sale of the individual townhome condominium.

6. *Relation to Statute. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code section 65915, et seq.*

   The developer has identified and requested waivers and parking exceptions as permitted within the State Density Bonus Law, Government Code Section 65915, et seq.

   Density Bonus Concessions, Incentives and Waivers

   In accordance with California Government Code Section 65915 and MMC Section X-10-54.15, the City must grant the requested incentives/concessions unless the City can make either of the following findings in writing and based on substantial evidence:

   a. *The concession is not required in order to provide for affordable housing costs as defined in State Health and Safety Section 50052.2 or for rents for the affordable units pursuant to Section XI-10-54.15(D)(5), Standards, of Chapter 10 (Zoning) of the Milpitas Municipal Code.*

   b. *The concession would have a specific adverse impact as defined in State Government Code Section 65589.5(d) (2) upon the public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

   If findings cannot be made, then the proposed concessions/incentives and waivers must be granted, based on the requirements of the City's Municipal Code and California Government Code Sections 65915 – 65918.

ENVIRONMENTAL REVIEW

An environmental assessment was conducted according to the California Environmental Quality Act of 1970 (CEQA), as amended, and state and local guidelines implementing CEQA. The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill). An exemption is the appropriate CEQA determination for the proposed project. Exhibit 2 of the Resolution for the proposed Project is a memorandum demonstrating compliance with CEQA Guidelines Section 15183.3(b).

As a separate and independent basis, the project is also exempt from further CEQA review pursuant to CEQA Guidelines Section 15182 (Projects Consistent with a Specific Plan) because the project

is a residential project that is generally consistent with Transit Area Specific Plan (Milpitas Metro Specific Plan). Therefore, no further environmental review is required.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of publishing this report, two public comments have been received regarding the lack of infrastructure road improvements, removal of trees, and lack of park space.

The Planning Department reached out to individual residents to address questions and concerns. Furthermore, the applicant is working with City Staff to host a community meeting for existing residents. The meeting has not been scheduled.

A notice was published in the Milpitas Post on February 2, March 2, and May 10, 2024. In addition, notices were sent to all owners and occupants within 1000 feet of the project site. A public notice was also posted at the project site, on the City's Website, www.milpitas.gov, and at City Hall.

Lastly, the applicant will be hosting a community meeting. The community meeting will be to discuss the project parameters and answer any questions and be held in the Milpitas Community Center between 5:00pm – 6:00pm on May 29th.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing;
3. Consider the exemptions in accordance with CEQA; and
4. Adopt Resolution No. 23-021, recommending that the City Council approve Site Development Permit No. SD23-0006, Conditional Use Permit No. UP23-0007, Vesting Tentative Map MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002, subject to the Conditions of Approval.

ATTACHMENTS

A: Resolution No. 23-021 with Conditions of Approval
B: CEQA Memorandum
C: Project Plans
D: Applicant Memorandum requesting waivers and parking concessions.

RESOLUTION NO. 23-021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SITE DEVELOPMENT PERMIT NO. SD23-0011, CONDITIONAL USE PERMIT NO. UP23-0007, VESTING TENTATIVE MAP NO. MT23-0001, DENSITY BONUS PERMIT NO. DB23-0003, TREE REMOVAL PERMIT NO. TR23-0015, AND ENVIRONMENTAL ASSESSMENT NO. EA23-0002 TO ALLOW DEMOLITION OF ONE INDUSTRIAL BUILDING, REMOVAL AND REPLACEMENT OF 21 ORDINANCE-SIZE TREES, AND DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL PROJECT CONSISTING OF EIGHT RESIDENTIAL BUILDINGS, UP TO 39-FEET (THREE STORIES) IN HEIGHT, WITH 104 VEHICLE PARKING SPACES, AND ASSOCIATED SITE IMPROVEMENTS ON A 2.3-ACRE SITE LOCATED WITHIN THE TRANSIT AREA SPECIFIC PLAN / MILPITAS METRO SPECIFIC PLAN AREA AT 1905 TAROB COURT (APN 086-36-041) AND MAKING FINDINGS OF CEQA EXEMPTION

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, "CEQA"), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on June 3, 2008, the City Council of the City of Milpitas certified an Environmental Impact Report (State Clearinghouse No. 2006032091) prepared to analyze the environmental impacts associated with the proposed Transit Area Specific Plan, and subsequently adopted the Transit Area Specific Plan (TASP); and

WHEREAS, the Transit Area Specific Plan encompasses some 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, and 993,843 square feet of office space and industrial, and includes development standards, goals and policies guiding development within the Plan area. Due to the physical characteristics of the area, including major streets, railroads and creeks, the Transit Area Specific Plan also established sub-districts with specific goals and policies to accommodate those unique characteristics; and

WHEREAS, on February 3, 2023, Nick Kosla of Toll Brothers (Applicant) submitted an complete pre-application and paid the required pre-application fee for a multi-family residential development that includes 43 townhomes and 13 accessory dwelling units at 1905 Tarob Court, pursuant to California Senate Bill 330 (SB 330) to the City of Milpitas; and

WHEREAS, on February 7, 2023, the City Council of the City of Milpitas certified the Milpitas Metro Specific Plan Final Subsequent Environmental Impact Report (SEIR) and adopted the Milpitas Metro Specific Plan (Metro) which replaced the existing Transit Area Specific Plan and implemented key elements and strategies of the 2040 Milpitas General Plan such as expanding the Plan area from 437 to 510 acres, provided capacity for up to 7,000 additional new housing units through 2040, providing capacity of up to three million square feet of new commercial employment space, 300,000 square feet of new retail space, and 700 new hotel rooms, as well as establish an Innovation District Plan area for job creation and enhanced City revenues, and opportunities for mixed-use development on the 99-acre Great Mall site; and

WHEREAS, since the Applicant submitted a complete pre-application prior to adoption of the Metro Specific Plan, the Project has the benefit to comply with the development standards associated with the TASP Specific Plan, which was in force at the time of the pre-application submittal, and

WHEREAS, on July 25, 2023, Toll Brothers (the "Applicant") submitted a formal application to the City of Milpitas for the entitlements necessary to allow the development of a multi-family residential development project contemplated within the aforementioned pre-application. The project is a 56-unit townhome condominium subdivision, comprised of eight multi-family buildings up to 39 feet in height, 104 parking spaces, and associated site improvements on a 2.3-acre site located at 1905 Tarob Court in the Trade Zone/Montague Subdistrict of the Transit Area Specific Plan area (Project). The Project requires approvals of the following entitlements:

a. Site Development Permit No. SD23-0011: To allow the development of eight multi-family buildings, up to three stories in height, with up to 43 townhouse condominiums and 13 accessory dwelling units on the 2.3-acre site; and

b. Conditional Use Permit No. UP23-0007: To allow the subdivision of the residential townhome units (not including the accessory dwelling units) into condominiums; and

c. Vesting Tentative Map No. MT23-0001: To establish 43 residential condominium spaces, related common areas, and associated easements; and

d. Density Bonus Permit No. DB23-0002: To ensure the Project is compliant with State Density Bonus law and regulations; and

e. Tree Removal Permit No. TR23-0015: To remove 21 ordinance-sized trees and replace them with 107 new trees.

WHEREAS, the Planning Department completed Environmental Assessment No. EA22-0003 for the Project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this Project is covered under CEQA Guidelines Section 15183.3(b) (Residential Infill) as discussed within a memorandum (the "Memorandum," a true and correct copy of which is attached hereto and incorporated herein as **Exhibit 2** to **Exhibit 'A'**); and

WHEREAS, the Project site is located within the TASP area and is therefore further exempt from environmental review pursuant to CEQA Guidelines Section 15182 (Residential Projects Pursuant to a Specific Plan); and

WHEREAS, the Planning Department recommends the Planning Commission determine this Project is found to be consistent with the goals, policies, and regulations of the California Density Bonus Law (Government Code Section 65915 et seq.), Milpitas General Plan 2040, Transit Area Specific Plan (Milpitas Metro Specific Plan) and Milpitas Zoning Ordinance, specifically Milpitas Municipal Code Section XI-10-54.15 (Density Bonus for Affordable Housing Developments), which permits waivers and concessions to development standards, as analyzed and documented in the staff report; and

WHEREAS, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the application for a Tentative Map pursuant to Milpitas Municipal Code Section XI-1-4.03 and a density bonus pursuant to Milpitas Municipal Code Section XI-10-54.15, the City Council is the highest review authority for the Project and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

WHEREAS, the Planning Commission has reviewed the draft "Resolution of the City Council of the City of Milpitas Approving Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0003, Tree

Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court," attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the Planning Commission hereby adopts the analysis in the Memorandum attached as Exhibit 2 to Exhibit A and further finds and determines that its actions are consistent with CEQA and recommends the City Council similarly find and determine that the Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill); and, as separate and independent basis, the Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan); and

WHEREAS, the Planning Commission makes and accepts as its own the findings set forth in **Exhibit A** attached hereto; and

WHEREAS, on April 24, 2024, the Planning Commission held a duly noticed public hearing, during which meeting the Planning Commission considered the CEQA exemption findings as well as Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court, heard a presentation from staff, and had the opportunity to hear from members of the public and closed the public hearing on the item; and

WHEREAS, the findings and conclusions made by the Planning Commission pursuant to this Resolution are based upon the oral and written evidence before it as a whole.

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

1. The recitals set forth above are adopted as further findings of the Planning Commission.

2. The Planning Commission finds that its actions are consistent with CEQA and recommends the City Council similarly find and determine that the Project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill). As a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan).

3. Having likewise reviewed and considered the documents attached hereto and incorporated herein as **Exhibit A**, and having adopted the findings set forth therein as its own, the Planning Commission recommends that the City Council approve and adopt **Exhibit A**, subject to any minor technical or clerical revisions that may be necessary or appropriate.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on May 22, 2024:

_____

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 May 22, 2024 and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**ABSENT**	**ABSTAIN**
Mercedes Albana				
Dipak Awasthi				
Michael Caulkins				
Alexander Galang				
Parveen Gupta				
Chia Ling Kong				
Sonia Medina-Ashby				

EXHIBIT 'A'

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD23-0011, CONDITIONAL USE PERMIT NO. UP23-0007, VESTING TENTATIVE MAP NO. MT23-0001, DENSITY BONUS PERMIT NO. DB23-0003, TREE REMOVAL PERMIT NO. TR23-0015, AND ENVIRONMENTAL ASSESSMENT NO. EA23-0002 TO ALLOW DEMOLITION OF ONE INDUSTRIAL BUILDING, REMOVAL AND REPLACEMENT OF 21 ORDINANCE-SIZE TREES, AND DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL PROJECT CONSISTING OF EIGHT RESIDENTIAL BUILDINGS, UP TO 39-FEET (THREE STORIES) IN HEIGHT, WITH 104 VEHICLE PARKING SPACES, AND ASSOCIATED SITE IMPROVEMENTS ON A 2.3-ACRE SITE LOCATED WITHIN THE TRANSIT AREA SPECIFIC PLAN / MILPITAS METRO SPECIFIC PLAN AREA AT 1905 TAROB COURT (APN 086-36-041) AND MAKING FINDINGS OF CEQA EXEMPTION

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, "CEQA"), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on June 3, 2008, the City Council of the City of Milpitas certified an Environmental Impact Report (State Clearinghouse No. 2006032091) prepared to analyze the environmental impacts associated with the proposed Transit Area Specific Plan, and subsequently adopted the Transit Area Specific Plan (TASP); and

WHEREAS, the Transit Area Specific Plan encompasses some 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, and 993,843 square feet of office space and industrial, and includes development standards, goals and policies guiding development within the Plan area. Due to the physical characteristics of the area, including major streets, railroads and creeks, the Transit Area Specific Plan also established sub-districts with specific goals and policies to accommodate those unique characteristics; and

WHEREAS, on February 3, 2023, Nick Kosla of Toll Brothers (Applicant) submitted an complete pre-application and paid the required pre-application fee for a multi-family residential development that includes 43 townhomes and 13 accessory dwelling units at 1905 Tarob Court, pursuant to California Senate Bill 330 (SB 330) to the City of Milpitas; and

WHEREAS, on February 7, 2023, the City Council of the City of Milpitas certified the Milpitas Metro Specific Plan Final Subsequent Environmental Impact Report (SEIR) and adopted the Milpitas Metro Specific Plan (Metro) which replaced the existing Transit Area Specific Plan and implemented key elements and strategies of the 2040 Milpitas General Plan such as expanding the Plan area from 437 to 510 acres, provided capacity for up to 7,000 additional new housing units through 2040, providing capacity of up to three million square feet of new commercial employment space, 300,000 square feet of new retail space, and 700 new hotel rooms, as well as establish an Innovation District Plan area for job creation and enhanced City revenues, and opportunities for mixed-use development on the 99-acre Great Mall site; and

WHEREAS, since the Applicant submitted a complete pre-application prior to adoption of the Metro Specific Plan, the Project has the benefit to comply with the development standards associated with the TASP Specific Plan, which was in force at the time of the pre-application submittal, and

WHEREAS, on July 25, 2023, Toll Brothers submitted a formal application to the City of Milpitas for the entitlements necessary to allow the development of a multi-family residential development project contemplated within the aforementioned pre-application. The project is a 56-unit townhome condominium subdivision, comprised of eight multi-family buildings up to 39 feet in height, 104 parking spaces, and associated site improvements on a 2.3-acre site located at 1905 Tarob Court in the Trade Zone/Montague Subdistrict of the Transit Area Specific Plan (TASP) area (Project). The Project requires approvals of the following entitlements:

a. Site Development Permit No. SD23-0011: To allow the development of eight multi-family buildings, up to three stories in height, with up to 43 townhouse condominiums and 13 accessory dwelling units on the 2.3-acre site; and

b. Conditional Use Permit No. UP23-0007: To allow the subdivision of the residential townhome units (not including the accessory dwelling units) into condominiums; and

c. Vesting Tentative Map No. MT23-0001: To establish 43 residential condominium spaces, related common areas, and associated easements; and

d. Density Bonus Permit No. DB23-0002: To ensure the Project is compliant with State Density Bonus law and regulations; and

e. Tree Removal Permit No. TR23-0015: To remove 21 ordinance-sized trees and replace them with 107 new trees.

WHEREAS, the Planning Department completed Environmental Assessment No. EA22-0003 for the Project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this Project is covered under CEQA Guidelines Section 15183.3(b) (Residential Infill) as discussed within a memorandum (the "Memorandum," a true and correct copy of which is attached hereto and incorporated herein as **Exhibit 2 to Exhibit A**); and

WHEREAS, the Project site is located within the TASP area and is therefore further exempt from environmental review pursuant to CEQA Guidelines Section 15182 (Residential Projects Pursuant to a Specific Plan); and

WHEREAS, the Planning Department recommends the Planning Commission determine this Project is found to be consistent with the goals, policies, and regulations of the California Density Bonus Law (Government Code Section 65915 et seq.), Milpitas General Plan 2040, Transit Area Specific Plan (Milpitas Metro Specific Plan) and Milpitas Zoning Ordinance, specifically Milpitas Municipal Code Section XI-10-54.15 (Density Bonus for Affordable Housing Developments), which permits waivers and concessions to development standards, as analyzed and documented in the staff report; and

WHEREAS, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the application for a Tentative Map pursuant to Milpitas Municipal Code Section XI-1-4.03 and a density bonus pursuant to Milpitas Municipal Code Section XI-10-54.15, the City Council is the highest review authority for the Project and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

WHEREAS, the Planning Commission has reviewed the draft "Resolution of the City Council of the City of Milpitas Approving Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0003, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court," attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the Planning Commission hereby finds and determines that the Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill); and, as separate and independent basis, the Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan); and

WHEREAS, the Planning Commission makes and accepts as its own the findings set forth in **Exhibit A** attached hereto; and

WHEREAS, on April 24, 2024, the Planning Commission held a duly noticed public hearing, during which meeting the Planning Commission considered the CEQA exemption findings as well as Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court, heard a presentation from staff, and had the opportunity to hear from members of the public and closed the public hearing on the item; and

WHEREAS, by adoption of Resolution No. 23-021, the Planning Commission recommended that the City Council approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0007, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court; and

WHEREAS, the documents and other materials which constitute the record of proceedings upon which the City Council bases the recommendation and the findings contained within this Resolution are available and may be reviewed at Milpitas City Hall, located at 455 E. Calaveras Boulevard, Milpitas, California 95035; and

WHEREAS, on _____, the City Council held a duly-noticed public hearing, during which meeting the City Council considered the CEQA exemption findings as well as Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0007, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court, heard a presentation from staff, and had the opportunity hear from members of the public; and

WHEREAS, the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

SECTION 1. Recitals

The City Council has considered the full record before it, which includes, but is not limited to, such things as all published staff reports, oral and written testimony by staff, the Planning Commission, City Council and the public, and all other relevant materials and evidence submitted or provided to it.

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

SECTION 2. California Environmental Quality Act Findings

The proposed Project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183.3(b) (Residential Infill) in that the project is located in an urban area that has either been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; satisfies the performance standards provided in CEQA Guidelines Appendix M; and is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. Furthermore, there is no reasonable possibility the project will have a significant effect on the existing environment due to unusual circumstances, no substantial changes with respect to residential infill in the immediate area have occurred since community-level environmental review was certified (June 3, 2008), and no new information has become available regarding any residential infill project has become known, and could not have been known at the time that community-level environmental review was certified and adopted. As a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan).

SECTION 3. Development Fees

The project is subject to the Transit Area Specific Plan Development Impact Fee (TADIF), Parkland Impact Fee, Public Art Fee, and a fee in-lieu of creating affordable housing. The City Council finds and determines, based upon the full record before it, including studies, analysis, and approvals supporting the adoption of these fees that there is an essential nexus between these fees and the Project and these fees are roughly proportional to the Project's impact on the City's land use and other interests.

The purpose of the TADIF fees, as adopted on March 4, 2014, by Resolution No. 8344 of the Milpitas City Council, is to finance basic public infrastructure facilities, as identified in the Basic Infrastructure Program, as amended, that are needed to provide essential public services and assure public safety for new development within the Transit Area Specific Plan (TASP) area. The Project will be supported by the basic infrastructure facilities financed by the TADIF. The Council finds that an essential nexus exists between the basic public infrastructure facilities financed by the TADIF and the Project, which those facilities will support.

In adopting the TADIF, the City relied on a nexus study to ensure that each project within the TASP area would pay only its fair share of the basic public infrastructure facilities. The nexus study relied on the uses and densities of the parcels within the plan area in calculating the TADIF fee to be applied. The Project has the same use as contemplated in the nexus study. As such, the TADIF fees owed by the project will be roughly proportional to the basic public infrastructure facilities that the project will require. The Council finds that TADIF fee is roughly proportional to the Project's impact on the City's land use interest.

The purposed of the Parkland Impact Fee, as adopted on June 15, 1976, by Ordinance No. 18.17 and amended thereafter, is to finance open space for park or recreational purposes as a condition of approval of a subdivision map as contemplated by the Subdivision Map Act. The City has adopted a General Plan containing a Recreation Element with definite principles and standards for the park and recreational facilities to serve the residents of the city and through this obligation requires dedication of land, payment of a fee, or both to proportionately contribute to this plan and provide park and recreational facilities to serve future residents of such subdivision. The Project will be supported by the infrastructure financed by the Parkland Impact Fee. The Council finds that an essential nexus exists between the basic public infrastructure facilities financed by the fee and the Project, which those facilities will support.

In adopting and updating over time the Parkland Impact Fee, the City relied upon studies to ensure that each project would pay only its fair share of the basic public infrastructure facilities. The City found and determined through this study that the public interest, convenience, health, welfare and safety require that eighteen and one-half (18-½) acres of property, for each one-thousand (1,000) persons residing within this City, be devoted to park and recreational purposes. This fee is made proportionate to the population of each project and the consequent increase in infrastructure for this additional residential need. The land and fees received are used only for the purpose of providing park and recreational facilities to serve the subdivision for which received and the location of the land and amount of fees bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. The Council finds that Parkland Impact Fee is roughly proportional to the Project's impact on the City's land use interest.

The purpose of the Public Art Fee, as adopted on May 19, 2015, by Ordinance No. 38.821, promote the aesthetics and arts in the City of Milpitas by requiring the inclusion of a public artwork component in new private development projects in Milpitas. Developers may either include publicly accessible works of art of placement in the development itself or contribute a Public Art Program In-Lieu Contribution as a condition of project approval. This obligation therefore should foremost provide a direct public infrastructure improvement in the Project itself and only require contribution at the applicant's decision not to install improvements within the Project. The Council finds that an essential nexus exists between the basic public infrastructure facilities financed by the fee and the Project, which those facilities will support.

In adopting the Public Art Fee, the City relied upon studies to ensure that each project would pay only its fair share of the basic public infrastructure facilities. The City found and determined through this study that the public interest, convenience, health, welfare and safety require that private residential building developments of 20 or more new dwelling units shall devote an amount not less than one-half of one percent of Building Development Costs for acquisition and installation of Publicly Accessible Art on the development site. This obligation therefore proportionally requires the developer to contribute proportionately in the first instance to the aesthetics and arts for the Project itself. The Council finds that the Public Art Fee is roughly proportional to the Project's impact on the City's land use interest.

The purpose of fees paid in lieu of the creation of affordable units that the applicant would otherwise be required to construct pursuant to Chapter 1 – Affordable Housing Ordinance of Title XII – Housing within the Milpitas Municipal Code are for requirements to construct fractional units of less than 0.5 units as set forth in Milpitas Municipal Code Section XII-1-3.00 – 15 Percent Affordability Requirement.

In adopting an in-lieu fee for affordable housing, the City found and determined affordable housing investment enhances the public welfare and assures that further housing development contributes to the attainment of the City's housing goals by increasing the production of residential units affordable by households of very low, low and moderate income. Furthermore, the affordable housing fee will assure that the limited remaining developable land in the City's planning area is utilized in a manner consistent with the City's housing policies and needs. This obligation is determined and calculated based on the gross square footage constructed for each new residential use, taking into account any fee credits that would be applicable based on existing building area. While accessory dwelling units are not counted towards either calculating or meeting the 15% on-site affordable housing requirement pursuant to Milpitas Municipal Code Section XII-1-3.00, any payment of in-lieu fees must be based on the total gross square footage of all dwelling units developed as part of the project, including any accessory dwelling units.. The Council finds that the Public Art Fee is roughly proportional to the Project's impact on the City's land use interest.

SECTION 4. Vesting Tentative Map Findings (Section XI-1-20.01)

The City Council makes the following findings based on the evidence in the administrative record in support of Vesting Tentative Map No. MT23-0001 as referenced as "Vesting Tentative Map Geomax II", dated December 21, 2023, on file with the Planning Department:

1. *The tentative subdivision map is consistent with the General Plan.*

   The General Plan designation for the project site references Milpitas Metro Specific Plan (METRO), but since the applicant submitted a complete pre-application pursuant to Senate Bill (SB 330) before the METRO was officially adopted by the City Council, the TASP development standards currently apply. Both the METRO and TASP standards intend to facilitate the development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and encourage walking, biking, and alternative modes of transportation.

   The TASP designates this project site as Multiple Family – High Density Transit-Oriented Development (R3-TOD). The intent of this designation is to provide high-density housing at a density range of 21-40 dwelling units/acre. As this project proposes 25.5 dwelling units/acre, it is consistent with both the intended General Plan land use and the relevant density requirement. In addition, the Housing Element does not identify the project site for yielding affordable housing units. Therefore, there is no net loss of affordable housing opportunities.

   Lastly, the Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 1 below:

Table 1: General Plan Consistency

Policy	Conformance
Policy LU 1-4: *Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offer residents of all income levels, age groups, and special needs sufficient housing opportunities and choices for locating in Milpitas.*	**Consistent.** The Project provides townhome condominiums and accessory dwelling units. This variety of housing types will meet the needs of individuals, families, and residents of all demographics and income levels. The Project includes six affordable and 37 market-rate townhome condominiums, consistent with the policy to provide housing types for all income levels. Additionally, an in-lieu fee into the affordable housing fund for the remaining 0.45 units required.

Policy	Conformance
Policy LU 1-8: *Maintain equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices, and have safe places to walk and bike.*	**Consistent.** The Project is located directly east of the future Augustus Rathbone Park extension. Furthermore, the Project's off-site improvement plan includes connecting Tarob Court with Sango Court, which will provide Tango District residents an additional connection to Montague Expressway. These improvements will ensure all residents in the Tango District area have greater access to community amenities and transportation choices.
Policy LU 5-3: *Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City.*	**Consistent.** The Project meets the height standards by proposing three-story buildings, up to 39 feet in height, in a zoning district that allows building heights up to 50-feet. The Project's height is consistent with the recently entitled townhome project at 2001 Tarob Court, which will have buildings up to 50 feet in height, and 675 Tradezone Blvd., with 37-foot tall residences.

2. *None of the conditions identified in California Government Code Section 66474 exist, to wit:*

   A. *The proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

      As outlined above, the Project includes the development of 43 residential condominium units with 13 ADUs, at a density of 25.5 dwelling units/acre. The Milpitas General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan land use designation applicable to the site (Milpitas Metro Specific Plan (MMSP), and High Density, Transit-Oriented Residential (HD-TOR)) allows residential development at 21 to 40 dwelling units/acre. The map is therefore consistent with the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan designations.

   B. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

      The Project proposes 25.5 dwelling units per acre, consistent with the 21-40 dwelling units per acre allowed by the general plan and corresponding specific plans. Additionally, the Project is consistent with the policies associated with the MMSP/TASP, as identified in Tables 3 and 5 above, except for front building orientations facing streets and the amount of vehicle parking standards. Both standards can be waived because the Project qualifies for Density Bonus Law waivers and concessions.

C. *The site is not physically suitable for the type of development.*

The site is surrounded by high density, transit-oriented residential development and future park / open space lands under the City's General Plan and zoned for this type of development under the Milpitas Metro Specific Plan/Transit Area Specific Plan. In addition, this site is suitable for the higher density development based on the location, physical attributes, and existing and proposed infrastructure improvements.

D. *That the site is not physically suitable for the proposed density of development.*

The project site is within the MMSP/TASP specific plan designation of Multiple Family, High Density Transit-Oriented Development (R3-TOD), permitting residential development at 21 to 40 dwelling units/acre. The site is physically suitable for the proposed density because the site has (or will have) adequate utilities, sufficient open space, and adequate residential living facilities.

E. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Project, including the subdivision and its associated improvements, is in an urbanized area and was previously developed as an industrial building without wildlife habitat. Therefore, it will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. *The design of the subdivision or type of improvements is likely to cause serious public health problems.*

The Project, including the subdivision and its associated improvements, have been designed in a manner that will not cause serious public health problems. The Project has been reviewed and conditioned by Building, Fire, Land Development, and Utility Departments. As a result, it has been determined that the development can be adequately serviced to preserve public health and wellness.

G. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any access easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision involves the vacation of a utility easement, which is no longer needed.

SECTION 5. Site Development Permit Findings (Milpitas Municipal Code Section XI-10-57.03(F))

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD23-0011, as referenced as "Toll Bros Tarob – Geomax II", dated December 21, 2023, on file with the Planning Department:

a. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The Project's site design is consistent with the MMSP/TASP development standards for the Trade Zone/Montague Sub-district. The Project consists of 43 condominium units, 13 attached Accessory Dwelling Units and associated site amenities on a 2.3-acre site. The building's contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along Tarob Court. Colors are earth tone shades of tans and grays with black metal railings. In addition, future residents will access garages via private streets, similar to nearby residential developments.

b. *The Project is consistent with the Milpitas Zoning Ordinance.*

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2, below. The proposed multi-family residential building is permitted in the R3-TOD Multiple-Family, High Density Residential Zoning District with a Transit Oriented Development Overlay. The project design conforms to the site and development standards of the R3-TOD zone.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the R3-TOD standards are needed, the applicant has requested waivers and parking exceptions under the State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waivers and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

Table 2: Summary of TASP R3-TOD Development Standards

Development Standard (R3-TOD)	Required	Proposed	Conformance
Density	21-40 du/ac	25.5 du/ac; 56 units total	Yes
Front yard Setback (from Tarob Court)	8 foot-15 foot (max.) from back of sidewalk	12 feet	Yes
Front yard Setback (from Sango Court)	8 foot-15 foot (max.) from back of sidewalk	8 feet	Yes

Development Standard (R3-TOD)	Required	Proposed	Conformance
Side Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Rear Yard Setback	15 foot (min.), 20 foot over three stories when abutting residential	15 feet	Yes
Height	75 feet	39-feet	Yes
Landscaping	A minimum of twenty-five percent (25%) of the total lot area shall be landscaped or recreational open space. 25% x 2.2 = 0.55 acres / 23,958 sq. ft. required	0.63 acres / 27,632 sq. ft.	Yes
Private Open Space	An average of 200 sq. ft. of usable open space shall be provided for each dwelling unit. 200 sq. ft. x 43 units = 8,600 sq. ft. Balconies and porches may be no less than 60 sq. ft. and patios no less than 100 sq. ft.	5,690 sq. ft. (private open space) + 27,632 sq. ft. (on-site open space) = 33,322 sq. ft. Private balconies range from 60 sq. ft to 174 sq. ft.	Yes

c. The Project is consistent with the Milpitas General Plan.

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 1 above. Furthermore, as the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to waivers and reduced parking requirements. The requested waivers and parking exception will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

d. The Project is consistent with the Transit Area Specific Plan

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/METRO, as demonstrated in Tables 1 and 2, above, and 3, below. The Project is eligible for State Density Bonus Law provisions per Government Code Section 65915(p)(5), and therefore entitled to design waivers and reduced parking requirements. The requested waiver and parking exception will support affordable housing unit development on a site where it would not otherwise be possible through a strict application of those specified standards.

Table 3: Additional Development Standards Applicable in the TASP/METRO

	Standard	Proposed	Conformance
Projections into Required Yards	Porches, stairs, balconies, bay windows, and awnings may project up to six feet into required setbacks.	Porches, stairs, balconies, bay windows and awnings project less than six feet into required setbacks	Yes
Building Orientation and Entrances	Building must face the street, and primary building entrances must be oriented toward the street.	Buildings are either facing the external streets, internal streets, future Augustus Rathbone Park, or internal paseos	Yes, with approval of a Density Bonus Waiver
Vehicle Parking	Two / Three Br. Units – 27 spaces Four Br. Units – 68 spaces Guest Parking – 19 spaces Total – 114 spaces (86 covered, 28 uncovered)	86 garage spaces 18 guest spaces 104 total (86 covered, 18 uncovered)	Yes, with approval of a Density Bonus waiver
Bicycle Parking	On-street guest racks equivalent to five percent (5%) of the parking requirement. Six (6) bicycle parking spaces	Six (6) bicycle parking spaces	Yes
Parking Location	Parking must be located so that it is not visible from the street.	43 private garage entrances face the interior drive aisle	Yes
Parking Garages attached to individual units	Garages may not occupy more than 50% of Ground Level Frontage facing street.	No parking garage is facing the street frontage.	Yes

	Standard	Proposed	Conformance
Parking Access and Curb Cuts	Maximum two curb cuts per lot per street frontage	Two curb cuts along Tarob Court (one curb cut at the Tarob/Sango connection	Yes
Park Acreage Requirements	0.04 acres (after payment of TASP/METRO fee) must be provided	0.29 acres	Yes

SECTION 6. Conditional Use Permit Findings (Milpitas Municipal Code Section XI-10-57.04(F))

The City Council makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP23-0007, as referenced as "Toll Bros Tarob – Geomax II", dated December 21, 2023, on file with the Planning Department:

a. The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.

The Project will not be detrimental or injurious to property or improvements in the vicinity or public health, safety, or general welfare. The Project is consistent with other multi-family residential projects within the immediate area and has been conditioned to preserve the health and wellness of future residents. In addition, the condominium project creates housing opportunities and increases the diversity of housing types in the City of Milpitas by utilizing accessory dwelling unit provisions.

b. The Project is consistent with the Milpitas Zoning Ordinance.

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2. The proposed multi-family residential building is permitted in the R3-TOD Multiple-Family, High Density Residential Zoning District with a Transit Oriented Development Overlay. The project design conforms to the site and development standards of the R3-TOD zone. Therefore, a conditional use permit is required to allow the subdivision of the proposed townhome units.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). Where exceptions from the R3-TOD standards are in conflict, the applicant has requested a waiver and parking exceptions pursuant to State Density Bonus Law (Gov. Code § 65915 et seq.). The requested waiver and parking exception will support the development of affordable housing on a site where it would not otherwise be possible through a strict application of the specified standard.

c. The Project is consistent with the Milpitas General Plan.

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 1, above.

d. The Project is consistent with the Transit Area Specific Plan.

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/METRO, as demonstrated in Tables 1, 2, and 3, above. The Project is eligible for State Density Bonus Law provisions per Government Code Section 65915(p)(5), and therefore entitled to design waivers and reduced parking requirements. The requested waiver and parking exception will support affordable housing unit development on a site where it would not otherwise be possible through a strict application of those specified standards.

SECTION 7. Density Bonus Permit (Milpitas Municipal Code Section XI-10-54.15(D))

The City Council makes the following findings based on the evidence in the public record in support of Density Bonus Permit No. DB23-0002, as referenced as "Toll Bros Tarob – Geomax II", dated December 21, 2023, on file with the Planning Department:

1. *The maximum allowable base density specified in the General Plan, including any other permitted increases to density.*

   The proposed Project includes 43 townhome condominiums and 13 accessory dwelling units, equaling to 25.5 dwelling units per acre and within the General Plan density allowed in the immediate area.

2. *All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Redevelopment Agency modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.*

   The applicant has allocated 6 of the townhome condominiums (1 two-bedroom, 1 three-bedroom, and 4 four-bedroom townhomes) to be reserved for moderate-income households (below 80 percent Average Median Income) to fully comply with the City's Affordable Housing Ordinance. The approximate locations for the 6 units will be adequately dispersed per the City of Milpitas Housing Department. The proposed affordable units will be developed with the same specifications as the standard, market-rate units. Additionally, the 0.45 unit will be paid by in-lieu Affordable Housing fee, calculated at time of Building Permit Issuance.

3. *Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

   The Project has been conditioned to provide an agreement to the City of Milpitas explaining the affordability requirements, processes and procedures, to the satisfaction of the Milpitas City Attorney prior to the release of any Certificate of Occupancy.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of*

time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

Prior to final building inspection and occupancy for the Project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property (Agreement). The Agreement shall explain the affordability requirements, including continued affordability for moderate-income households if the unit were to ever be sold, for a period of 30 years. The agreement shall be approved by the Milpitas City Attorney for content and form prior to recordation.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.*

   The standard is not applicable to the Project, as the Project is creating townhome condominiums for sale, rather than for rent. Affordability provisions will be assessed on the sale of the individual townhome condominium.

6. *Relation to Statute. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code section 65915, et seq.*

   The developer has identified and requested waivers and parking exceptions as permitted within the State Density Bonus Law, Government Code Section 65915, et seq.

   Density Bonus Concessions, Incentives and Waivers

   In accordance with California Government Code Section 65915 and MMC Section X-10-54.15, the City must grant the requested incentives/concessions unless the City can make either of the following findings in writing and based on substantial evidence:

   a. *The concession is not required in order to provide for affordable housing costs as defined in State Health and Safety Section 50052.2 or for rents for the affordable units pursuant to Section XI-10-54.15(D)(5), Standards, of Chapter 10 (Zoning) of the Milpitas Municipal Code.*

   b. *The concession would have a specific adverse impact as defined in State Government Code Section 65589.5(d) (2) upon the public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

   If findings cannot be made, then the proposed concessions/incentives and waivers must be granted, based on the requirements of the City's Municipal Code and California Government Code Sections 65915 – 65918.

The City does not have substantial evidence to demonstrate that the concessions/incentives and waivers described in Table 4 would fail to result in actual and identifiable cost savings, and/or that these savings are unnecessary to provide the level of affordability proposed. Moreover, the City has no substantial evidence that any of the requested concessions, incentives or waivers would result in any specific, adverse impacts to public health, safety, the physical environment, or historical resources. Accordingly, the City Council hereby approves such requested concessions/incentives and waivers.

Table 4: State Density Bonus – Concessions, Waivers, and Incentives

Type of Modification	Standard	Applicant Request	Justification	Discretion
Waiver(s)	Building Orientation and Entrances	29 buildings facing either internal courtyard, shared courtyard, or future Augustus Rathbone Park TASP requires building entrances face streets	In order to provide 25.5 du/acre and parking garage access, the developer had to design a proposal that required certain building entrances to face internal courtyards instead of streets.	This waiver is allowed under State Density Bonus Law and must be granted by the City.

SECTION 8. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

SECTION 9. City Council Approval

The City Council hereby approves Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0007, Tree Removal Permit No. TR23-0015 and Environmental Assessment No. EA23-0002 for 1905 Tarob Court (subject to the Conditions of Approval attached hereto and incorporated herein as **Exhibit "1"),** based on the above findings.

PASSED AND ADOPTED this _____ day of_____ 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Suzanne Guzzetta, City Clerk

APPROVED:

Carmen Montano, Mayor

APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

EXHIBIT '1'

CONDITIONS OF APPROVAL
GEOMAX II RESIDENTIAL DEVELOPMENT

SITE DEVELOPMENT PERMIT NO. SD23-0011
CONDITIONAL USE PERMIT NO. UP23-0011
VESTING TENTATIVE MAP NO. MT23-0001
DENSITY BONUS PERMIT NO. DB23-0002
TREE REMOVAL PERMIT NO. TR23-0015
ENVIRONMENTAL ASSESSMENT NO. EA23-0002

The City of Milpitas Planning Commission and City Council approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0011, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, and Tree Removal Permit No. TR23-0015 in accordance with Section X-2-4.02, XI-1-20.01, XI-10-54.15, XI-10-57.03, XI-10-57.04, and XI-10-57.05 of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, and Tree Removal Permit entitlement is to allow the removal and replacement of 21 ordinance-sized trees and development of a multi-family residential project with 43 townhomes and 13 accessory dwelling units. The residential development will consist of eight multi-family residential buildings up to 39 feet in height (three stories), with 104 vehicle parking spaces and associated site improvements (Project) on a 2.3-acre site located in the High-Density Residential (R3-TOD) Zoning District with a Transit Oriented Development Overlay at 1905 Tarob Court (APN: 086-36-041). These approvals are subject to all other necessary reviews, approvals, studies, and inspections necessary for such development including for the issuance building permits or occupancy.

GENERAL CONDITIONS

1. General Compliance: The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit, known as "Toll Bros Tarob – Geomax II", and "Vesting Tentative Map Geomax II", both dated December 21, 2023, on file with the Planning Department. **SITE DEVELOPMENT PERMIT SD23-0011, CONDITIONAL USE PERMIT UP23-0011 VESTING TENTATIVE MAP MT23-0001, DENSITY BONUS PERMIT NO. DB23-0002, TREE REMOVAL PERMIT NO. TR23-0015 and ENVIRONMENTAL ASSESSMENT EA23-0002** (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.

2. Effective Date: Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the City Council approved this Permit.

3. Acceptance of Permit: Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
    a. Acceptance of this Permit by Permittee; and
    b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

4. Permit Expiration: Pursuant to Section XI-10-64-06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Municipal Code, an activity permitted by this Permit shall be deemed to have commenced when the Project:

    a. Completes a foundation associated with the Project; or
    b. Dedicates any land or easement as required from the zoning action; or
    c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

5. Time Extension: Pursuant to Section XI-10-64.07 of the Milpitas Municipal Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

6. Project Job Account: If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's project job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit as applicable, Permittee shall pay in full the Project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**

7. Notice: Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).

8. Cost and Approval: Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. **(ALL)**

9. Conditions: Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Project is operating under the permits and approvals in this Resolution. **(ALL)**

10. Compliance with Laws: The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state and federal laws, rules, regulations, guidelines, requirements and policies. **(CAO/P/E/B)**

11. Indemnification: To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including, but not limited to, the approval of the discretionary permits, the approval of

any waivers, exemptions, alternatives, modifications, or amendments to the City's General Plan or Municipal Code, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Permittee, City and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to Vesting Tentative Map No. MT23-0001, and the balance of the Permit shall be unaffected by Government Code Section 66474.9.

12. Certificate of Insurance: Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies for the Project.

13. Revocation, Suspension, Modification: This Permit may be suspended, revoked or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code.

14. Severability: If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding and fully enforceable.

15. Response to Conditions of Approval: Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. **(P)**

16. Compliance with Fire Department and California Fire Code: The project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code, as adopted by the City. Changes to the site plan and/or buildings requires review and re-approval by the Fire Department. **(F)**

17. Compliance with Building Department and California Building Code: The project shall comply with the requirements of the Milpitas Building Department and the California Building Code, as adopted by the City. Changes to the site plan and/or buildings requires review and re-approval by the Building Department. **(B)**

18. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the architectural plans dated December 21, 2023, tentative map plans dated April 17, 2024, and plans approved by the City Council on _____, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review, and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

PLANNING CONDITIONS

19. Landscape: All approved landscaping shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive and effective appearance.

20. Parking: Parking shall be provided as depicted on the Site Plan approved by the City Council and shall consist of the following:

    a. RESIDENT: A total of 86 vehicle spaces within unit parking garages for each townhome condominium.
    b. GUEST: A total of 18 surface vehicle spaces are to be provided on site.

21. Bicycle Racks: A total of six short-term bicycle parking spaces shall be installed on the site.

22. Trees: The project will remove up to 21 ordinance-sized trees and replace with approximately 107 trees, in conformance with the plans approved by City Council on _____, 2024.

23. Public Art Requirement: Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. Fee shall be no less than one-half of one percent of building development costs and shall be payable at time of building permit issuance.

24. Accessory Dwelling Units: In conformity with Milpitas Municipal Code Section XI-10-13.08, prior to the issuance of building permits for the construction of any accessory dwelling unit ("ADU") or junior accessory dwelling unit ("JADU"), Permittee shall record in the Santa Clara County Recorder's Office a deed restriction, in a form approved by the Milpitas City Attorney, and file a copy with the Milpitas Planning Department. The deed restriction shall run with the land and bind all future owners, heirs, and assigns. The ADU or JADU are not permitted to be subdivided as a condominium from the attached townhome condominium.

25. Density Bonus: Permittee shall provide up to 56 residential units, six of which will be offered at moderate-income levels. The Project may have the following waivers:

    a. Waiver #1: Allow certain building entrances to not face a street.
    b. Parking concession: Project will provide a total of 104 parking spaces as permitted by State Density Bonus Law. **(P)**

PLANNING & BUILDING PROJECT-RELATED TASP MITIGATION MEASURES & REQUIRED PROJECT DESIGN FEATURES

Biological Resources (TASP Policy 5.26)

26. Nesting Birds: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Services (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the

case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required. **(P)**

27. Environmental Site Assessment (ESA). Permittee shall provide and prepare a Phase 1 ESA, and a Phase II ESA if necessary, prior to the issuance of any demolition or building permits. **(P)**

Noise (TASP Policy 5.10))

28. Noise Insulation: Prior to issuance of any building permit, Permittee shall demonstrate that the Project will meet the required 45 dBA maximum interior noise standard.

Air Quality (TASP Policy 5.16)

29. Dust Control Emissions: During the construction of the Project, Permittee shall comply with all of the following:
    a. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas and unpaved roads) shall be watered two times per day.
    b. All haul trucks transporting soil, sand or other loose material off the site shall be covered.
    c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day or more often if determined necessary by City Engineer or designee. The use of dry power sweeping is prohibited.
    d. All vehicle speeds on unpaved roads shall be limited to 15 MPH.
    e. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
    f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
    g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
    h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. **(B)**

30. ROG Emissions: Prior to issuance of any building permit, Permittee shall develop, submit and obtain approval from the City of a plan to reduce ROG emissions by 17 percent or greater during the architectural coating phase of the construction. Acceptable measures to achieve this goal include, but are not limited to, architectural coating containing 125 grams per liter of VOC or less, the use of pre-fabricated building materials, or a combination of both. The plan shall be implemented as approved by the City. **(P)**

HOUSING CONDITIONS

31. Affordable Housing Requirement: Permittee shall comply with the City's Affordable Housing Ordinance, as set forth in Milpitas Municipal Code Section XI-1-3.00. The City Council has granted the following deviation from the City's AHO **(H)**:

    a. Permittee shall reserve six townhome condominium units for moderate income households, with the option of also reserving for low or very-low income households, consisting of:

i. One, two-bedroom townhome unit
ii. One, three-bedroom townhome units
iii. Three, four-bedroom townhome units
iv. One, four-bedroom townhome units with ADU

32. Affordable Housing Agreement: Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation. **(H)**

33. Retaining Affordability. Developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for fifty (50) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. **(H)**

ENGINEERING CONDITIONS

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met.* **(E)**

33. Modifications: The Site Development Plan dated December 21, 2023 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.
34. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department Solid Waste Program. The subject Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling, food waste, and yard trimmings shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; outreach and education to tenants/occupants, and procure sufficient service frequency based upon waste generation calculation volumes.

35. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit (MRP3.0), including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.

36. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along Tarob and Sango Court that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.

37. Recycle Water Cross-Connection Specialist: In order to comply with the California Code of Regulations Title 17 and 22, and for timely plan approval by the California State Water Resources Control Board/Division of Drinking Water as well as by the South Bay Water Recycling, Permittee must hire a certified cross-connection specialist for their consultation as to irrigation water system design and construction phasing. The name and contact information of the certified cross-connection specialist shall be provided on all landscape submittal plans.

38. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.

39. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be determined based on the approved City fee schedule at the time of application submittal.

40. Coordination with other Projects: Permittee shall coordinate designs with 675 Trade Zone, 355 Sango Court, 1980 and 1841 Tarob Court (VOC Project) in advance prior to any plan submittal.

PRIOR TO FINAL MAP APPROVAL/RECORDATION

The following conditions shall be addressed during the final map plan check process and shall be met ***prior to*** *any final approval/recordation (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer.* **(E)**

41. Dedication on the Final Map: Permittee shall provide all necessary right of way and easement dedications to the City for construction of 50% of the future Sango Court to Tarob Court street extension along the northern project frontage per TASP standards and guidelines.

42. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.

43. Partial Street Vacation: This project is subject to and contingent upon partial vacation on Tarob Court.

44. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map.

45. Public Easement Dedication: Permittee shall dedicate to the City and record a grant of easement with approved plat and legal description conveying title to the following public easements:

    - Street and right of way dedication along an alignment acceptable to the City and in compliance with TASP standards for the future Sango Court to Tarob Court street extension; and
    - 10' wide public service utility easement behind the street and right of way dedication along the entire property frontage. Project entry and monument signs, bioretention areas, and walls shall not be located within the public service utility easement.

46. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.

47. Street Name Approval: Permittee shall obtain approval from the City Council for all new street names based upon recommendation from the City Council Ad Hoc Naming Subcommittee and City guidelines.

48. Utility Company Approval Permittee shall obtain approval letters from utility companies (PG&E, AT&T, Comcast) for abandonment of existing and dedication of new public service utilities easements.

49. Demolition of Existing Building: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.

50. Covenant, Conditions & Restrictions (CC&Rs): Permittee shall provide CC&Rs for City's review and approval for perpetual maintenance of private roadways, private utilities, stormwater management facilities in accordance with a separately recorded Stormwater Management Facilities Operation and Maintenance Agreement, etc. There shall be provisions in the CC&Rs to retain a recycled water site supervisor with annual re-certification report to the City's Public Works Department.

51. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).

52. Annexation to the Community Facilities District: Permittee shall submit an executed petition affirmatively consenting to annex the subject property to the Community Facilities District (CFD) 2008-1, and agree to pay the special taxes levied by the CFD 2008-1 for the purpose of maintaining the public services. The CFD annexation process shall be completed prior to final map approval. Permittee shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. This condition of approval is nonseverable from the Permit and invalidation or limitation of this condition invalidates the Permit, condition 14 notwithstanding.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met ***prior to*** *encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer.* **(E)**

53. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
    a. Milpitas Design Guidelines: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/);
    b. Standard details and specifications: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/);
    c. Transit Area Specific Plan Design Guidelines: (http://www.ci.milpitas.ca.gov/_pdfs/engDesignGuidelines/en_dg_vi_transitAreaSpecific.pdf);
    d. Americans with Disabilities Act (ADA) requirements, where applicable.

54. Sanitary Sewer Calculations: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

55. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.

56. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

57. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.

    a) Installation of separate water service tap and meter for each of the following services: residential, fire and irrigation.
    b) Installation of separate utility service laterals (domestic water, fire service, sanitary sewer) for each residential building at minimum.
    c) Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna.
    d) Removal and installation of new curb, gutter and sidewalk, signage and striping, and street lights along the complete street of Tarob and Sango Court shall comply with the applicable TASP design standards and details.
    e) Installation of curb ramps and driveway at the entrance of Street A, Street B, and the future City park connection to South Milpitas Blvd.

        a. Pending City's final design of the future park and South Milpitas Boulevard extension, the City may require a revision to the proposed driveway entrance and redesign it to curb returns This revision may impact the location of the proposed crosswalk and curb ramps.

    f) Installation of full-depth street sections with asphalt concrete and aggregate base along the project street frontage at Tarob and Sango Court to the City Engineer's satisfaction.
    g) Installation of new street tree wells along the project frontage. The locations, spacing of tree wells and tree species shall be in compliance with applicable City standards and details.
    h) Relocate the existing 12" Water Main along the frontage of both Tarob and Sango Court to avoid conflicts with the new street alignment. The permittee shall connect the new 12" water main to the existing 12" water main in Tarob and Sango Court per City Standards.

i) Installation of new 8" Recycled Water Main on Tarob and Sango Court. The permittee shall connect the new 8" Recycled Water main to the existing 8" Recycled Water Main on Tarob and Sango Court per City Standards.
j) Developer to furnish an additional street light pole and be delivered to the Public Works Corp Yard for storage and future use in the event of a pole getting damaged.
k) Flashing beacons shall be installed at the future S. Milpitas Blvd. extension intersection, as referenced in Condition #67.

58. Abandonment of Existing City Utilities: Permittee shall cap, abandon at the main or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.

59. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.

60. Maintenance Agreement: Permittee shall record a Maintenance Agreement for perpetual maintenance of certain public improvements, such as landscaping if mutually agreed between the City and the Permittee.

61. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.

62. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

63. Pothole Encroachment Permit: Due to multiple new utility service connections on Tarob and Sango Ct, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

64. Right of Way Dedication: The developer shall furnish all needed documents such as plat and legal and grant deeds for the dedication of right of way on the City parcel located at 1841 Tarob Court. Once City Council has approved the document, developer shall record the document with the County.

PRIOR TO BUILDING PERMIT ISSUANCE

The following conditions shall be addressed during the building plan check process and shall be met ***prior to*** *any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer).* **(E)**

65. Final Map Recordation: Permittee shall record the final map.

66. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.

67. Fee Reimbursement Agreement: Permittee shall provide engineer's estimate to construct 50% of the future Sango Court to Tarob Court street extension per TASP residential standards and guidelines on the northern project frontage and the flashing beacons (as referenced in Condition No. 57(k) within the Resolution). This shall include all costs associated with removal and modifications of interim northern project frontage improvements and installation of TASP roadway, sidewalks, decorative concrete paving stalls, street lights, street furniture, landscapes, utilities, etc. The engineer's estimate shall be

subjected to the City Engineer's review and approval. Any reimbursement shall be part of the Fee Reimbursement Agreement approved by City Council prior to Building Permit Issuance.

68. Stormwater Facility Operation & Maintenance Plan: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control).

69. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department. The subject O&M Agreement shall be referenced in the CC&Rs, if applicable.

70. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply

71. Recycle Water Approval: Permittee shall use recycled water for landscape irrigation purpose, except for the interior courtyard/podium areas within the building footprint where the potable water shall be used for irrigation. Permittee shall comply with California Code of Regulations (CCR), Title 22, Division 4, Chapter 3, titled *"Water Recycling Criteria"*, CCR, Title 17, Division 1, Chapter 5, Subchapter 1 titled *"Drinking Water Supply"* and all other recycled water regulations as listed under the publication titled *"California Department of Public Health Regulations Related to Recycled Water June 18, 2014*". Permittee shall obtain approval from the California State Water Resources Control Board/Division of Drinking Water, South Bay Water Recycling and the City for recycled water design, including but not limited to on-site irrigation design, based upon South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. All landscape plants shall be compatible with recycled water.

72. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.

73. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.

74. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:

    a. What materials will be salvaged.
    b. How materials will be processed during demolition.
    c. Intended locations or businesses for reuse or recycling.

d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

75. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department.

76. Flood Plain Management: This project is in the Flood Zone "AO" with 1' average flood depth, therefore, Permittee shall comply with all applicable flood protection criterion required by the Federal Emergency Management Agency (FEMA) and MMC Title XI, Chapter 15. Permittee shall also submit a Flood Study for the Project demonstrating, to the satisfaction of the City Engineer, that the proposed development has no adverse impact to the surrounding flood plain within the Special Flood Hazard Area (SFHA) and to the flood carrying capacity of the area. The study should include cumulative effects of existing and proposed developments demonstrating the combined effects will not increase the water surface elevation of the Base Flood Elevation (BFE) more than one foot at any point. For the AO Flood Zone, the flood study is required to establish the BFE, and set the building elevation accordingly. The flood study shall be consistent with the requirements in accordance with Title 44 of the Code of Federal Regulations by establishing a hydraulic model and HEC-RAS. The study shall clearly identify the lowest floor elevation as being either the bottom of garage, bottom of first floor residential units, bottom of elevator pit, etc. and shall be completely elevated out of the SFHA.

77. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "g" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.

    a. Storm water connection fee at $16,771/acre for residential.
    b. Water connection fee at $1,910/unit for residential based upon increased water usage.
    c. Sewer connection fee at $1,908/unit for residential based upon increased average wastewater flow.
    d. 3.8% of applicable fees in accordance with City Resolution No. 8969 as Permitting Automation Fee.
    e. FEMA Flood Zone Designation Letter fee in the amount of $100.00 each.
    f. Public Art Fee or Public Art on site, as set forth in Milpitas Municipal Code Section XI-10-14.
    g. Transit Area Specific Plan (TASP) fee to be calculated at time of Building Permit Issuance.

78. Mailboxes: The Permittee shall coordinate with US Postal Services regarding placement of required mailboxes. Mailbox location shall not be on public street frontages and shall be approved by City and US Postal Services prior to building permit issuance. Mailbox locations shall be shown on the improvement plans and Permittee shall submit a letter to the City's Land Development Engineering Section from the Post Master approving the location of the mailbox. Structures to protect mailboxes may require Building, Engineering and Planning Department review.

79. Foundation Design: Building foundations adjacent to public utilities shall be designed to be self-supporting such that the building weight is not required to be supported during shoring and excavation of adjacent utilities. If any project building is located next to a City easement, the City is not responsible for any foundation damage that would occur due to excavating in the event of servicing or repairs in that easement.

DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer.* **(E)**

80. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.

81. On-site Recycle Water Coordination: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.

82. Prohibition of Potable Water Usage: Permittee's cross-connection specialist shall coordinate the phasing of the construction; facilitate the cross-connection testing in order to minimize the impact for occupied buildings during cross-connection testing; sign-off before the water meter set; coordinate on-site construction inspection; complete the site inspection; fill out required paperwork/questionnaire; and provide them to the City for forwarding to South Bay Water Recycling. Developer shall notify SBWR 7 days in advance to schedule attendance of SBWR inspector during Cross-connection Test.

83. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-way or public easements.

84. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

85. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to Tarob Court, Sango Court, connection to 355 Sango Court, and frontage improvements, as shown on City approved plans.

86. LOMR-F: Permittee shall submit a FEMA approved LOMR-F for each unit/building associated with the requested occupancy, if the project is located in the SFHA. CLOMR and LOMR shall be provided to the City once FEMA begins accepting new applications. Certificate of Occupancy for each individual unit shall be granted prior to FEMA approval of a LOMR-F upon demonstration by the permittee that flood insurance is in place for the unit to be occupied. Once an approved LOMR-F has been obtained for the individual unit associated with the requested occupancy, the flood insurance requirement will be waived.

87. Elevation and/or Flood Proofing Certificate: Permittee's civil engineer shall submit Elevation and/or Flood Proofing Certificate for the lowest finished floor elevation of each building for City record.

88. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance. **(E/P)**

89. Certificate of Cross-Connection: Permittee shall ensure that the cross-connection specialist complete the required recycled water construction inspection checklist, cross connection test results and any special inspection checklist as required by the South Bay Recycling Program http://www.sanjoseca.gov/index.aspx?NID=1595 and forward them to the City.

90. Record Drawings: Permittee shall submit record drawings in Full size hard copy, AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.

91. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

LEGEND
P = Planning Department
B = Building Department
E = Engineering Department
F = Fire Department
H = Housing Division
CAO = City Attorney's Office
ALL = All Reviewing Departments

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the Project property on the terms and conditions set forth in this resolution.

Dated: _____ _____

Signature of Permittee

MEMORANDUM

Planning Department

To: Jay Lee, AICP, Planning Director, City of Milpitas

From: Michael Fossati, AICP, Senior Planner, City of Milpitas

Subject: 1905 Tarob Court Project – Streamlining for Infill Project

Date: February 26, 2024

This memorandum supports the finding that the proposed project at 1905 Tarob Court "Project" is exempt from further review pursuant to California Environmental Quality Act (CEQA) Section 15183.3 (Streamlining for Infill Projects). The Project site is located at 1905 Tarob Court (APN 086-36-041) in the City of Milpitas, Santa Clara County. The proposed Project is described in the attached staff report.

CEQA Guidelines Section 15183.3(b) – Eligibility for Streamlining for Infill Project

Article 12 of the California Environmental Quality Act (CEQA Guidelines Section 15180 to Section 15190) includes a list of classes of projects that have been determined to not have a significant effect on the environment and as a result, CEQA will not apply. To be eligible for the streamlining procedures prescribed in this section, the project must:

- (1) Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way; and

- (2) Satisfy the performance standards provided in Appendix M; and

- (3) Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in subdivisions (b)(3)(A) or (b)(3)(B) below.

- Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet, in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75.

- Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a small walkable community project in subdivision (f)(5) below.

The analysis presented in the following section provide substantial evidence that the proposed Project qualifies for an exemption under CEQA Guidelines Section 15183.3 as an urban in-fill development and would not have a significant effect on the environment. Section 15183(a) of the California Environmental Quality Act (CEQA) Guidelines states that "…*projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site*."

CEQA Guideline Section 15183.3 (B)(1) Criteria

Yes	No	
X		Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way

A "qualified urban use" is defined in PRC Section 21072 as "any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses." The Project site is currently developed with an industrial building that includes manufacturing, warehouse and office space, loading docks, surface parking, and landscaped areas with mature trees. The site is located in an urban area, has been previously developed, and is surrounded by development on all sides.

CEQA Guideline Section 15183.3(B)(2) Criteria

Yes	No	Satisfy the performance standards provided by Appendix M of the CEQA Statute and Guidelines
X		

The Project satisfies the performance standards in Appendix M, as documented on the Infill Checklist N, as discussed below:

1. *Does the non-residential infill project include a renewable energy feature? If so, describe below. If not, explain below why it is not feasible to do so.*

   The only use included in the proposed project is residential which, although not required, is encouraged to provide renewable energy features. The buildings would be all-electric and solar-ready.

2. *If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, either provide documentation of remediation or describe the recommendations provided in a preliminary endangerment assessment or comparable document that will be implemented as part of the project.*

   The project site is not included on any list of facilities or sites compiled pursuant to Section 65962.5 of the Government Code (i.e., the Cortese List).[1] The project site does not have any known contamination.

3. *If the infill project includes residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, of a high volume roadway or other significant source of air pollution, as defined in Appendix M, describe the measures that the project will implement to protect public health. Such measures may include policies and standards identified in the local general plan, specific plans, zoning code or community risk reduction plan, or measures recommended in a health risk assessment, to promote the protection of public health. Identify the policies or standards, or refer to the site-specific analysis, below.*

   The project would not include residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, of a high-volume roadway or other significant source of air pollution. High-volume roadways are defined as freeways, highways, or urban roads with traffic volumes of at least 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. There are no major roadways with volumes greater than 100,000 vehicles per day within 500 feet of the project site. The project site is approximately

[1] California Environmental Protection Agency. 2022. Cortese List Data Resources. Website: https://calepa.ca.gov/sitecleanup/corteselist/ (accessed October 27, 2022).

3,800 feet west of Interstate 680 and 4,900 feet east of Interstate 880, which are the closest roadways that would qualify. Additionally, none of the roadways within the vicinity of the project site are designated as rural roadways in the City's General Plan.

4. *For residential projects, the project satisfies which of the following?*

   ☐ *Located within a low vehicle travel area, as defined in Appendix M.*

   ☒ *Located within ½-mile of an existing major transit stop or an existing stop along a high-quality transit corridor.*

   ☐ *Consists of 100 or fewer units that are each affordable to low income households. (Attach evidence of legal commitment to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.)*

   Appendix M of the CEQA Guidelines defines a "Major Transit Stop" as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two of more major bus routes with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak commute periods. The project site is located approximately 0.275 miles south of the Milpitas Bay Area Rapid Transit (BART) station and Valley Transportation Authority (VTA) light rail station. Therefore, the project site is located within one half mile of a major transit stop.

5. *For commercial projects with a single building floor-plate below 50,000 square feet, the project satisfies which of the following?*

   ☐ *Located within a low vehicle travel area, as defined in Appendix M.*

   ☐ *The project is within ½-mile of 1,800 dwelling units.*

   This performance standard is not applicable. The proposed project does not include any commercial uses.

6. *For office building projects, the project satisfies which of the following?*

   ☐ *Located within a low vehicle travel area, as defined in Appendix M.*

   ☐ *Located within ¼-mile of an existing major transit stop.*

   This performance standard is not applicable. The proposed project does not include any office uses.

7. *For school projects, the project does all of the following:*

   ☐ *The project complies with the requirements in Sections 17213, 17213.1, and 17213.2 of the California Education Code.*

   ☐ *The project is an elementary school and is within 1 mile of 50 percent of the student population or is a middle school or high school and is within 2 miles of 50 percent of the student population. Alternatively, the school is within ½-mile of an existing major transit stop or an existing stop along a high-quality transit corridor.*

   ☐ *The project provides parking and storage for bicycles and scooters.*

   This performance standard is not applicable. The proposed project is not a school project.

8. *For small walkable community projects, the project must be a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.*

   CEQA Guidelines Section 15183.3(f)(5) defines a "Small Walkable Community Project" as a project that is all of the following: 1) In an incorporated city that is not within the boundary of a metropolitan planning organization; 2) Within an area of approximately one-quarter mile diameter of contiguous land that includes a residential area adjacent to a retail downtown area and that is designated by the city for infill development consisting of residential and commercial uses. A city may designate such an area within its general plan, zoning code, or by any legislative act creating such a designation, and may make such designation concurrently with project approval; and 3) either a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.

   The project site is located within the boundary of the Metropolitan Transportation Commission, which is the metropolitan planning organization for the nine-county Bay Area. Therefore, the proposed project is not a small walkable community project, as defined by CEQA Guidelines Section 15183.3(f)(5), and this performance standard is not applicable.

CEQA Guideline Section 15183.3(B)(3) Criteria

Yes	No	
X		Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in subdivisions (b)(3)(A) or (b)(3)(B)

The adopted Plan Bay Area (2050) serves as the Sustainable Communities Strategy for the Bay Area, per Senate Bill 375. Plan Bay Area's core strategy is to focus growth within existing communities along the existing transportation network. The project site is located within a Priority Development Area (PDA) in Plan Bay Area, which are areas identified for housing and job growth. As noted above, the proposed project would consist of redevelopment of the project site with residential uses along the existing transportation network. The proposed project is consistent with the 2040 Milpitas General Plan and Transit Area Specific Plan (TASP) as discussed in Section 6.11, Land Use and Planning of this Infill Environmental Checklist.

PROJECT DESCRIPTION

The following describes the proposed 1905 Tarob Court Project (project). The project site is located within the planning area for the Milpitas Transit Area Specific Plan (TASP).[2] In addition to the description of the proposed project itself, this section includes a summary description of the proposed project's location, existing site characteristics, required approvals, and entitlements.

This attachment is part of the preparation of an Infill Environmental Checklist prepared pursuant to the California Environmental Quality Act (CEQA) to allow development of the proposed project. The City of Milpitas (City) is the CEQA lead agency for the project.

PROJECT SITE

The following section describes the project location, existing conditions, surrounding land uses, and the regulatory setting.

Project Location

The project site is located in the southern portion of the City of Milpitas, just north of the border with the City of San José. The approximately 2.3-acre project site is located at 1905 Tarob Court (Assessor's Parcel Number 086-36-041).

Regional vehicular access to the project site is provided by Interstate 880 (I-880) to the west and Interstate 680 (I-680) to the east of the project site. The Milpitas BART station and VTA light rail station are approximately 0.3 miles north of the project site.

Existing Conditions

The generally level project site is currently developed with a single-story industrial building that includes manufacturing, warehouse and office space, loading docks, surface parking, and landscaped areas with mature trees.

Surrounding Land Uses

The project site is located within a light industrial area of Milpitas that was previously predominantly developed with commercial office parks and other buildings for industrial and commercial uses. The project site is bordered to the north by commercial uses and an existing affordable housing complex, to the west by a future multi-family, townhome condominium development, to the south by Tarob Court and existing multi-family residential, and to the east by a vacant light industrial building. The project site is in close proximity to the Great Mall shopping center in Milpitas, approximately 0.5 miles north of the project site.

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[2] Milpitas, City of. 2008. *Milpitas Transit Area Specific Plan.* June. Amended December 2011.

Regulatory Framework

The City adopted the 2040 Milpitas General Plan on March 9, 2021, which replaced the General Plan adopted in 1994. The 2040 General Plan Land Use Map designates the project site as Milpitas Metro Specific Plan (MMSP), which is intended to create a structure for a walkable, transit-oriented area with a mix of land uses. The project site is zoned Multi-Family High Density Residential (R3) with a Transit Oriented Development (TOD) Overlay. The purpose of the R3-TOD zone is to stabilize and protect the residential characteristics of the District and to promote, insofar as compatible with the intensity of land use, a suitable environment for family life. The R3-TOD zone allows residential uses at a density of 21-40 units per acre. The TOD Overlay District is intended to provide for land uses, land use densities and intensities and development standards that act to enhance and support transit and to locate such uses near rail transit stations.

The project site is also located within the TASP. The TASP is a guide for development and redevelopment of the southern, light industrial corridor of Milpitas that is located in the vicinity of the BART station. The goal of the TASP is to create an attractive and livable neighborhood that is within walking distance to BART and to transform the older, light industrial district to meet high demand for housing, offices and shopping in Milpitas. The TASP was designed to accommodate substantial growth, minimize impacts on local roadways, and reduce urban sprawl at the periphery of the region. The proposed project would be located near the Milpitas BART station and supports the objectives of the TASP. The TASP FEIR was certified in 2008 and evaluates the environmental impacts of 7,100 units of residential development, a population increase of 18,000 new residents, the creation of 4,200 new jobs and development of 1 million square feet of office space, 285,000 square feet of retail space, and 175,000 square feet of hotels.

The TASP planning area is nearing the planned buildout identified in the TASP FEIR. The public review draft of the MMSP was made available for comment in late 2021 and was adopted on February 5, 2023, two days after the pre-application for the 1905 Tarob Court project was submitted. The MMSP would supersede the TASP for all projects located in the area and submitted after February 5, 2023.

PROPOSED PROJECT

The proposed project would include a tentative map to subdivide the entire project site into nine separate lots. The project sponsor, Toll Brothers, proposes to demolish the existing building and improvements on the site and construct eight three-story buildings that would contain 43 townhome units with 13 accessory dwelling units (ADUs), for a total of 56 residential units on the project site. Each building would be a maximum of 39 feet and 10 inches in height to the top of the roof. Associated circulation, parking, landscaping, and infrastructure improvements would also be developed. The buildings would be all-electric and solar-ready.

Table 1 shows the housing units and population assumptions evaluated within the TASP FEIR, the number of approved units and under construction units, and inclusion of the proposed project. As shown, the development associated with the proposed project is within the amount of growth evaluated and cleared within the TASP FEIR.

Table **1**: Existing and Proposed Housing Units and Population within the TASP Area

	Evaluated Within the TASP FEIR	**Approved and Pending**	**Proposed Project**	**Remaining Development Available**
Housing Units	7,109[a]	6,953	56	100
Population	17,915[a]	17,522[b]	141[b]	252[b]

Source: Riley, Kevin, 2022. Metro Plan (TASP) Manager, Planning Department, City of Milpitas. February 7, 2023.
[a] Milpitas, City of, 2008. Final Transit Area Specific Plan EIR. This total does not include the 468 units associated with The Crossings.
[b] Estimated population associated with approved units, under construction units, and the proposed project was determined by using the residen per unit evaluated within the TASP FEIR (17,915 residents/7,109 units = 2.52 residents per unit).

Building Program

As noted above, the proposed project consists of six two-bedroom, 11 three-bedroom, and 26 four-bedroom townhome condominium units. All 43 townhome units will have an attached two-car garage. Eight of the four-bedroom units will also have a ground-floor, attached accessory dwelling unit (ADU). All ADUs will be studio units. Six of the townhome condominiums (one two-bedroom, one three-bedroom, and three four-bedroom townhomes) will be reserved for moderate-income households (below 80% Avg. Median Income) to fully comply with the City's Affordable Housing Ordinance. The moderate-income level will be determined by the California Department of Housing and Community Development, specifically based on Santa Clara County median income levels (adjusted for family size). Prior to building permit issuance, an executed agreement imposing appropriate rental restrictions on the affordable units would be required.

Landscaping and Open Space

The proposed project would include a total of 28,180 square feet of common open spaces and 12,849 square feet of private open space. Common open space on the project site would consist of walkways, community dining areas, and seating areas with turf. Private open space would consist of useable decks. Landscaping and bio-retention areas would also be provided around the site's perimeter and throughout the site between buildings. A total of 36 trees would be removed during construction of the proposed project, and up to 107 new trees would be planted.

Access, Circulation and Parking

Vehicular access to the project site would be provided at two entry points, one along Sango Court on the north side of the site, one at Tarob Court at the eastern side of the site. Interior streets would provide vehicular access to each of the residential units. Each of the townhome units would have a two-car garage, for a total of 86 covered parking spaces, all of which would be accessible from the internal roadway. An additional 18 street

parking spaces would be provided throughout the site for a total of 191 parking spaces. The proposed project would also include six short-term bicycle parking spaces throughout the site.

Utilities and Infrastructure

The proposed project would require utility services including water, wastewater, storm drain, gas, electrical, and telecommunications. The proposed project would connect to existing utilities via tie-ins on Tarob and Sango Court, including connections to 10- and 12-inch water lines; 8- and 10-inch wastewater lines; 18- and 24-inch storm drain lines; and a connection to the existing joint utility trench for gas and electrical service.

The project site currently includes a total of 86,586 square feet of impervious surface area (74 percent). Roofs, roads, concrete driveways and other infrastructure would result in a total of 95,248 square feet of impervious surfaces (81 percent of the site). The project site will include eight drainage management areas with six bio-retention areas that will treat, and handle stormwater flows prior to discharge to the City's stormwater drainage system.

Project Construction

Subsurface excavations for the foundations and utilities would likely occur to a depth of eight feet. It is anticipated that a total of 1,000 cubic yards of soil would be cut and 9,000 cubic yards would be used for fill. A total of approximately 2,000 tons of construction debris are anticipated to be removed from the project site during demolition of the existing buildings. The construction period is anticipated to begin in by date and would occur over an approximately 48-month period. Occupancy of the units could occur as early as Spring 2026.

Amendments and Permits

As previously discussed, the proposed project involves an application for a specific development proposal for 1905 Tarob Court. As part of the proposed project evaluated in this Infill Environmental Checklist, the following approvals and permits would be required:

- Site Development Permit
- Conditional Use Permit
- Vesting Tentative Map
- Density Bonus Application
- Tree Removal Permit
- Demolition Permit

- Building Permit
- Site Improvement Permit
- Off-Site Improvement Permit

The project applicant is also requesting use of the density bonus to reduce the amount of parking required. In addition, the project applicant is requesting a waiver of directing their primary building entrances away from the street and into the courtyards.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Chapter 6.0.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

1.1 DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed infill project WOULD NOT have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, CEQA does not apply to such effects. A Notice of Determination (Section 15094) will be filed.

☐ I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. With respect to those effects that are subject to CEQA, I find that such effects WOULD NOT be significant and a NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared

☐ I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that although those effects could be significant, there will not be a significant effect in this case because revisions in the infill project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

☐ I find that the proposed infill project would have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that those effects WOULD be significant, and an infill ENVIRONMENTAL IMPACT REPORT is required to analyze those effects that are subject to CEQA.

Signature Date

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STREAMLINING PER CEQA GUIDELINES SECTION 15183.3

CEQA Guidelines Section 15183.3 allows lead agencies to streamline the environmental review process for eligible infill projects by limiting the topics subject to environmental review at the project level as follows:

1. If an effect was addressed as a significant effect in a prior EIR for a planning level decision (such as the General Plan, Development Code Project, or Housing Element), then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR.

2. An effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect.

The City of Milpitas' 2040 General Plan Final Environmental Impact Report (General Plan EIR),[3] which was certified in 2021 and the Final Environmental Impact Report for the Milpitas Transit Area Specific Plan,[4] which was certified in 2008 both analyzed environmental impacts associated with adoption and implementation of associated buildout projections at a programmatic level. Both documents (which are herein collectively referred to as the "Previous CEQA Documents") are incorporated by reference in their entirety into this Infill Checklist pursuant to Section 15150 of the CEQA Guidelines and available on the City's website at: https://www.milpitas.gov/milpitas/departments/environmentaldocuments/#1629996709619-7934a6ef-4561.

The Previous CEQA Documents are "planning level decisions" as defined by CEQA Guidelines Section 15183.3(f)(2), i.e., an "enactment or amendment of a general plan or any general plan element, community plan, specific plan, or zoning code." Accordingly, the General Plan and TASP are the planning level decisions that are the basis for the use of the Infill Exemption under CEQA Guidelines Section 15183.3 with regard to the environmental analysis of the proposed project.

Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects) allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill

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[3] Milpitas, City of, 2020. *Draft Environmental Impact Report for the Milpitas General Plan Update.* November 2.

[4] Milpitas, City of, 2007. *Draft Environmental Impact Report, Milpitas Transit Area Specific Plan.* October.

development have been addressed in a planning level decision, or by uniformly applicable development policies. As described in Section 2.2, Appendix M Checklist Performance Standards, an infill project is eligible if the project: (1) is located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; (2) satisfies the performance standards provided in CEQA Guidelines Appendix M, as documented on the Infill Project Checklist in Appendix N; and (3) is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy.

No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects. Consistent with CEQA Guidelines Section 15183.3, which allows streamlining for qualified infill projects, this Infill Checklist is limited to topics applicable to project-level review only. The analysis in the Previous CEQA Documents, described below, is applicable to the project. Therefore, the proposed project meets the requirements for an infill exemption.

PREVIOUS CEQA DOCUMENTS

The 2040 General Plan identifies goals, policies, a land use diagram and other graphics and maps (e.g., open space systems, a transportation network and public facilities) to guide future development within the city's boundaries through the year 2040. The General Plan EIR is designated a "Program EIR" under CEQA Guidelines Sections 15183 and 15183.3. As such, subsequent activities under the 2040 General Plan are subject to requirements under each of the EIR CEQA Sections, which are described further in Section 6.0 of this document.

The TASP sets the framework for land use, streets, and open space for the redevelopment of an approximately 437-acre area in the southern portion of the city that currently includes a number of industrial uses with 7,109 dwelling units, 993,843 square feet of office space, 340 hotel rooms, and 287,075 square feet of retail space centered around the Milpitas BART station and the VTA Light Rail System. The TASP EIR is designated a "Program EIR" under CEQA Guidelines Sections 15183 and 15183.3. As such, subsequent activities under the TASP are subject to requirements under each of the EIR CEQA Sections, which are described further in Section 6.0 of this document.

The proposed project is within the development assumptions envisioned by the General Plan and TASP (herein referred to collectively as the Previous CEQA Documents'). The proposed project would include eight three-story buildings that would contain 43 townhome units with 13 accessible dwelling units (ADUs), for a total of 56 residential units on the project site. The Infill Environmental Checklist below cites the specific portions of the previous EIRs that contain the programmatic analysis of the project's potential significant effects.

INFILL ENVIRONMENTAL CHECKLIST

This Infill Environmental Checklist is based on the CEQA Guidelines Appendix N Infill Environmental Checklist form. That form and this Infill Environmental Checklist are intended to document a qualifying infill project's eligibility for streamlining pursuant to CEQA Guidelines Section 15183.3 and to assist in making the determinations required by Section 15183.3, including whether the infill project's effects have been addressed in a planning level decision or by uniformly applicable development policies. (See Section I, Introduction, of Appendix M: Performance Standards for Infill Projects Eligible for Streamlined Review, of the CEQA Guidelines).

Aesthetics. The General Plan EIR evaluated impacts to aesthetics in Section 3.1, Aesthetics and Visual Resources. The General Plan EIR determined that there are no officially designated scenic vista points within the city and no officially designated State Scenic Highways in the vicinity of Milpitas. Additionally, Milpitas and the immediate surrounding areas are not visible from the officially designated and eligible State Scenic Highway corridors within Santa Clara County. The General Plan EIR stated that new development consistent with the General Plan would be designed in a way that enhances the visual quality of the community and would primarily be located in and around existing urbanized areas to ensure that new development would not obstruct or interfere with views of visual features surrounding the city. Additionally, the General Plan EIR discussed that future development would be required to be consistent with lighting and design requirements in the Milpitas Municipal Code and General Plan policies which would ensure that new developments would not result in adverse impacts to daytime glare and nighttime lighting.

The TASP EIR evaluated impacts to aesthetics in Section 3.2, Visual Resources. As discussed in the TASP EIR, the only scenic resources located within the TASP Area are street trees located on McCandless Drive, approximately 0.3 mile west of the project site. The TASP EIR concluded that implementation of the TASP would generally enhance the visual character of the Planning Area through design standards that create a unified appearance, consistent setbacks, landscaped buffers, street trees, and parks. Additionally, the City's Tree and Planting Ordinance would ensure that redevelopment associated with the TASP would not result in significant visual impacts due to the removal of existing mature trees.

Potential impacts to visual resources associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The project site is not located within an area considered to be within view of a scenic vista or State Scenic Highway and development of the proposed project would not obscure any views of scenic vistas from surrounding public vantage points. Existing development policies and requirements of the General Plan, TASP, and Milpitas Municipal Code would ensure that the proposed project would not result in significant impacts to visual resources. The Previous CEQA Documents did not identify any mitigation measures

related to aesthetics and no mitigation measures would be required for the proposed project.

Agriculture and Forestry Resources. The General Plan EIR evaluated impacts to agriculture and forestry resources in Section 3.2, Agricultural and Forest Resources. The General Plan EIR stated that there are no lands within the city that are designated for agricultural use on the Milpitas General Plan Land Use Map, no lands that are currently under a Williamson Act contract, and no agricultural lands identified by the California Department of Conservation's Farmland Mapping and Monitoring Program within the city. Additionally, the General Plan EIR stated that there are no forest lands or timber lands located within the city.

The TASP FEIR did not analyze impacts to agricultural resources as the TASP Area is urban without any agricultural or forest land uses in the area or vicinity.

Potential impacts to agriculture and forestry resources associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The Santa Clara County Important Farmland 2012 map designates lands within the TASP Area, including the project site, as "Urban and Built-Up Land." There are no existing agricultural or forest land uses within or adjacent to the project site and the proposed project would have no impacts on agriculture or forestry resources. The Previous CEQA Documents did not identify any mitigation measures related to agriculture and forestry resources and no mitigation measures would be required for the proposed project.

Air Quality. The General Plan EIR evaluated impacts to air quality in Section 3.3, Air Quality. The General Plan includes an extensive list of policies and actions that are specifically aimed at improving air quality to cover the full breadth of air quality issues as recommended in the 2017 Clean Air Plan. These policies and actions promote a compact urban development form, emphasizing infill development, and ensure that land use patterns do not expose sensitive receptors to pollutant concentrations. The Circulation Element of the General Plan also includes a wide range of policies and actions that would reduce vehicle miles traveled (VMT) per service population throughout the Planning Area using complete streets and multi-modal transportation systems. The Land Use, Community Design, and Conservation Elements of the General Plan contain policies and actions that would reduce criteria pollutant emissions, odors, health risks, and other emissions specifically aimed at reducing greenhouse gas emissions/climate change. The General Plan EIR concluded that the General Plan would be consistent with the 2017 Clean Air Plan. Additionally, the General Plan EIR determined that implementation of the General Plan would not cause the disruption, delay, or otherwise hinder the implementation of any air quality plan control, would not result in a cumulatively considerable net increase of criteria pollutants, would not expose sensitive receptors to substantial pollutant concentrations, and would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

The TASP EIR evaluated impacts to air quality in Section 3.6, Air Quality. The TASP EIR determined short-term impacts due to construction and long-term impacts due to increases in population and additional development could affect local particulate concentrations and other criteria pollutant emissions. The TASP and General Plan include an extensive list of policies and actions aimed at improving air quality to reduce this impact. However, the TASP EIR concluded that implementation would add to the regional pollution burden, further contributing to the exceedance of regional air pollutant emissions for State and federal ambient air quality standards, and would conflict with the implementation of the 2005 Bay Area Ozone Strategy, resulting in significant and unavoidable impacts. The TASP EIR determined that implementation of the TASP would be consistent with the Transportation Control Measures in the 2005 Bay Area Ozone Strategy due to the availability of transit options within the Plan Area and the implementation of various policies and actions in the General Plan and TASP. Additionally, air quality impacts associated with construction would be less than significant due to the implementation of the Bay Area Air Quality Management District's (BAAQMD's) basic construction mitigation measures, as required by TASP Policy 5.16. The TASP EIR also determined that implementation of BAAQMD's construction BMP's, along with additional TASP polices would ensure that implementation of the Plan would not expose sensitive receptors to toxic air contaminants.

Potential impacts to air quality associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The proposed project would

develop high-density, transit-oriented residential development and would result in a building density at the project site that is consistent with what was evaluated in the Previous CEQA Documents. The proposed project would be subject to BAAQMD's basic construction mitigation measures and TASP and General Plan policies as discussed above. Therefore, construction of the proposed project would result in similar construction-related, short-term air quality impacts as those impacts identified in the Previous CEQA Documents. The population and housing units included in the proposed project would fall within the total development anticipated by the TASP EIR. Therefore, implementation of the proposed project would not substantially increase population, vehicle trips, or vehicle miles traveled (VMT), and the conclusions regarding compliance with the Clean Air Plan, effects on regional air quality, and localized carbon monoxide impacts in the Previous CEQA Documents remain applicable to the proposed project. The proposed project does not include additional toxic air contaminant (TAC) sources at the project site; therefore, implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. The Previous CEQA Documents did not identify any mitigation measures related to air quality and no mitigation measures would be required for the proposed project.

Biological Resources. The General Plan EIR evaluated impacts to biological resources in Section 3.4, Biological Resources. The General Plan EIR concluded that development under the General Plan could result in the direct and indirect loss of habitat areas associated with special status species and sensitive natural communities. However, the General Plan includes a variety of policies and actions that would protect special status plant and animal species and sensitive natural communities from adverse effects associated with future development and improvement projects. Additionally, development projects would be subject to existing federal and State laws and regulations such as the California Endangered Species Act, Federal Endangered Species Act, Migratory Bird Treaty Act, Clean Water Act, Porter-Cologne Water Quality Control Act, California Oak Woodland Conservation Act, and California Wetlands Conservation Policy. The General Plan EIR concluded that implementation of the General Plan would not result in significant impacts to biological resources due to the implementation of General Plan policies and actions and compliance with existing federal and State regulations.

The TASP EIR evaluated impacts to biological resources in Section 3.8, Biological Resources. The TASP EIR determined that development in the Planning Area would result in the removal of landscaping and disturbance to habitat, which could affect wildlife including burrowing owl, nesting birds, and common wildlife species. However, there is minimal potential for special-status species to occur within the Planning Area due to the history of development in the TASP Area. The TASP EIR concluded that the implementation policies and regulations in the General Pan, TASP, and existing federal and State laws and regulations would ensure that development associated with the TASP would not result in significant impacts to biological resources.

Potential impacts to biological resources associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The project site and neighboring parcels are currently developed, and therefore do not contain any special-status species habitat, federally protected wetlands, or riparian habitat. Many bird species use the existing ornamental trees for cover, nesting, or stop-over locations during migration. Removal of large, mature trees can cause direct mortality to nesting birds and their young and construction disturbance can cause nest abandonment resulting in indirect loss to avian species. The proposed project would implement TASP Policy 5.26 which would require a qualified biologist to conduct a survey that would be considered by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) as appropriate, to determine whether a project would require avoidance procedures. Implementation of General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policy 5.26 would reduce potential impacts to nesting raptors and other birds to less-than-significant levels. The proposed project would result in the removal of up to 21 existing trees on the project site and the planting of approximately 107 new trees. The proposed project would be subject to the Tree and Planting Ordinance of the City of Milpitas which protects significant trees and requires compensation for lost trees. Therefore, the proposed project would not result in impacts related to biological resources that are new or more significant than those analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to biological resources and no mitigation measures would be required for the proposed project.

Cultural Resources. The General Plan EIR evaluated impacts to cultural resources in Section 3.5, Cultural and Tribal Cultural Resources. The General Plan EIR stated that 33 cultural resources from both the prehistoric and historic periods have been identified within the city and 25 buildings are identified on the Santa Clara County Historic Property Data File Directory, 23 of which are also included on the list of resources on file with the Northwest Information Center (NWIC). The Native American Heritage Commission (NAHC) conducted a records search of the NAHC Sacred Lands File for the area, which yielded negative results, and the City received no responses to SB 18 tribal consultation letters. The General Plan EIR concluded that although the General Plan does not directly propose any adverse changes to any known historic or archaeological resources, future development could affect historical and archaeological resources which have not yet been identified. However, the General Plan includes a variety of policies and actions that would reduce impacts to potential cultural resources to a less than significant level.

The TASP EIR evaluated impacts to cultural resources in Section 3.13, Cultural Resources. The TASP EIR stated that the only historic resource in the TASP Area that is listed in the City's Register of Cultural Resources is the Old Ford Motor Assembly Plant now known as the Great Mall, which is located approximately 0.5 mile north of the project site. Additionally, one Native American archaeological resource, CA-SCL-593, and a prehistoric archaeological site are located adjacent to the TASP

Area. The TASP EIR discussed that the primary impact that could occur to cultural resources within the Plan Area would be the disturbance of cultural resources during grading and/or development of property. The TASP EIR also identified a reasonable possibility of uncovering archaeological deposits and paleontological resources within the Plan Area during construction of new development. However, the TASP EIR concluded that existing national, State, and local laws as well as policies contained in the General Plan and TASP would reduce potential impacts on cultural resources to less than significant levels.

Potential impacts to cultural resources associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The project site is fully developed with two light-industrial buildings, neither of which are considered significant historic resources under the State or federal standards for historic resources. While subsurface cultural resources are not anticipated to be encountered with demolition and grading of the site, there is a chance that construction activities could affect previously-unidentified archaeological resources on the project site. The TASP EIR identifies Policy 5.31 to reduce the impacts to previously unidentified archaeological resources to a less-than-significant level through construction monitoring, and if remains are found, temporary halting of construction until development and implementation of a mitigation plan. Implementation of Policy 5.31 from the TASP would reduce impacts to previously unidentified archaeological resources to a less-than-significant level. Implementing the proposed project would not lead to new or more severe impacts to cultural resources that would occur beyond those already identified in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to cultural resources and no mitigation measures would be required for the proposed project.

Energy. The General Plan EIR evaluated impacts to energy in Section 3.7, Greenhouse Gases, Climate Change, and Energy. The General Plan EIR found that buildout of the General Plan would result in the use of energy resources for the operation of buildings, for on-road vehicle trips, and from off-road construction activities. However, buildout of the General Plan would be completed in compliance with all applicable federal, State, and local regulations governing energy usage including State Title 24 building energy efficiency standards and those intended to improve the energy efficiency of the Statewide passenger and heavy-duty truck vehicle fleet. Additionally, project-specific sustainable features would be implemented in individual development projects and pedestrian and bicycle pathways and public transit access within the city would reduce the need for local motor vehicle traffic. The General Plan EIR determined that the electricity and natural gas providers for the City maintain sufficient capacity to serve the Planning Area and implementation of the General Plan would not result in any significant adverse impacts related to project energy requirements and energy use inefficiencies.

The TASP EIR evaluated impacts to energy in Section 3.12, Greenhouse Gases and Climate Change. The TASP EIR determined that buildout under the TASP would increase the total demand for electrical energy within the Plan Area but energy efficient building standards and energy efficient appliance standards would result in improvements to energy efficiency and reductions in energy consumption. The TASP EIR determined implementation of TASP policies and compliance with existing State requirements would ensure that the additional energy that homes and businesses consume would not impede achievement of the Statewide reduction in emissions mandated by the California Climate Solutions Act of 2006.

Potential impacts to energy associated with the proposed project have been adequately addressed in the Previous CEQA Documents. Construction of the proposed project would require energy for the manufacture and transportation of building materials, preparation of the site for demolition and grading activities, and building construction. In order to increase energy efficiency on the site during project construction, equipment idling times would be restricted to 5 minutes or less and construction workers would be required to shut off idle equipment, as required by the BAAQMD Basic Construction Mitigation Measures. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, construction energy impacts would be less than significant, and no mitigation would be required.

The proposed project would result in the development of high-density, transit-oriented residential uses on the site. Therefore, the proposed project would support the ability to use alternative modes of transportation, would promote initiatives to reduce vehicle trips and VMT, and would increase the use of alternate means of transportation, which would allow for a decreased dependence on nonrenewable energy resources. In addition, the proposed project would be required to be constructed to CALGreen

standards, which would help to reduce energy and natural gas consumption. The TASP EIR identifies Policy 5.6 which requires the use of Energy Star appliances and equipment in new residential and commercial development, and Policy 5.7 which requires at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy or conflict with California's green energy conservation plans and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Implementing the proposed project would not lead to new or more severe impacts to energy that would occur beyond those already identified in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to energy and no mitigation measures would be required for the proposed project.

Geology and Soils. The General Plan EIR evaluated impacts to geology and soils in Section 3.6, Geology and Soils. The General Plan EIR stated that there are known active faults within the city and the area could experience considerable ground shaking generated by these faults. The city also contains areas mapped for liquefaction and earthquake induced landslide hazards, primarily along Coyote Creek. Additionally, unstable geologic units and expansive soil could be present within the city. However, the General Plan EIR determined that development projects would be required to comply with provisions of the California Building Standards Code (CBC), which requires the completion of geotechnical investigations and engineered improvements to address potential seismic and ground failure issues. Additionally, development projects would be subject to policies and actions included in the General Plan and Zoning Ordinance that would prevent adverse impacts due to seismic and/or geologic hazards.

The General Plan EIR determined that new development could involve land clearing, grading, and other ground-disturbing activities that could temporarily increase soil erosion rates during and shortly after construction. However, erosion potential is considered low in the city since it is primarily developed with urban uses and development projects would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and would be subject to requirements of the CBC, General Plan, and Zoning Ordinance aimed to reduce soil erosion that would reduce erosion impacts to less than significant levels. The General Plan EIR identified the potential for development to result in impacts to undiscovered fossils and other geologic features of potential significance. However, the General Plan includes policies and actions such as the completion of an archaeological survey and halting of ground disturbing activities upon the discovery of any unique paleontological resources that reduce this potential impact to less than significant levels.

The TASP EIR evaluated impacts to geology and soils in Section 3.5, Geology, Soils and Seismic Hazards. The TASP EIR concluded that the Plan Area is not located

within an Earthquake Fault Hazard Zone and, because surface topography is relatively level in the Plan Area, potential slope instability hazards are minimal. The TASP EIR found that ground shaking and associated ground failure (e.g., liquefaction), soil expansion, settlement, and erosion could result in structural damage within the Plan Area. However, potential impacts would be less than significant because development projects would be subject to requirements of the CBC; policies and actions of the General Plan, TASP, and Zoning Ordinance; and the Construction General Permit. Additionally, development projects would be required to implement recommendations included in a site-specific geotechnical investigation and SWPPP. The TASP EIR determined that adverse impacts on paleontological resources could occur during earthwork activities such as mass excavation. The TASP EIR determined that implementation of TASP Policy 5.32, which requires project-specific evaluation, monitoring during construction, temporary suspension of grading, and fossil recovery in the event fossils are discovered, would reduce the potential impact to such resources to less-than-significant levels.

Potential impacts to geology and soils associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The project site is located within the Plan Area of the TASP and is therefore not located within an Earthquake Fault Hazard Zone and potential slope instability hazards are minimal as discussed above. The proposed project would be required to comply with the CBC; policies and actions of the General Plan, TASP, and Zoning Ordinance; and the Construction General Permit, and would be required to implement recommendations included in a geotechnical investigation and SWPPP. Compliance with these existing regulatory requirements would ensure the proposed project would not result in any significant impacts related to ground shaking and associated ground failure, soil expansion, settlement, erosion, and paleontological resources. The proposed project would not result in new impacts related to geologic hazards, erosion, or paleontological resources, or substantially increase the severity of impacts than those analyzed in Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to geology and soils and no mitigation measures would be required for the proposed project.

Greenhouse Gas Emissions. The General Plan EIR evaluated impacts to greenhouse gas emissions in Section 3.7, Greenhouse Gases, Climate Change, and Energy. The General Plan EIR found that development associated with implementation of the General Plan would include activities that emit greenhouse gas emissions over the short and long term. However, construction activities would be subject to State requirements for greenhouse gas (GHG) emissions as required by the Milpitas Climate Action Plan (CAP) and the BAAQMD. The CAP identifies strategies, reduction measures, and implementation strategies the City may use to achieve the State-recommended GHG emission reduction targets in a manner consistent with Assembly Bill 32. The General Plan also includes numerous policies and actions intended to reduce GHG emissions associated with future development

and improvement projects. The General Plan EIR determined that implementation of the General Plan would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The TASP EIR evaluated impacts to greenhouse gas emissions in Section 3.12, Greenhouse Gases and Climate Change. The TASP EIR determined that the primary sources of GHG emissions related to urban development in the Plan Area are anticipated to be from motor vehicles and electric power generation as well as short-term impacts from construction activity. However, the TASP promotes development patterns that will reduce the vehicle miles traveled per capita and proposes a variety of other actions that can reduce emissions, including tree planting. The TASP EIR determined that implementation of the TASP would not generate greenhouse gas emissions, either directly or indirectly that may have a significant impact on the environment.

Potential impacts to greenhouse gas emissions associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The proposed project would adhere to the building guidelines of the TASP, would be consistent with the Milpitas Climate Action Plan, and would promote reductions in GHG emissions through high-density development in close proximity to transit. To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen standard building measures for residential buildings and Title 24 requirements. Additionally, the proposed project would include a total of 1.2 acres of common open space and landscaped areas, following the City's standards, which would help offset GHG emissions. The proposed project would not result in any new or more severe impacts related to GHG emissions than analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to GHG emissions and no mitigation measures would be required for the proposed project.

***Hazards and Hazardous Materials*.** The General Plan EIR evaluated impacts to hazards and hazardous materials in Section 3.8, Hazards and Hazardous Materials. The General Plan EIR determined that impacts associated with the routine use, transport, storage, or disposal or accidental release of hazardous materials would be less than significant with the implementation of General Plan policies and compliance with federal and State regulations including the Clean Water Act, Hazardous Materials Transportation Act, California Code of Regulations, and the California Health and Safety Code as monitored by local fire departments, Certified Unified Program Agencies, California Occupational Safety and Health Administration, BAAQMD, Regional Water Quality Control Board, and the California Department of Toxic Substances Control. The General Plan EIR determined that there are no airport facilities located within the Planning Area and the City of Milpitas is not located within one of the Airport Safety Zones for the San Jose International Airport. Additionally, no portions of the Planning Area are categorized as a "Very High" fire hazard severity

zone by CalFire; however, the hilly terrain to the east of the city limits is designated as "high" and "moderate" fire hazard severity zone by CalFire. The General Plan includes requirements for adequate water supply and water flow availability, ensuring adequate emergency access, adequate fire protection services, fire safe design site standards, and ensuring public awareness regarding fire safety.

The TASP EIR evaluated impacts to hazards and hazardous materials in Section 3.4, Safety and Hazardous Materials. The TASP EIR determined that, due to historical land uses and reported hazardous material releases and spills, potential impacts associated with existing soil and groundwater contamination in portions of the Plan Area could occur. Potential impacts include risk of upset during demolition and construction activities and potential risks to human health and the environment. However, future development would be subject to existing hazardous materials regulations for the use, transport, and disposal of hazardous materials as discussed above. The TASP EIR determined that compliance with these existing regulatory requirements as well as the policies in the General Plan and TASP would ensure that no significant impacts involving hazardous materials would occur.

Potential impacts related to hazards and hazardous materials associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The project site is not included on a list of hazardous materials release sites compiled pursuant to Government Code Section 65962.5.[5] The proposed land use would not involve transport, use, or disposal of significant quantities of hazardous materials. Generally, small quantities of hazardous materials such as paints and cleaning products would be used for routine maintenance. Therefore, a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials would not occur.

TASP Policy 5.20 requires parcels with no identified contamination to complete a Phase I Environmental Site Assessment (ESA) to determine the potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II ESA would be required. If appropriate, engineering controls and design measures would be required to be implemented to mitigate the potential risk of post-development vapor intrusion into buildings. The project site does not have any known contamination. Consistent with TASP Policy 5.20, the project sponsor would be required to prepare a Phase 1 ESA, and a Phase II ESA if necessary, prior to the issuance of any demolition or building permits.

Policy 5.21 of the TASP addresses hazardous materials that may be present in existing buildings such as asbestos, polychlorinated biphenyls (PCBs), or lead. The

[5] California Environmental Protection Agency. 2022. Cortese List Data Resources. Website: https://calepa.ca.gov/sitecleanup/corteselist/ (accessed November 1, 2022).

project would also be required to comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. Also required is full compliance with Title 17 and Title 8 of the California Code of Regulations, which includes work practice standards related to the evaluation and abatement of lead.

The project site is not located within the Airport Safety Zones or Airport Influence Area of the San Jose International Airport,[6] and is not located in the vicinity of a private air strip. Additionally, the project site is not located in a designated high or very high fire hazard severity zone.

Consistent with the findings of the Previous CEQA Documents, continued compliance with applicable local, State, and federal regulations and General Plan/TASP policies would reduce potential exposure of people and the environment to hazardous materials associated with development of a contaminated property and demolition of older structures to a less-than significant level. The proposed project would not result in any new or more severe impacts than those analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to hazards and hazardous materials and no mitigation measures would be required for the proposed project.

[6] Santa Clara County Airport Land Use Commission, 2016. *Comprehensive Land Use Plan, Santa Clara County, Norma Y. Mineta San Jose International Airport*. May 25.

Hydrology and Water Quality. The General Plan EIR evaluated impacts to hydrology and water quality in Section 3.9, Hydrology and Water Quality. The General Plan EIR determined that construction activities associated with new development within the city would result in less than significant impacts to water quality because construction activities for any projects that disturb an area one acre or larger would be required to comply with the Construction General Permit (CGP) and prepare a SWPPP which would include project specific best management measures that are designed to control drainage and erosion. After the completion of construction activities, projects would be subject to the Bay Area Municipal Regional Stormwater Permit (MRP) National Pollutant Discharge Elimination System (NPDES) permit, which requires the installation and maintenance of Best Management Practices (BMPs) for site design and stormwater treatment. Additionally, the City's Municipal Code and General Plan provide further regulations and policies intended to protect water quality. The General Plan EIR determined that the City will have adequate water supply to serve the buildout of the General Plan land uses and that future development projects under the General Plan would not significantly affect infiltration due to the highly developed nature of the city. The General Plan EIR identified that portions of the city are located within flood hazard zones and dam inundation zones; however, compliance with existing regulatory requirements would ensure that proposed development would not release pollutants due to project inundation. The General Plan EIR determined that tsunamis and seiches are not a concern within the Planning area.

The TASP EIR evaluated impacts to hydrology and water quality in Section 3.10, Hydrology and Water Quality. The TASP EIR concluded that impacts to stormwater runoff and water quality would be less than significant with implementation of the existing regulatory requirements discussed above and additional policies within the TASP. The TASP determined that groundwater levels and recharge would not be substantially impacted by implementation of the TASP and that existing drainage patterns would generally be maintained. The TASP EIR determined that stormwater runoff would decrease with the buildout of the TASP Area due to the addition of more landscaped areas and parks which would allow more precipitation to infiltrate into the ground compared with the current condition of nearly complete coverage of impervious pavement. Developers are required to fund a Storm Drainage Plan for each subdistrict within the TASP Area that includes measures to reduce runoff pollutants and control pollutant sources to the maximum extent practical. Full compliance with the Santa Clara County NPDES permit guidelines for stormwater discharges and General Plan Policy 4.d.-G-1 would ensure that long-term water quality impacts would not be significant.

Potential impacts related to hydrology and water quality associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The proposed project would disturb greater than one acre of land, and therefore would be subject to the CGP and development and implementation of a SWPPP would be required. Dewatering may be performed during construction activities involving

excavation; however, if performed, construction-related dewatering would be temporary and limited to areas of excavation on the project site and would not substantially contribute to depletion of groundwater supplies. The proposed project would replace over 10,000 square feet of existing impervious surface area, and would therefore be required to comply with the MRP. The proposed project would result in alteration of over 50 percent of the existing impervious surface of the project site, and therefore all new and replaced impervious surfaces would require treatment under the MRP. The low-impact development (LID) stormwater controls for the proposed project would include permeable pavement, bio-retention areas, and self-treating landscape areas. Operation of the proposed project would not involve dewatering or the use of groundwater as potable water, because potable water would be supplied to the project site by the City. Additionally, the proposed project would not substantially interfere with infiltration compared to existing conditions due to the incorporation of the LID stormwater controls discussed above.

The project site is located in an area designated as "Special Flood Hazard Areas Subject to Inundation By the 1 percent Annual Chance Flood" Zone AO on the current Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (FEMA).[7] The Zone AO designation indicates areas that are subject to inundation by the 1-percent-annual-chance flood (also known as a 100-year flood) event with an established base flood elevation[8] or depth, and the flood depth at the project site is indicated to be 1-foot. TASP Policy 6.1 requires projects to minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program. TASP Policy 6.2 requires new development within a FEMA-designated flood hazard zone to follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code. The project sponsor would be required to apply for a Conditional Letter of Map Revision (CLOMR-F) and Letter of Map Revision (LOMR-F) based on area removal or structure removal from the effective FEMA floodplain and subsequently comply with all City floodplain ordinances.

Consistent with the findings of the Previous CEQA Documents, continued compliance with applicable local, State, and federal regulations and General Plan/TASP policies would reduce potential impacts to hydrology and water quality. The proposed project would not result in any new or more severe impacts than those analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to hydrology and water quality and no mitigation measures would be required for the proposed project.

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[7] Federal Emergency Management Agency. 2009. Flood Insurance Rate Map (FIRM) #06085C0069H. May 18.

[8] Base flood elevation is the regulatory requirement for the elevation or flood proofing of structures.

Land Use and Planning. The General Plan EIR evaluated impacts to land use and planning in Section 3.10, Land use and Planning and Population/Housing. The General Plan EIR concluded that the General Plan Land Use Map associated with the General Plan did not include any new areas designated for urbanization or new roadways, infrastructure, or other features that would divide existing communities. Additionally, the General Plan includes policies to ensure that development is compatible with adjacent communities and land uses. The General Plan EIR determined that the General Plan would require modifications to the City's Zoning Ordinance to provide consistency; however, these modifications would not remove or adversely modify portions of the Milpitas Municipal Code.

The TASP EIR evaluated impacts to land use and planning in Section 3.1, Land Use. The TASP EIR determined that implementation of the TASP would not divide an established community and stated there are no habitat conservation plans or natural community conservation plans within the Planning Area. However, the TASP EIR discussed that implementation of the TASP would significantly change the land use designations and pattern of development within the area because new residential uses would be built within an existing industrial area. Therefore, there may be periods of time when incompatible uses are adjacent to each other; however, the TASP includes policies and programs that would reduce this impact to less than significant levels at final buildout.

Potential impacts related to land use and planning associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The proposed project would develop a new residential use on a site within the TASP that currently contains two single-story industrial buildings that include manufacturing, warehouse and office space, loading docks, surface parking, and landscaped areas with mature trees. The proposed project would not inhibit public connectivity, and would not physically divide a community. The proposed project would be consistent with the existing land use and zoning designations of the project site. The development associated with the proposed project is within the amount of growth evaluated within the TASP EIR and is compatible with existing and future residential uses in the vicinity of the project site. Therefore, the density and intensity of the proposed project would not result in any new or more significant impacts regarding conformance with land use plans than those already identified in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to land use and planning and no mitigation measures would be required for the proposed project.

Mineral Resources. The General Plan EIR evaluated impacts to mineral resources in Section 3.11, Mineral Resources. The General Plan EIR states that there are four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources within the Planning Area, which are located in the foothills outside of city limits and are all currently being quarried. The TASP EIR did not analyze impacts to mineral resources as the TASP Area is located in a developed urban area that does not have mineral exploration or extraction occurring in the vicinity. The TASP Area is not designated as containing mineral resource deposits of regional importance.

Potential impacts related to mineral resources associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The project site is located within the TASP Area in a developed urban area with no mineral exploration or extraction occurring in the vicinity of the project site. As such, the proposed project would have no impacts on mineral resources and would not result in impacts to mineral resources that are new or more significant than those analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to mineral resources and no mitigation measures would be required for the proposed project.

Noise. The General Plan EIR evaluated impacts to noise in Section 3.12, Noise. The General Plan EIR determined that implementation of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. The General Plan identifies numerous policies and actions that are intended to minimize exposure to excessive noise, including noise associated with traffic such as placing noise-compatible land uses in the vicinity of traffic noise sources, requiring new development projects to be reviewed for consistency with established noise standards, and incorporating noise control treatments as necessary to achieve acceptable noise levels. However, the General Plan EIR determined that traffic noise increases associated with the General Plan would still exceed the applicable noise exposure criteria and a significant and unavoidable impact would occur relative to traffic noise on existing noise-sensitive uses in the city. The General Plan EIR determined that implementation of the General Plan would not result in exposure to excessive railroad noise sources, the generation of excessive stationary noise sources, or an increase in construction noise or vibration sources and includes a variety of policies and actions to reduce these impacts to less than significant levels.

The TASP EIR evaluated impacts to noise in Section 3.7, Noise. The TASP EIR determined that implementation of the TASP would result in temporary and intermittent construction noise impacts as well as long-term operational noise impacts from the increase in roadside noise levels due to the increase in population to the area. Additionally, due to the transit-oriented and mixed-use nature of development proposed under the TASP, receptors could also be exposed to ground borne noise

and vibration from nearby train and BART activity. However, The TASP EIR determined that the implementation of various policies and actions in the General Plan and TASP would reduce all potential impacts related to noise and vibration to less than significant levels.

Potential impacts related to noise associated with the proposed project have been adequately addressed in the Previous CEQA Documents. Construction of the project would be required to adhere to the noise standards and requirements set forth in the City's Municipal Code and General Plan. The proposed project would implement the measures identified in the TASP for addressing noise, including providing disclosures to future residents per Policy 5.17. The City's Noise Abatement Ordinance would restrict construction hours to between 7:00 a.m. and 7:00 p.m. The City's General Plan Policy 6-I-13 would minimize construction noise impacts by restricting the hours of operation, technique, and equipment used. Additionally, TASP Policy 5.15 would require the project sponsor to demonstrate that noise and vibration exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance.

The proposed project is a residential land use and would not be considered a significant source of noise within the community that could adversely affect other nearby residential land uses. Intermittent audible sounds produced by the proposed residential project would primarily be associated with human voices, vehicles, and mechanical ventilation equipment. Such intermittent sounds would be expected in a residential area. Therefore, the proposed project would not increase stationary source noise impacts above those analyzed in the Previous CEQA Documents. As described previously, the proposed project would be consistent with the TASP and within the development capacity analyzed in the TASP EIR. Therefore, the proposed project would also result in a less-than-significant impact with regard to traffic noise increases in the community.

Consistent with the findings of the Previous CEQA Documents, continued compliance with applicable regulations and General Plan and TASP policies, as described above, would ensure that the proposed project would not result in new impacts or substantially increase the severity of impacts than those analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to noise and no mitigation measures would be required for the proposed project.

Population and Housing. The General Plan EIR evaluated impacts to population and housing in Section 3.10, Land use and Planning and Population/Housing. The General Plan EIR concluded that implementation of the General Plan would not induce substantial unplanned population growth, either directly or indirectly. The General Plan EIR includes policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth. Additionally, the General Plan EIR concluded that implementation of the General Plan would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The General Plan Land Use Map was developed to preserve existing neighborhoods and implementation of the General Plan would result in an increase the overall number of dwelling units in the city. The General Plan includes policies that would ensure that a range of housing types are provided in the city and that housing conditions are evaluated as the housing supply ages.

The TASP EIR evaluated impacts to population and housing in Section 5, CEQA Required Conclusions. The TASP EIR evaluated potential environmental impacts associated with approximately 7,100 residential units and 18,000 new residents within the TASP Area. The TASP EIR determined that implementation of the TASP would result in an increase the City's total housing stock by 39 percent and total population by 27 percent. The TASP EIR did not identify any significant impacts to population and housing that would occur from implementation of the TASP.

Potential impacts related to population and housing associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The proposed project would include the development of the project site with high-density residential buildings with up to 56 residential units and approximately 141 new residents.[9] The population and housing units included in the proposed project would fall within the total development anticipated by the TASP EIR, as previously mentioned. Therefore, the proposed project would not result in new or more significant population growth and/or housing impacts than were analyzed and described in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to population and housing and no mitigation measures would be required for the proposed project.

[9] This analysis assumes a household population of 2.52 persons per dwelling unit, as determined by using the residents per unit evaluated within the TASP FEIR (17,915 residents/7,109 units = 2.52 residents per unit).

Public Services. The General Plan EIR evaluated impacts to public services in Section 3.13, Public Services and Recreation. The General Plan EIR determined that development under the General Plan would result in additional residents and businesses in the city, including new residential, industrial, office, and commercial uses. New development and growth would result in increased demand for public services, including fire protection, law enforcement, schools, parks, libraries, and other public and governmental services. The General Plan includes a Public Facilities land use designation to accommodate the necessary expansion or development of new public facilities required to maintain acceptable performance standards. Furthermore, the General Plan EIR determined that any future development would be analyzed for potential environmental impacts, consistent with the requirements of CEQA. The General Plan includes a range of policies and actions to ensure that public services adequately accommodate growth, that community services and facilities are maintained, and that new development funds its fair share of services.

The TASP EIR evaluated impacts to public services in Section 3.9, Public Services. The TASP EIR determined that buildout of the TASP would require at least one new elementary school and expansions of existing school facilities, expansion of an existing fire station or construction of a new one, and additional staff and equipment for police services. The TASP determined that enough park space was incorporated into the Specific Plan to meet the expected requirements for the Planning Area given the population at buildout. The TASP includes policies to reduce the potential impacts to school facilities, fire protection services, police services, and parks such as hiring of additional staff and payment of development impact fees. The TASP concluded that the policies within the General Plan and TASP would reduce impacts to fire protections services, police services, and parks to less than significant levels but that implementation of the TASP would result in a significant and unavoidable impact to school facilities.

Potential impacts related to public services associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The project sponsor would be required to construct the proposed project in conformance with current building codes, which require features to reduce potential fire hazards. The Milpitas Police Department would also review project design to ensure that it incorporates appropriate safety features to minimize criminal activity. As previously described, the population and housing units included in the proposed project would fall within the total development anticipated by the TASP EIR. Therefore, the proposed project would not result in the need for new or expanded fire or police facilities beyond those that were already analyzed and described in the TASP EIR.

The proposed project would include 56 residential units within the TASP Area, which would directly increase the demand for school facilities. Polices in the General Plan and TASP would reduce the impact and include coordination with the school districts to update their comprehensive facilities plans, update school fees for developers, and

consider joining use agreements for potential shared facilities. Impacts to schools are significant and unavoidable and the proposed project would not affect this conclusion as the number of proposed residential units and resulting students is within the amount evaluated in the TASP EIR. The proposed project would not result in any new or more significant school impacts beyond those identified in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to public services and no mitigation measures would be required for the proposed project.

Recreation. The General Plan EIR evaluated impacts to recreation in Section 3.13, Public Services and Recreation. The General Plan EIR determined that growth under the General Plan would include a range of uses that could increase the population of the city and attract additional workers and tourists which would result in an increased demand for parks and recreation facilities. The General Plan includes a range of policies and actions to ensure that parks and recreational facilities are adequately funded, and that new development funds its fair share of services needed.

The TASP EIR evaluated impacts to recreation in Section 3.9, Public Services. The TASP EIR determined that the recreation areas proposed as part of the TASP would meet the City's adopted public park land ratio of 2.0 acres per 1,000 residents and would provide an adequate level of park and open space for residents. The TASP also contains numerous policies and standards to ensure that less than significant impacts on parkland and recreational facilities would occur.

Potential impacts related to recreation associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The proposed project would include a total of 27,632 square feet of common open spaces and 12,844 square feet of private open space. Common open space on the project site would consist of walkways, community dining areas, and seating areas with turf. Private open space would consist of useable decks. The project sponsor would also be required to pay an in-lieu parks fee consistent with TASP Policy 3.38. Therefore, the proposed project would not result in any new or more significant impacts to existing neighborhood or regional park facilities beyond those identified in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to recreation and no mitigation measures would be required for the proposed project.

Transportation. The General Plan EIR evaluated impacts to transportation in Section 3.14, Transportation. The General Plan EIR determined that implementation of the General Plan would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The General Plan includes policies focused on the development of a multimodal transportation network in Milpitas that places an increased emphasis on the enhancement of facilities to improve walking, bicycling and transit use. The General Plan EIR determined that the projected VMT per employee for the city is 31 percent higher than the significance threshold and although the General Plan includes policies

and land use patterns that will reduce VMT, it is not possible to fully mitigate at a citywide level. Therefore, the VMT impacts associated with employment-based uses allowed by the General Plan were considered significant and unavoidable. The General Plan EIR determined that an increase in emergency response times could occur due to increased vehicle delay at intersections and along roadway segments; however, future development would be subject to the requirements of the City's Design and Construction Standards, which include requirements for emergency access, and would be reviewed by public safety officials as part of the City's entitlement process.

The TASP EIR evaluated impacts to transportation in Section 3.3, Transportation. The TASP EIR determined that implementation of the TASP would result in a significant and unavoidable impact to operations at various intersections, freeway segments, and roadway segments. The TASP includes policies and proposed roadway improvements to reduce potential impacts but impacts would remain significant and unavoidable. The TASP EIR discusses that implementation of the TASP would improve pedestrian and bicycle access within the Plan Area as well as access to transit services.

Potential transportation impacts related to VMT were not evaluated in the TASP EIR as it was not required at the time the TASP EIR was certified. The Governor's Office of Planning and Research (OPR) allows lead agencies to screen out projects with potential VMT impacts by using maps and transit availability. Specifically, OPR suggests that residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT.[10]

Potential impacts related to transportation associated with the proposed project have been adequately addressed in the Previous CEQA Documents. As previously described, the proposed project would include high-density residential uses on the project site. In addition, the project site is located within the TASP area and located less than half a mile from the Milpitas Transit Center, which includes the Milpitas BART Station and bus stops for up to nine different VTA bus lines. The City, as Lead Agency, has determined that the project site is located within a low residential VMT area.[11] Therefore, the proposed project would not result in any new impacts related to VMT.

According to the Valley Transit Authority (who administers the Santa Clara County Congestion Management Plan) Transportation Impact Analysis Technical Guidelines, a project would create an impact on pedestrian and bike circulation if: 1) it would reduce, sever or eliminate existing or planned bike/pedestrian access and circulation

[10] Governor's Office of Planning and Research. 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA.* December.

[11] Milpitas, City of. 2021. *City of Milpitas Transportation Analysis Policy*. Attachment C: City of Milpitas Countywide Residential Average VMT. May.

in the area; 2) it would preclude, modify, or otherwise affect proposed bicycle and pedestrian projects and/or policies identified in the Lead Agency's adopted bicycle/pedestrian plan, or the plans of other agencies such as the Countywide Bicycle Plan or adjacent Cities' bicycle/pedestrian plans; or 3) it would cause a change to existing bike paths such as alignment, width of the trail right of way, or length of the trail.

The proposed project would generate pedestrian trips to/from transit stops, recreation areas, and employment centers. Overall, the volume of pedestrian trips generated by the project is expected to be relatively low and not exceed the carrying capacity of the sidewalks and crosswalks nearby. U.S. Census data indicate that bicycle trips comprise less than one percent of the total commute mode share in the City of Milpitas. For the proposed project, this would equate to approximately one new bike trip during each of the AM and PM peak hours. The low volume of bicycle trips generated by the project would not exceed the bicycle-carrying capacity of streets surrounding the site, and the increase in bicycle trips would not by itself require new off-site bicycle facilities.

Overall, the proposed project would not result in new impacts or substantially increase the severity of impacts than those analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to transportation and no mitigation measures would be required for the proposed project.

Tribal Cultural Resources. The General Plan EIR evaluated impacts to tribal cultural resources in Section 3.5, Cultural and Tribal Cultural Resources. The General Plan EIR stated that Native American consultations were conducted as required under Senate Bill 18, which requires local governments to consult with Tribes prior to making certain planning decisions and requires consultation and notice for a general and specific plan adoption or amendments in order to preserve, or mitigate impacts to, cultural places that may be affected. No responses were received and no specific resources were identified through consultation. However, it is possible that unknown tribal cultural resources may be present within the city that could be adversely affected by implementation of the General Plan. Development projects would be subject to State and local guidelines which would provide an opportunity to identify, disclose, and avoid or minimize the disturbance of and impacts to a tribal resource and the General Plan includes various actions and policies that would reduce this impact to less than significant levels.

The TASP EIR evaluated impacts to cultural resources in Section 3.13. The TASP EIR determined that impacts to cultural and historic resources would be reduced to less-than-significant levels with implementation of Policy 5.34 which requires construction monitoring, and if remains are found, temporary halting of construction until development of a mitigation plan and its implementation. This finding also applies to tribal cultural resources.

Potential impacts related to tribal cultural resources associated with the proposed project have been adequately addressed in the Previous CEQA Documents. There are no known tribal cultural resources at the project site and implementation of actions and policies within the General Plan and TASP, and compliance with State and local guidelines would ensure that no significant impacts to unknown tribal cultural resources would occur. The proposed project would not result in any new or more severe impacts to tribal cultural resources than were identified in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to tribal cultural resources and no mitigation measures would be required for the proposed project.

Utilities and Service Systems. The General Plan EIR evaluated impacts to utilities and service systems in Section 3.15, Utilities and Service Systems. The General Plan EIR determined that although implementation of the General Plan would result in increased population and employment growth and thereby result in an increased demand for water supplies, the City will have adequate water supply to serve the full buildout of the General Plan. Furthermore, the General Plan includes various policies designed to ensure an adequate water supply is available and to minimize the potential adverse effects that could result from increased water use. The General Plan EIR found that future development projects may be required to implement site specific and limited off-site improvements to the water distribution system to connect new project sites to the existing water infrastructure network; however, the environmental impacts of this would likely be similar to those associated with the new development or redevelopment and would not be significant in and of themselves. The General Plan EIR discussed that although wastewater generation volumes would slightly increase the treatment demand at the districts' treatment plants, the General Plan includes various policies designed to ensure adequate wastewater treatment capacity for development.

The General Plan EIR found that new development may increase areas of impervious surfaces that could impact existing storm water drainage facilities; however, the General Plan includes policies and actions to ensure adequate drainage infrastructure is available to serve development and minimize potential adverse effects of stormwater conveyance. The General Plan EIR determined that the City's projected increase in solid waste generation associated with buildout of the General Plan is well within the permitted capacity of the nearby Newby Island Landfill. Additionally, future projects would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling.

The TASP EIR evaluated impacts to utilities and service systems in Section 3.11, Utilities and Service Systems. The TASP EIR discussed potential impacts to utilities from population growth within the Plan Area including additional demand for water and sewage treatment capacity and the need for new water, sewer, and recycle water lines. The TASP EIR determined that the City has adequate water supply to support

development associated with the TASP. The TASP discussed that buildout would require water distribution improvements and sewer line improvements; however, The TASP includes policies requiring the installation of pipes within existing roads or existing easements to ensure these improvements would not result in significant environmental effects. The TASP determined that the City's contracted Water Pollution Control Plant has adequate capacity to treat the additional wastewater flows that would occur with buildout of the TASP and that nearby landfills have adequate capacity to accommodate the additional waste that would be generated with buildout of the plan.

Potential impacts related to utilities and service systems associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The proposed project would include connections to existing utility lines via tie-ins on Tarob Court, Journey Street, and Trade Zone Boulevard. The potential impacts associated with utility line improvements for the proposed project would not be greater than or more severe than those identified in the Previous CEQA Documents. The TASP EIR concluded that water demand at buildout would be adequately served by water supplies from current sources in addition to offsets by the supplies available from the Santa Clara Valley Water District (SCVWD), the ability to run emergency wells, and an increased use of recycled water. The TASP includes policies which require the use of recycled water. The TASP EIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving the TASP Area, including the project site, for at least 30 more years.

Consistent with the findings of the Previous CEQA Documents, continued compliance with applicable local, State, and federal regulations and General Plan/TASP policies would reduce potential impacts associated with utilities and service systems to a less-than significant level. The proposed project would not result in any new or more severe impacts than those analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to utilities and service systems and no new mitigation measures would be required for the proposed project.

Wildfire. The General Plan EIR evaluated impacts to wildfire in Section 3.16, Wildfire. The General Plan EIR stated that future projects are not anticipated to remove or impede evacuation routes, and the General Plan does not include land uses, policies, or other components that conflict with adopted emergency response or evacuation plans. Additionally, future development would be subject to all applicable City regulations, reviews, and requirements pertaining to emergency response, emergency access, and maintaining emergency evacuation routes. The General Plan EIR states that implementation of the General Plan would not substantially alter the slope, prevailing winds, or other factors that would increase exposure to Milpitas residents, employees or visitors to increased pollutant concentrations from wildfire or result in the uncontrollable spread of a wildfire. Nonetheless, the General Plan includes policies and actions related to minimizing wildfire risk. Furthermore,

development would be required to comply with applicable provisions of the California Building Code and CA Fire Code. The General Plan EIR concluded that all impacts associated with wildfire would be less than significant.

Potential transportation impacts related to wildfire were not evaluated in the TASP EIR as it was not required at the time the TASP EIR was certified. However, Section 3.4, Safety and Hazardous Materials, of the TASP EIR did determine that there were no Very High Fire Hazard Severity Zones within the TASP Area.

Potential impacts related to wildfire associated with the proposed project have been adequately addressed in the Previous CEQA Documents. The project site is not located in a High or Very High Fire Hazard Severity Zone and the project site is not located in or near any State responsibility areas. The proposed project would not result in any new impacts related to wildfire hazards than those analyzed in the Previous CEQA Documents. The Previous CEQA Documents did not identify any mitigation measures related to wildfire and no mitigation measures would be required for the proposed project.

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L-1.2	PRELIMINARY LANDSCAPE PLAN
L-2	PROPOSED PLANT PALETTE
L-3	TREE REPLACEMENT PLAN
L-4	SITE AMENITIES
L-5.1	CONSTRUCTION DETAILS
L-5.2	CONSTRUCTION DETAILS
L-6.1	IRRIGATION DETAILS
L-6.2	IRRIGATION DETAILS
L-6.3	IRRIGATION DETAILS
L-7	PLANTING DETAILS

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COVER SHEET
A00

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SITE KEY:

- # - BUILDING NUMBER
- - UNIT 1
- - UNIT 2
- - UNIT 3
- - UNIT 4
- - ADU
- - ADA UNIT PER CBC SEC. 1102A.3

SITE DATA

SITE ADDRESS: 1905 TAROB COURT
ASSESSORS PARCEL NO. 086-36-041
GROSS SITE AREA: ± 2.3 AC
NET SITE AREA: ± 2.2 AC

DWELLING UNITS: 43
ADU'S: 13
TOTAL 56

NET DENSITY 56/2.2 = 25.5 DUA

RESIDENTIAL PARKING REQ'D PER DENSITY BONUS:
17 (2 AND 3 BEDROOM UNITS) X 2.0 = 34
26 (4 BEDROOM UNITS) X 2.5 = 65
TOTAL SPACES REQ'D: 99

RESIDENTIAL GARAGES: 86
RESIDENTIAL GUEST: 18
RESIDENTIAL PARKING PROVIDED: 104

OWNERSHIP TYPE
FOR-SALE PROJECT

BUILDING INFORMATION

HEIGHT
ALLOWABLE HEIGHT: 75'
PROPOSED HEIGHT: 38'-10" MAX HT., SEE BUILDING ELEVATIONS
29'-11 TYP. EAVE HT.

BUILDING CODE INFORMATION

- CODE REFERENCE: 2022 CALIFORNIA BUILDING CODE / CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
- OCCUPANCY TYPE: R-2 PER 2022 C.B.C. WITH COMMON 1-HR. WALL SEPARATIONS
- CONSTRUCTION TYPE: V-B (NON-RATED)
- ALLOWABLE AREA: 21,000 SF X 2 = 42,000 SF
- BUILDING AREA CALCULATIONS: SEE TABLE
- FIRE SPRINKLER SYSTEM: NFPA 13

ACCESSIBILITY

CODE REFERENCE: PER 2022 CBC CHAPTER 1102.3
REQUIRED: 10% OR 5 UNITS TO BE ADAPTABLE ON AN ACCESSIBLE PATH
PROVIDED: 5 UNITS

ACCESSORY DWELLING UNITS (ADU)
ACCESSIBILITY REQUIRED PER CBC 1104A.1

ADU AREAS:
PLAN 3 ADU: 282 SF
PLAN 4 ADU: 361 SF

ELIGIBLE PRIVATE OPEN SPACE: DECKS
NOTE: PORCHES ARE NOT ELIGIBLE

DECKS	QTY.	AREA EA.	COMBINED AREA
UNIT 1	3	60 SF	180 SF
UNIT 1-ALT	3	67 SF	201 SF
UNIT 2	11	98 SF	1,078 SF
UNIT 3	9	141 SF	1,269 SF
UNIT 3-ADU	4	175 SF	700 SF
UNIT 4	4	174 SF	696 SF
UNIT 4-ADU	9	174 SF	1,566 SF
TOTAL			5,690 SF

Townhome Units

Unit	Total Unit SF	Private Open Space SF*	Private Garage SF	BRs	Baths
1	1,288	60	570	2	2.5
1-ALT	1,304	67	589	2	2.5
2	1,895	98	474	3	3.0
3	1,913	141	468	4	3.5
3-ADU	1,987	175	464	4	3.5
4	2,081	174	496	4	3.5
4-ADU	2,191	174	490	4	3.5

Unit & Building Totals

	Unit 1	Unit 1-ALT	Unit 2	Unit 3	Unit 3-ADU	Unit 4	Unit 4-ADU	Total
Building 1	0	0	0	1	0	2	0	3
Building 2	1	1	2	0	0	0	1	5
Building 3	0	0	1	2	0	0	2	5
Building 4	0	0	1	2	0	0	2	5
Building 5	0	0	1	2	0	0	2	5
Building 6	0	0	2	2	0	2	0	6
Building 7	1	1	2	0	2	0	1	7
Building 8	1	1	2	0	2	0	1	7
Total Unit Count	**3**	**3**	**11**	**9**	**4**	**4**	**9**	**43**
Unit Count %	**7%**	**7%**	**26%**	**21%**	**9%**	**9%**	**21%**	**100%**
Bedroom Count per Unit	2	2	3	4	4	4	4	
Total Bedroom Count	6	6	33	36	16	16	36	**149**
Total Private Open Space	180	201	1,078	1,269	700	696	1,566	**5,690**
Total Living Area	3,864	3,912	20,845	17,217	7,948	8,324	19,719	**81,829**

DEVELOPMENT STANDARDS

1. BUILDING SUMMARY

Building Areas by Occupancy

	R-2	U	Total Building Area	Private Open Space
Building 1	6,075	1,460	7,535	489
Building 2	8,573	2,597	11,170	497
Building 3	10,103	2,390	12,493	728
Building 4	10,103	2,390	12,493	728
Building 5	10,103	2,390	12,493	728
Building 6	11,778	2,876	14,654	826
Building 7	12,547	3,525	16,072	847
Building 8	12,547	3,525	16,072	847
Total Across Site	**81,829**	**21,153**	**102,982**	**5,690**

2. NUMBER OF UNITS: 43

3. PARKING SUMMARY
GARAGE: 86
GUEST PARKING
STANDARD: 11
COMPACT: 4
ADA: 1
E.V.: 2
SUBTOTAL: 18
TOTAL: 104

4. NUMBER OF BMR UNITS: 6

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AERIAL SITE PHOTOGRAPH, SITE PLAN & PROJECT DATA
A01

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EXPANDED AERIAL CONTEXT
A02

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SITE KEY:
- BUILDING NUMBER
- UNIT 1
- UNIT 2
- UNIT 3
- UNIT 4
- ADU
- ADA UNIT
- BMR

UNIT ID	UNIT SIZE	PROPOSED BY DEVELOPER	PROPORTION TO DEVELOPMENT
UNIT 1	2BR	1	14%
UNIT 2	3BR	2	26%
UNIT 3	4BR	1	21%
UNIT 3 ADU	4BR	0	9%
UNIT 4	4BR	1	9%
UNIT 4 ADU	4BR	1	21%
	TOTAL	6	100%

TERMS OF THE AFFORDABLE HOUSING ORDINANCE

A. THE INTERIOR AMENITIES IN THE AFFORDABLE UNITS WILL NOT DIFFER FROM MARKET RATE UNITS.
B. THE SCHEDULE FROM PRODUCTION OF AFFORDABLE UNITS IN PHASED RESIDENTIAL DEVELOPMENT WILL BE CONCURRENT WITH THE MARKET RATE UNITS.
C. ALL AFFORDABLE UNITS SHALL BE REASONABLY COMPARABLE IN TERMS OF FLOOR PLAN AND BASE FINISH AMENITIES TO MARKET RATE UNITS IN THE PROPOSED DEVELOPMENT.
D. THE QUALITY OF THE EXTERIOR DESIGN, LANDSCAPING, AND CONSTRUCTION OF THE AFFORDABLE UNFITS SHALL BE CONSISTENT WITH THE OTHER UNITS IN THE PROPOSED DEVELOPMENT.
E. AN EXECUTED AGREEMENT IMPOSING APPROPRIATE OWNERSHIP CONTROLS ON THE AFFORDABLE UNITS IS REQUIRED. THIS WILL BE COMPLETED DURING THE BUILDING PERMIT PROCESS.
F. THIS IS A FOR-SALE PROJECT.
G. ALL ACCESSORY DWELLING UNITS ARE MARKET RATE UNITS.
H. AFFORDABILITY LEVEL: MODERATE

AFFORDABLE HOUSING SQUARE FOOTAGES

Townhome Units						
Unit	Gross SF			Net SF		
	Market Rate	Affordable	Total	Market Rate	Affordable	Total
1	3,864	0	3,864	3,594	0	3,594
1-ALT	2,608	1,304	3,912	2,428	1,214	3,642
2	17,055	3,790	20,845	15,975	3,550	19,525
3	15,304	1,913	17,217	14,352	1,794	16,146
3-ADU	7,948	0	7,948	7,424	0	7,424
4	6,243	2,081	8,324	5,835	1,945	7,780
4-ADU	17,528	2,191	19,719	16,296	2,037	18,333
Total	70,550	11,279	81,829	65,904	10,540	76,444

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AFFORDABLE HOUSING PLAN
A03

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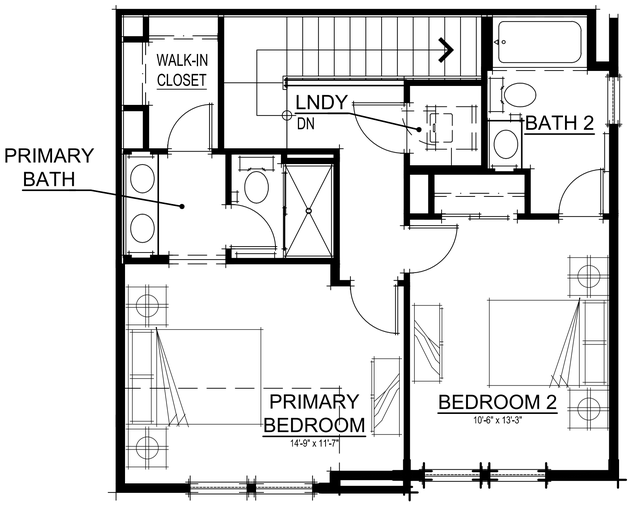
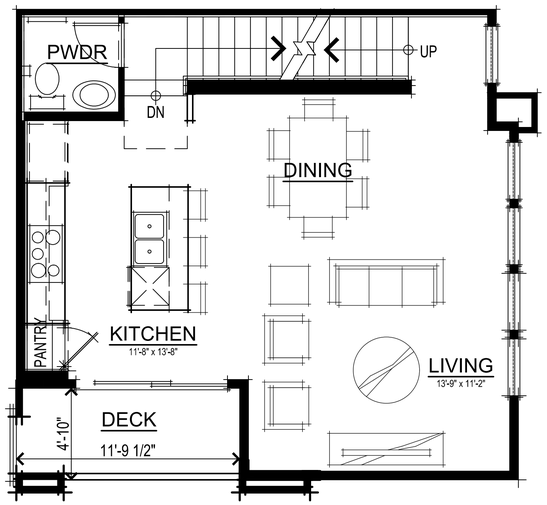
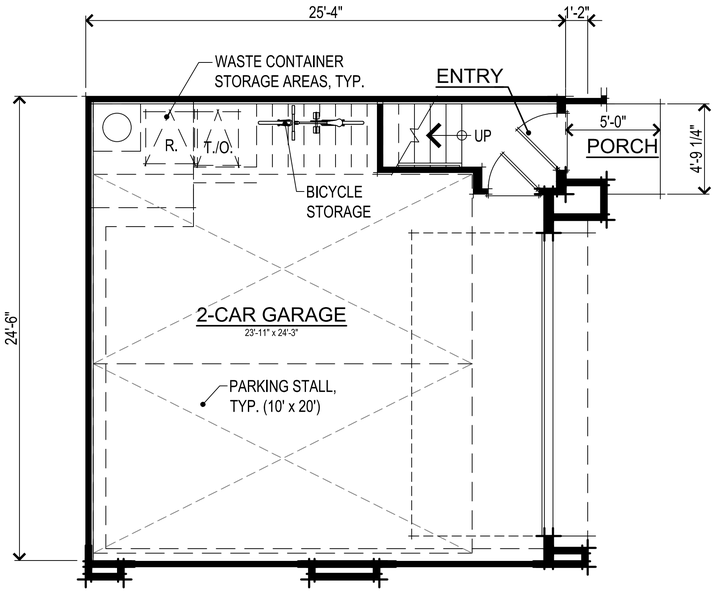


THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

UNIT 1 SQUARE FOOTAGES	
FIRST FLOOR	46 SQ. FT.
SECOND FLOOR	594 SQ. FT.
THIRD FLOOR	648 SQ. FT.
TOTAL LIVING	1288 SQ. FT.
2-CAR GARAGE	570 SQ. FT.
PORCH	22 SQ. FT.
DECK	60 SQ. FT.

0 1' 2' 3' 4' 8'

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UNIT 1 FLOOR PLANS
A04

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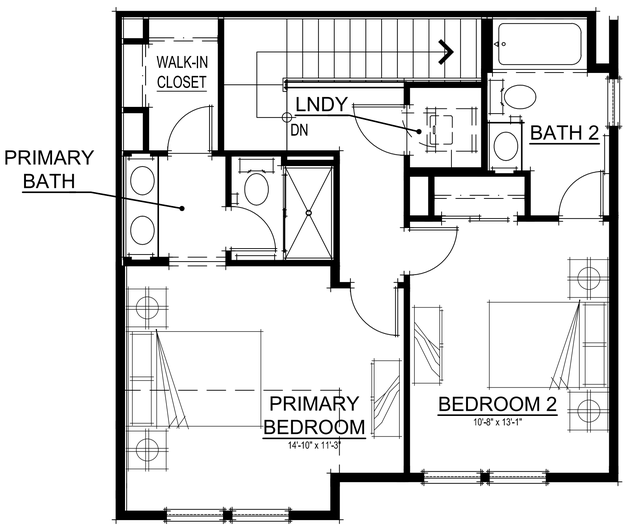
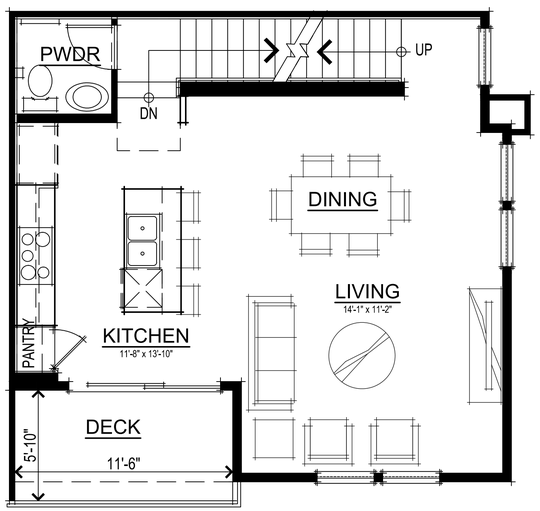
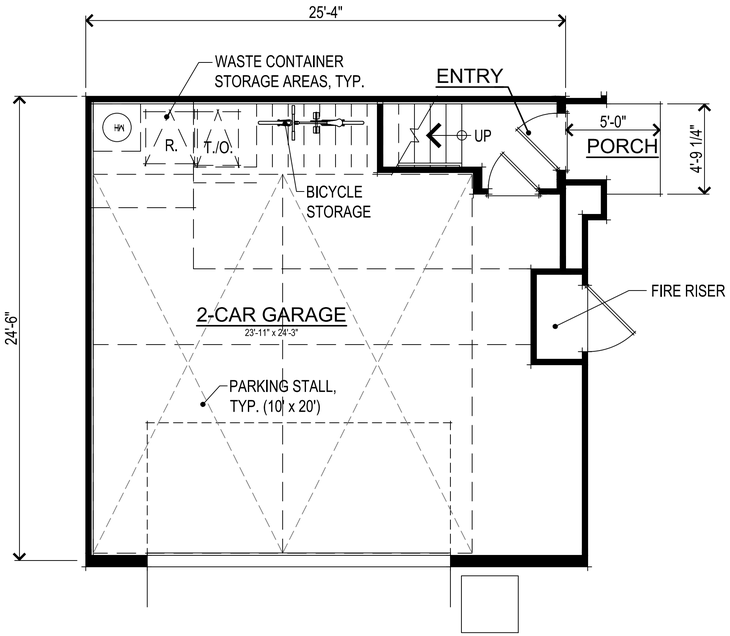


THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

UNIT 1-ALT SQUARE FOOTAGES	
FIRST FLOOR	46 SQ. FT.
SECOND FLOOR	594 SQ. FT.
THIRD FLOOR	664 SQ. FT.
TOTAL LIVING	1304 SQ. FT.
2-CAR GARAGE	589 SQ. FT.
PORCH	22 SQ. FT.
DECK	67 SQ. FT.

0 1' 2' 3' 4' 8'

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UNIT 1-ALT FLOOR PLANS
A05

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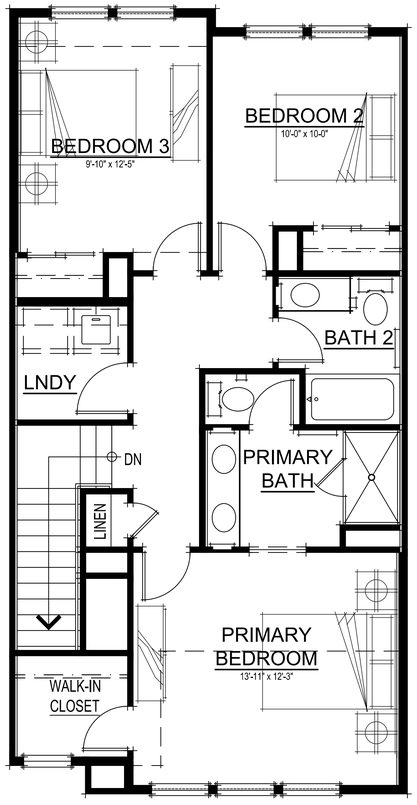
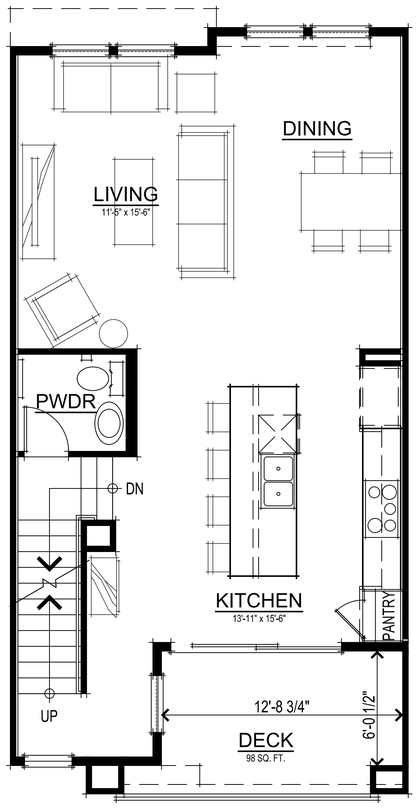


THIRD FLOOR PLAN



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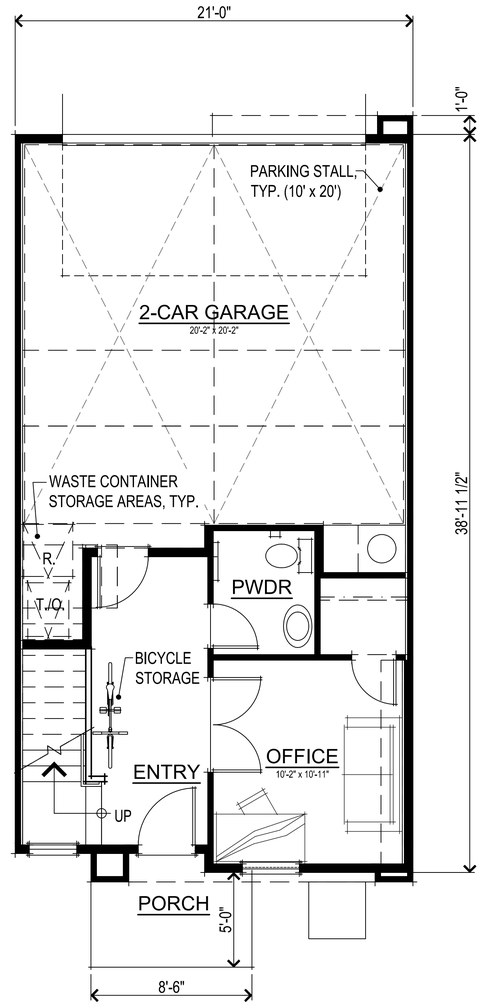

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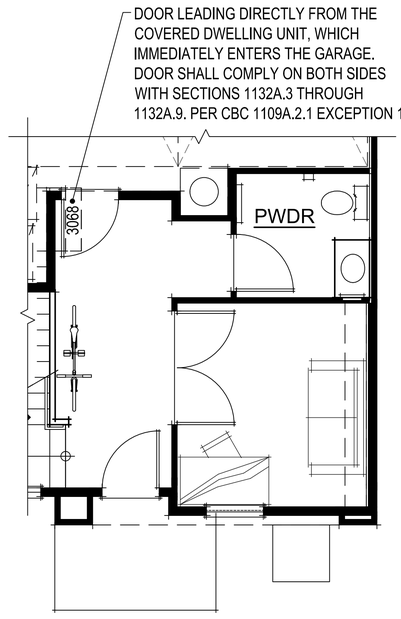

ADAPTABLE
POWDER

UNIT 2 SQUARE FOOTAGES	
FIRST FLOOR	334 SQ. FT.
SECOND FLOOR	729 SQ. FT.
THIRD FLOOR	832 SQ. FT.
TOTAL LIVING	1895 SQ. FT.
2-CAR GARAGE	474 SQ. FT.
PORCH	46 SQ. FT.
DECK	98 SQ. FT.

0 1' 2' 3' 4' 8'

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UNIT 2 FLOOR PLANS
A06

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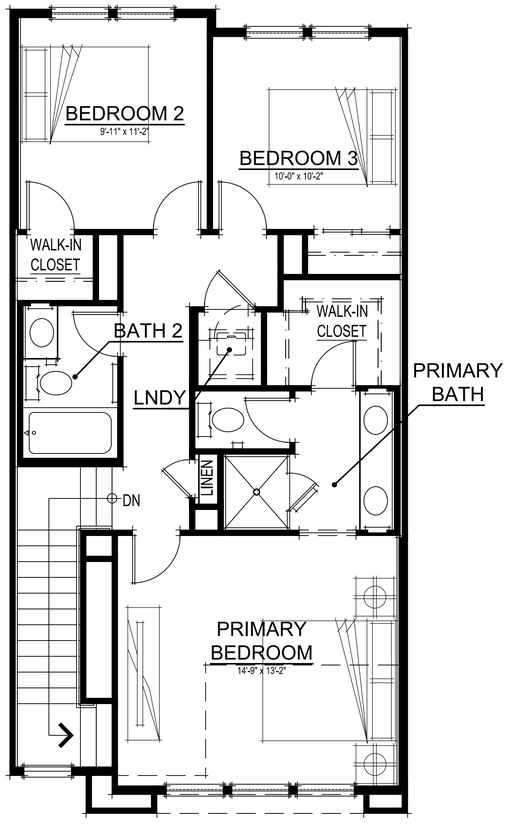
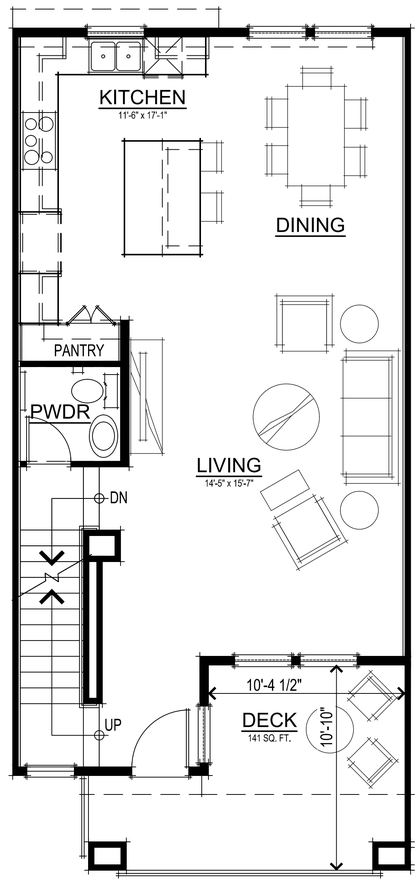
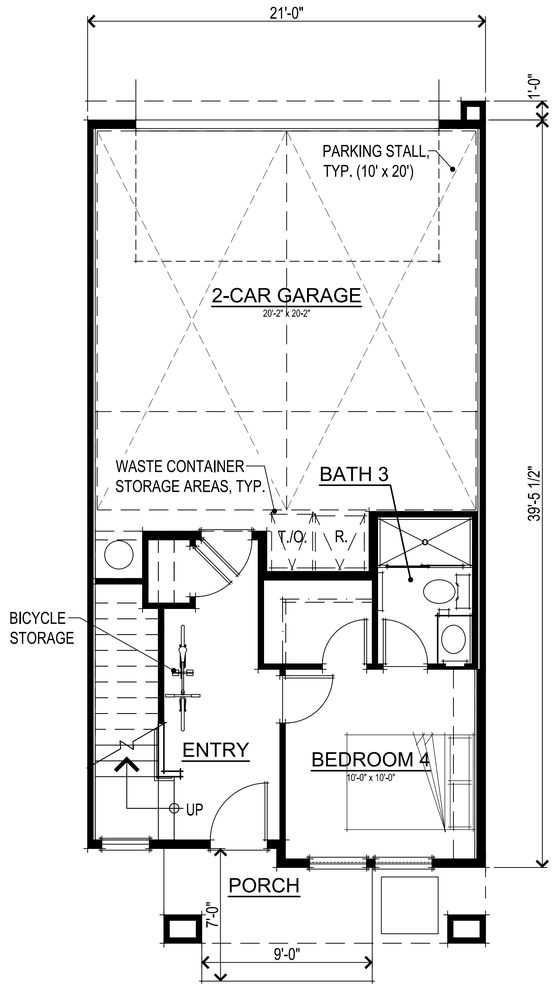


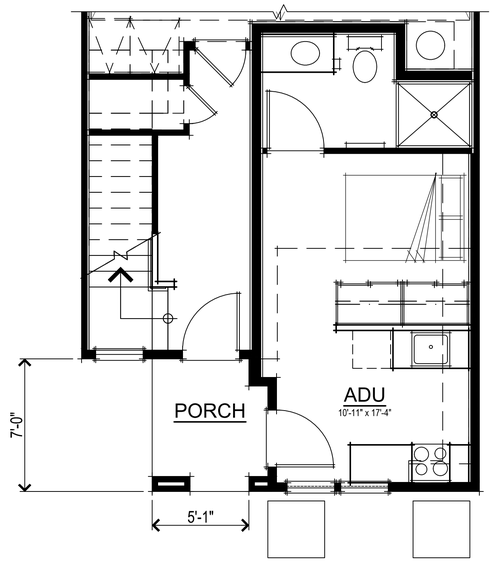
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



ADU PLAN @ FIRST FLOOR
(ADAPTABLE PER CBC 1104A.1)

UNIT 3 SQUARE FOOTAGES	
FIRST FLOOR	350 SQ. FT.
SECOND FLOOR	766 SQ. FT.
THIRD FLOOR	797 SQ. FT.
TOTAL LIVING	1913 SQ. FT.
2-CAR GARAGE	468 SQ. FT.
PORCH	65 SQ. FT.
DECK	141 SQ. FT.

UNIT 3 ADU SQUARE FOOTAGES	
FIRST FLOOR ADU	282 SQ. FT.
FIRST FLOOR PRIMARY UNIT	142 SQ. FT.
SECOND FLOOR	766 SQ. FT.
THIRD FLOOR	797 SQ. FT.
TOTAL LIVING	1987 SQ. FT.
2-CAR GARAGE	464 SQ. FT.
PORCH	39 SQ. FT.
DECK	175 SQ. FT.

0 1' 2' 3' 4' 8'

UNIT 3 FLOOR PLANS
A07

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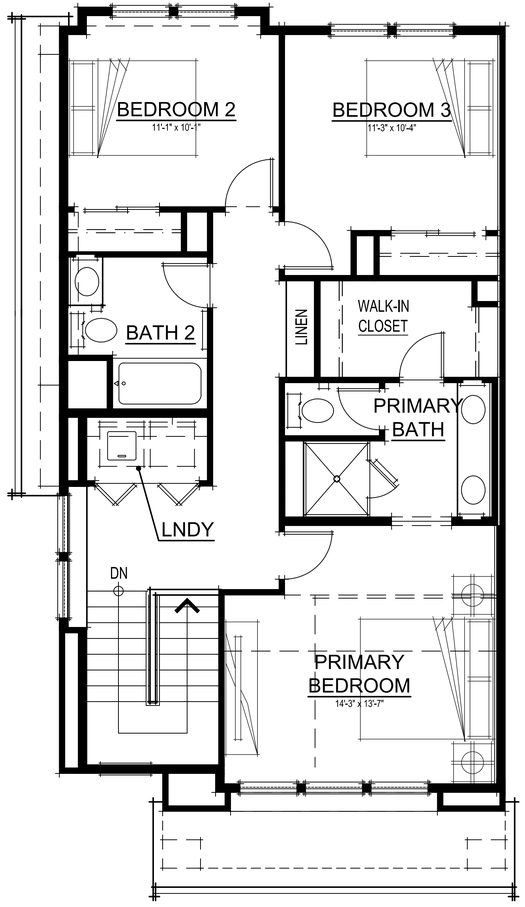
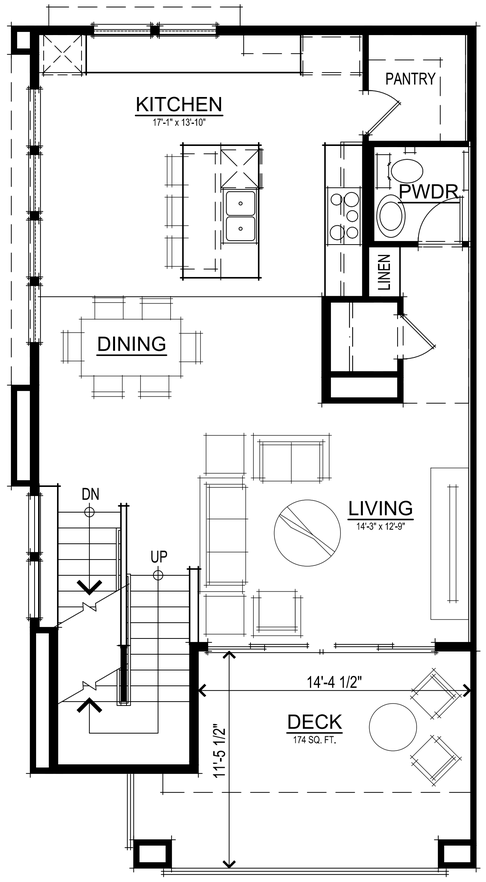
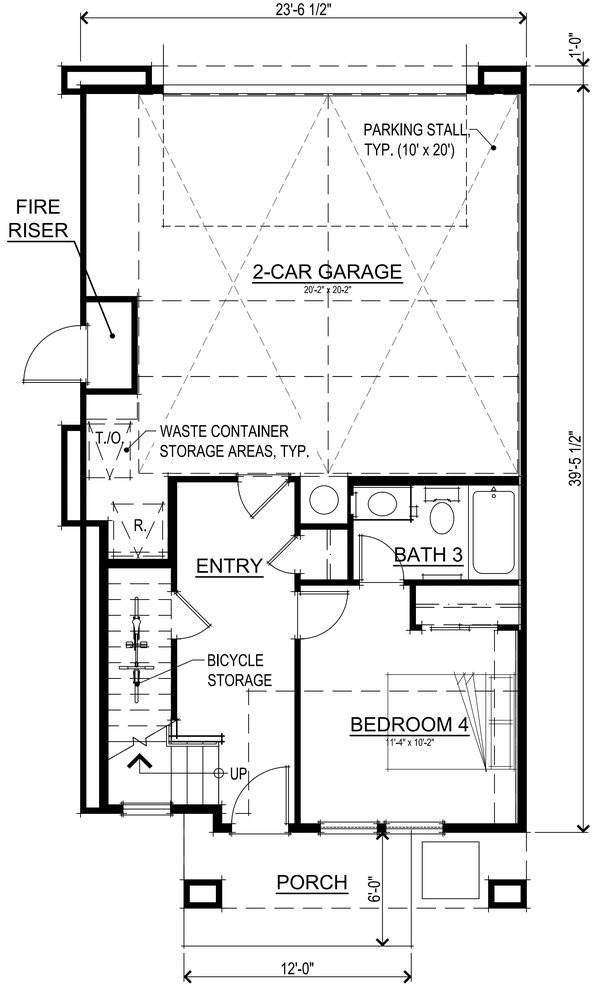


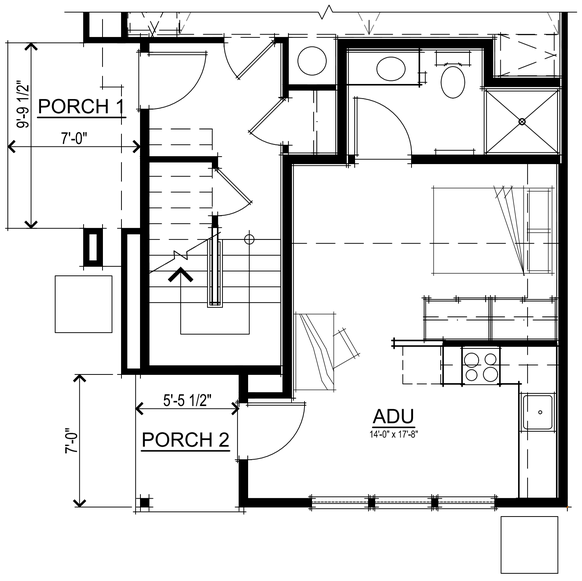
THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



ADU PLAN @ FIRST FLOOR
(ADAPTABLE PER CBC 1104A.1)

UNIT 4 SQUARE FOOTAGES	
FIRST FLOOR	395 SQ. FT.
SECOND FLOOR	820 SQ. FT.
THIRD FLOOR	866 SQ. FT.
TOTAL LIVING	2081 SQ. FT.
2-CAR GARAGE	496 SQ. FT.
PORCH	74 SQ. FT.
DECK	174 SQ. FT.

UNIT 4-ADU SQUARE FOOTAGES	
FIRST FLOOR ADU	361 SQ. FT.
FIRST FLOOR PRIMARY UNIT	145 SQ. FT.
SECOND FLOOR	819 SQ. FT.
THIRD FLOOR	866 SQ. FT.
TOTAL LIVING	2191 SQ. FT.
2-CAR GARAGE	490 SQ. FT.
PORCH 1	71 SQ. FT.
PORCH 2	40 SQ. FT.
DECK	174 SQ. FT.

0 1' 2' 3' 4' 8'

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UNIT 4 FLOOR PLANS
A08

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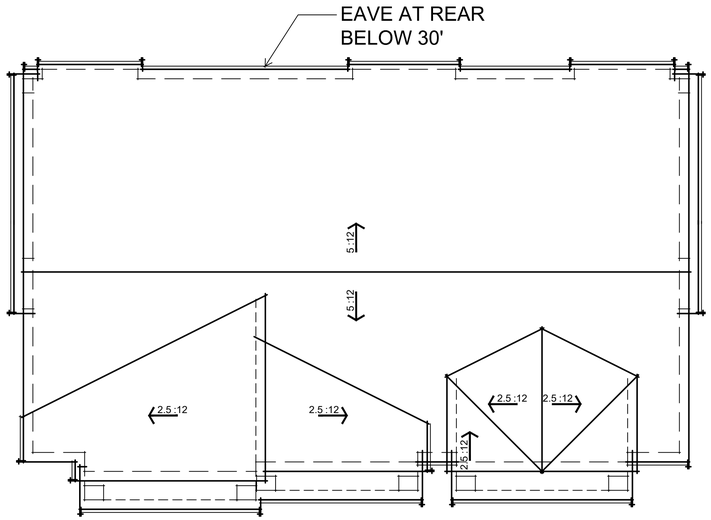
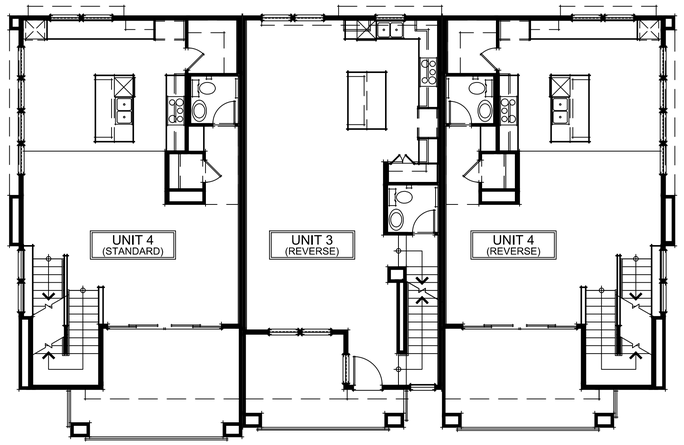
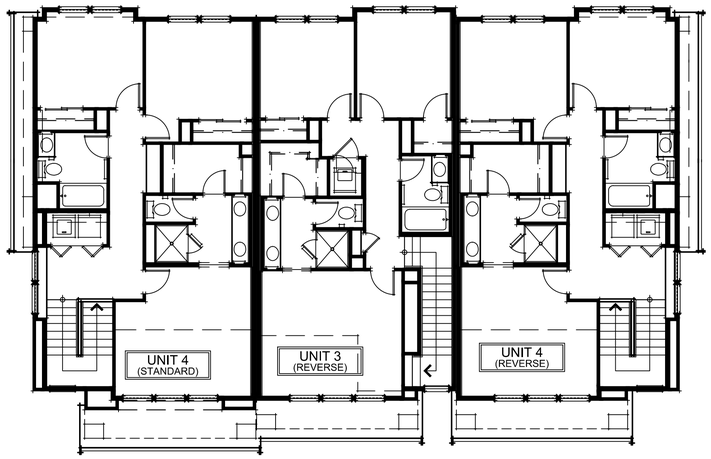


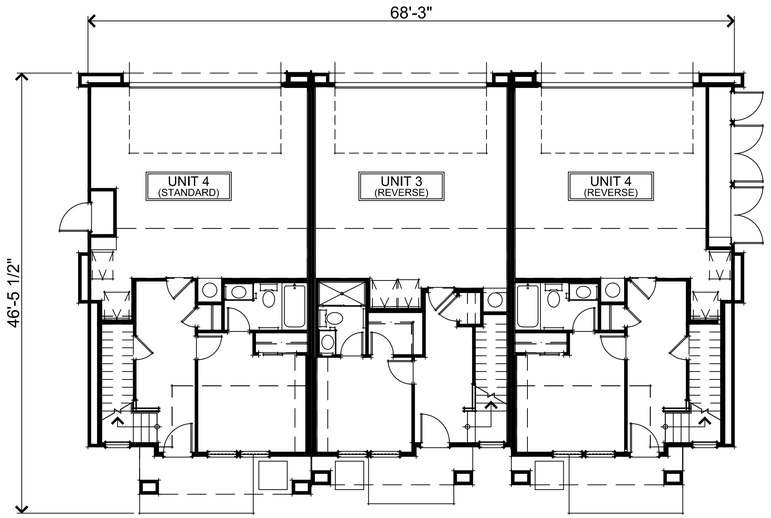
ROOF PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN



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3-UNIT BUILDING FLOOR & ROOF PLANS
A09

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REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

0 2' 4' 6' 8' 16'

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3-UNIT BUILDING ELEVATIONS
A10

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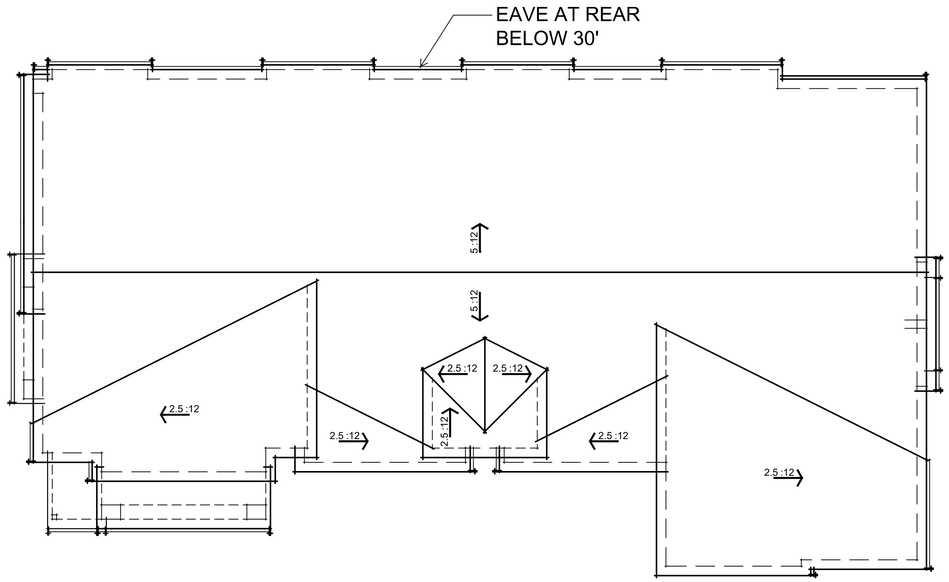
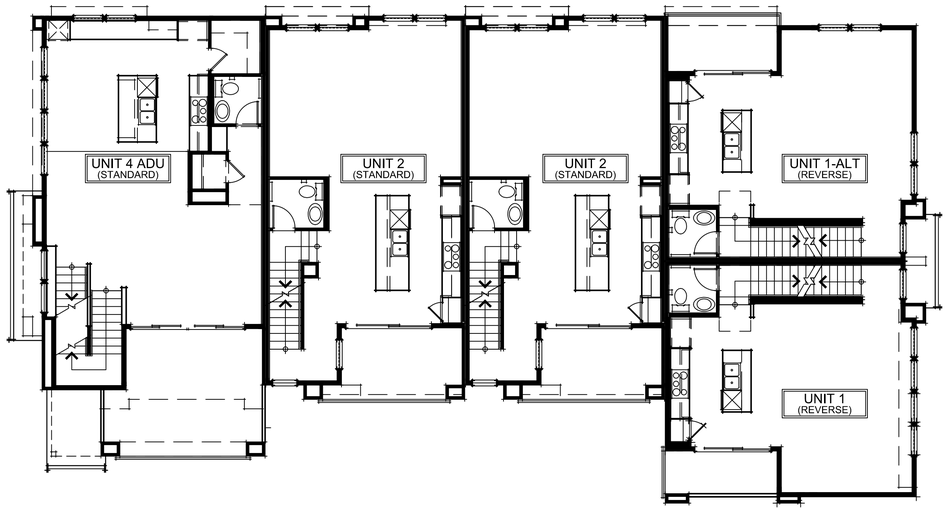
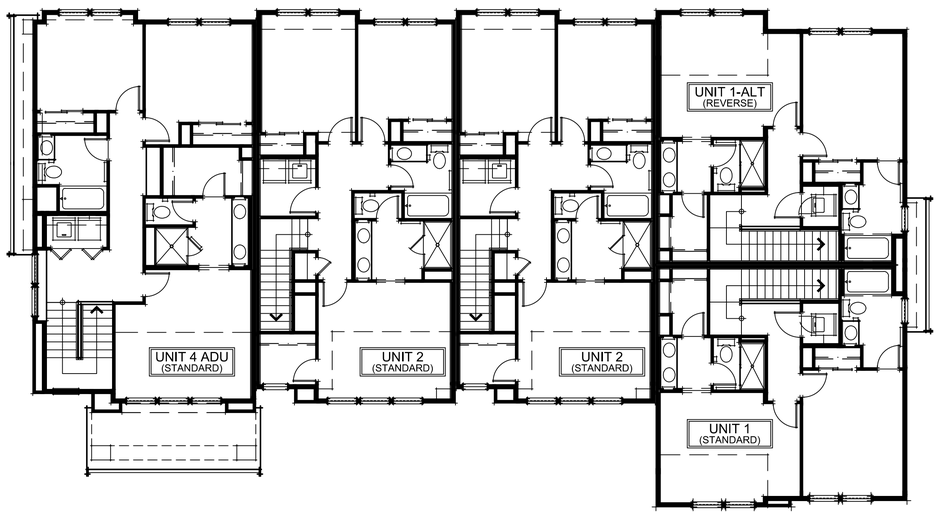


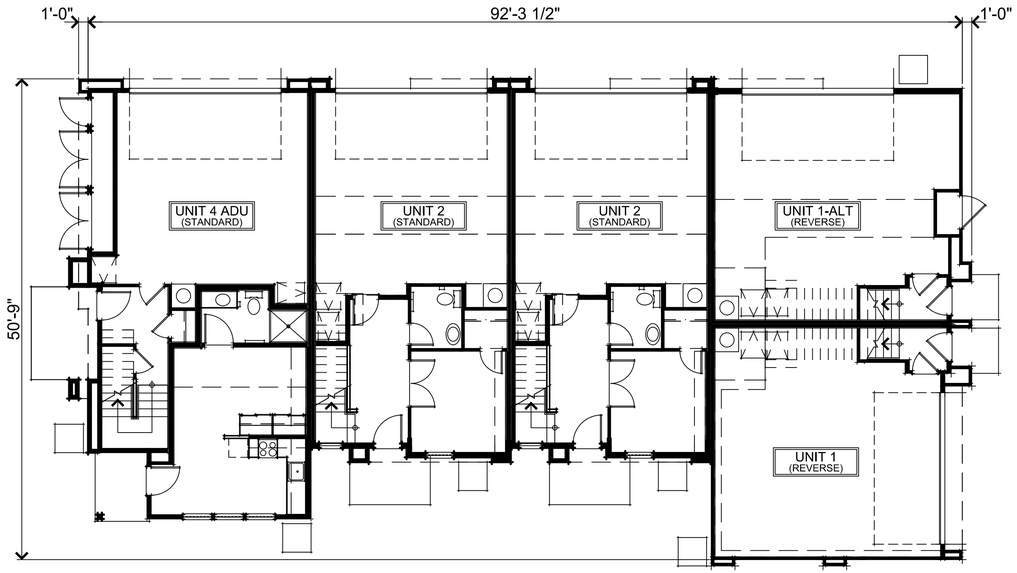
ROOF PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN

0 2' 4' 6' 8' 16'

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December 21, 2023

5-UNIT BUILDING 'A' FLOOR & ROOF PLANS
A11

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REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

0 2' 4' 6' 8' 16'

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5-UNIT BUILDING 'A' ELEVATIONS
A12

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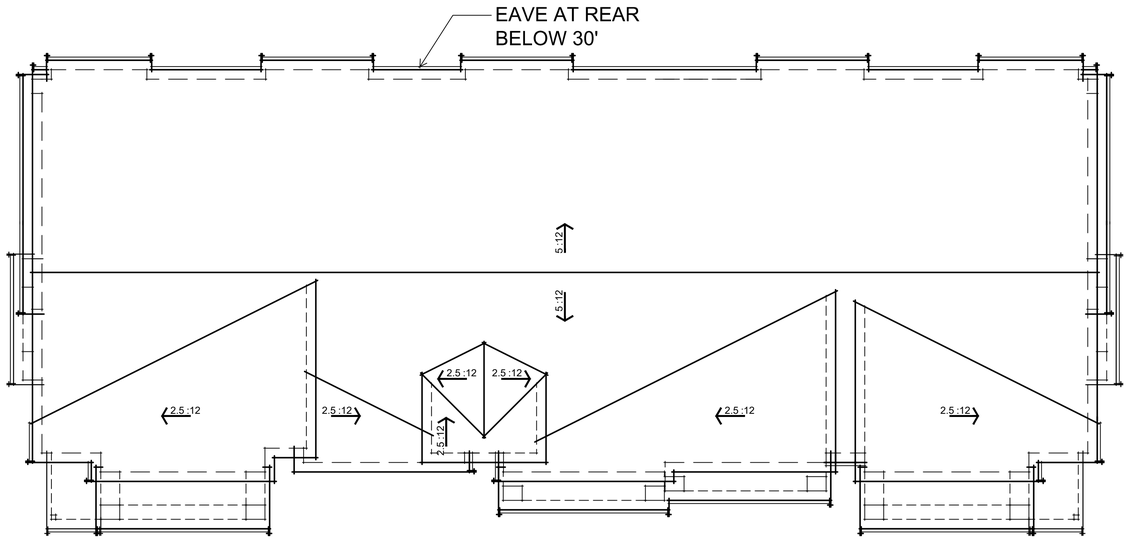

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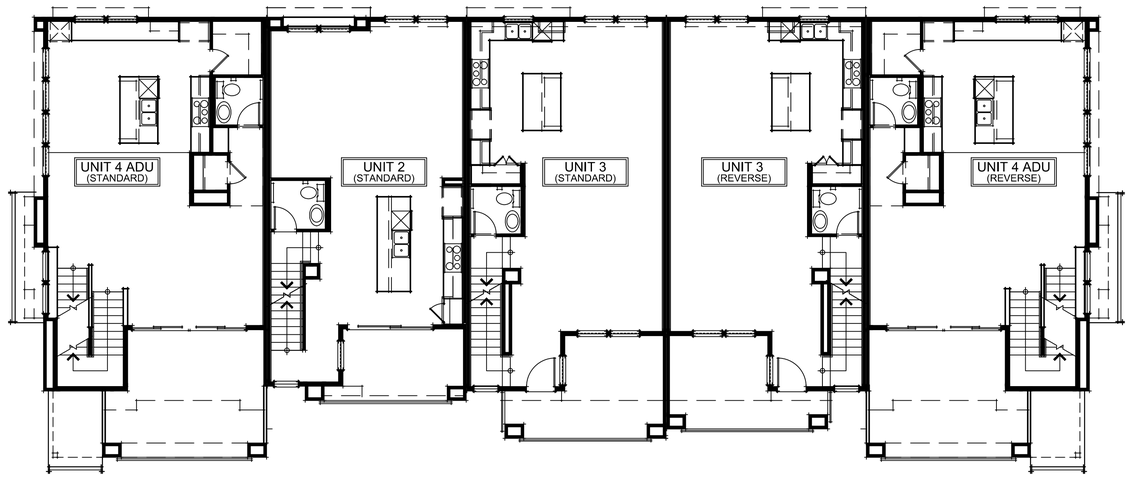
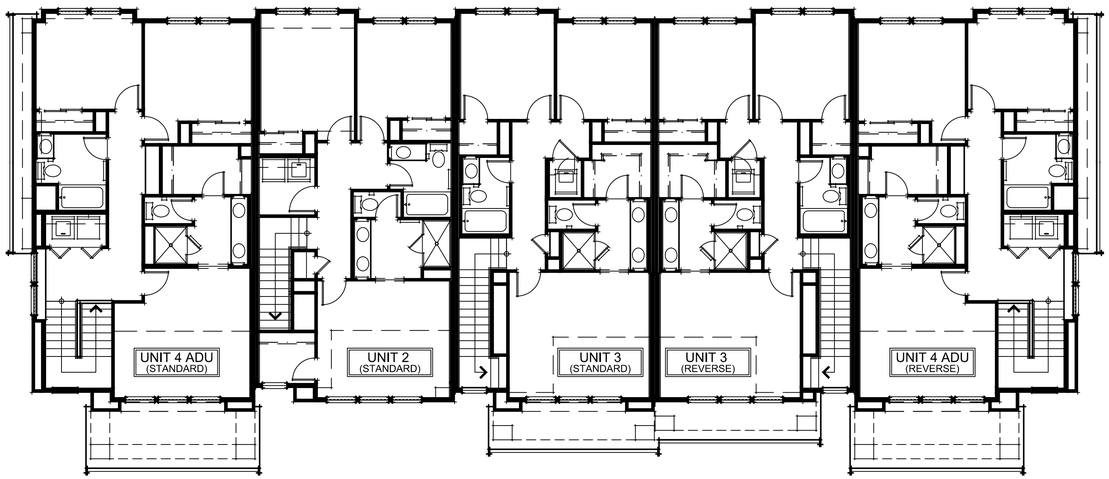
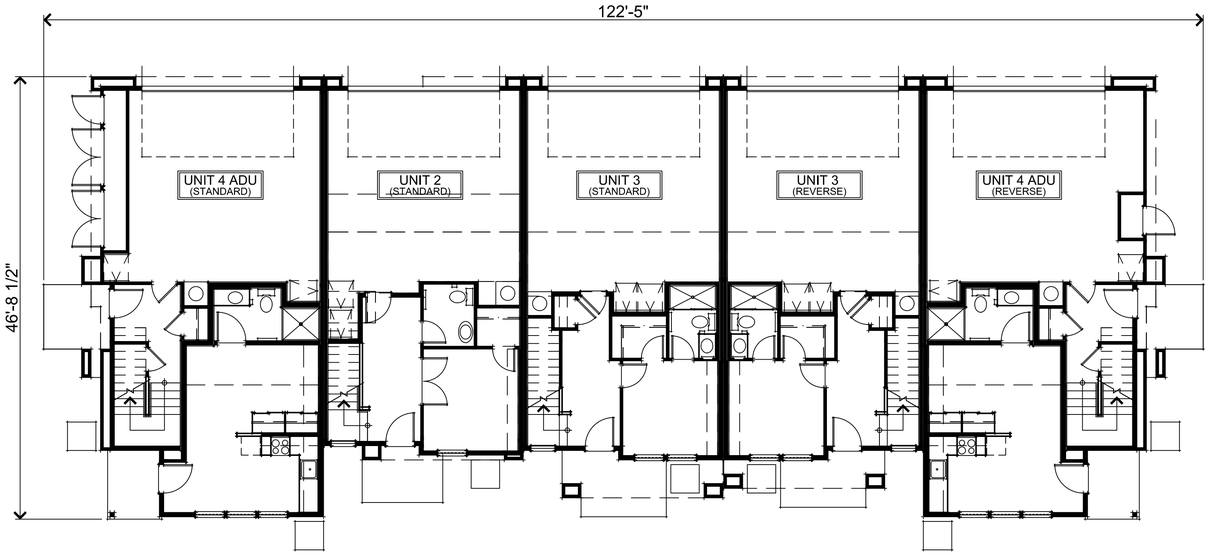


SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN

0 2' 4' 6' 8' 16'

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5-UNIT BUILDING 'B' FLOOR & ROOF PLANS
A13

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REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

0 2' 4' 6' 8' 16'

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5-UNIT BUILDING 'B' ELEVATIONS
A14

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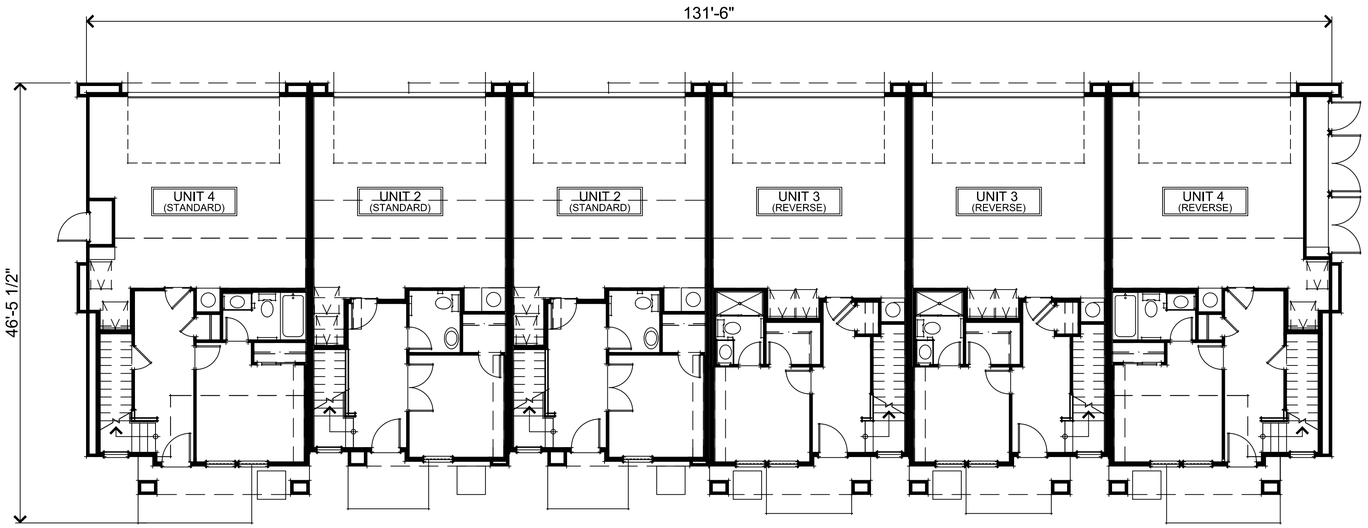
SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 2' 4' 6' 8' 16'

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6-UNIT BUILDING FIRST & SECOND FLOOR PLANS
A15

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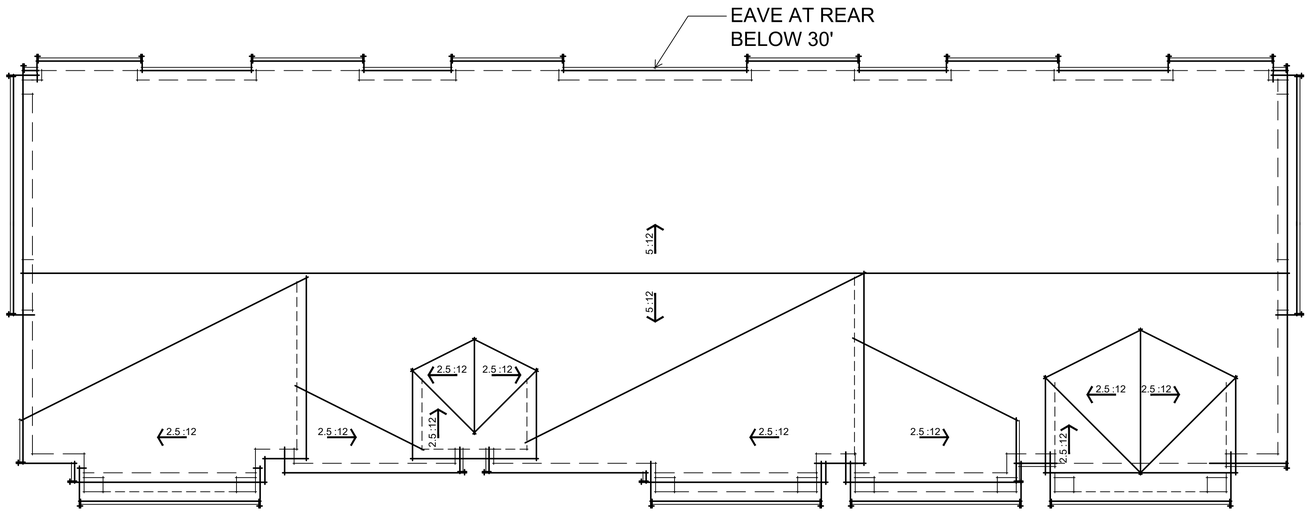
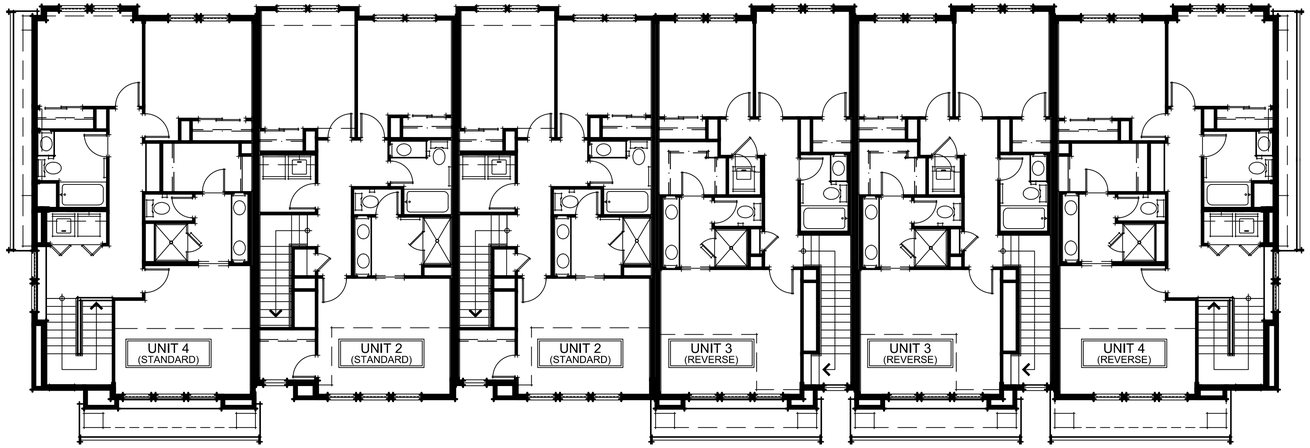


ROOF PLAN



THIRD FLOOR PLAN

0 2' 4' 6' 8' 16'

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6-UNIT BUILDING THIRD FLOOR & ROOF PLANS
A16

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REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

0 2' 4' 6' 8' 16'

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6-UNIT BUILDING ELEVATIONS
A17

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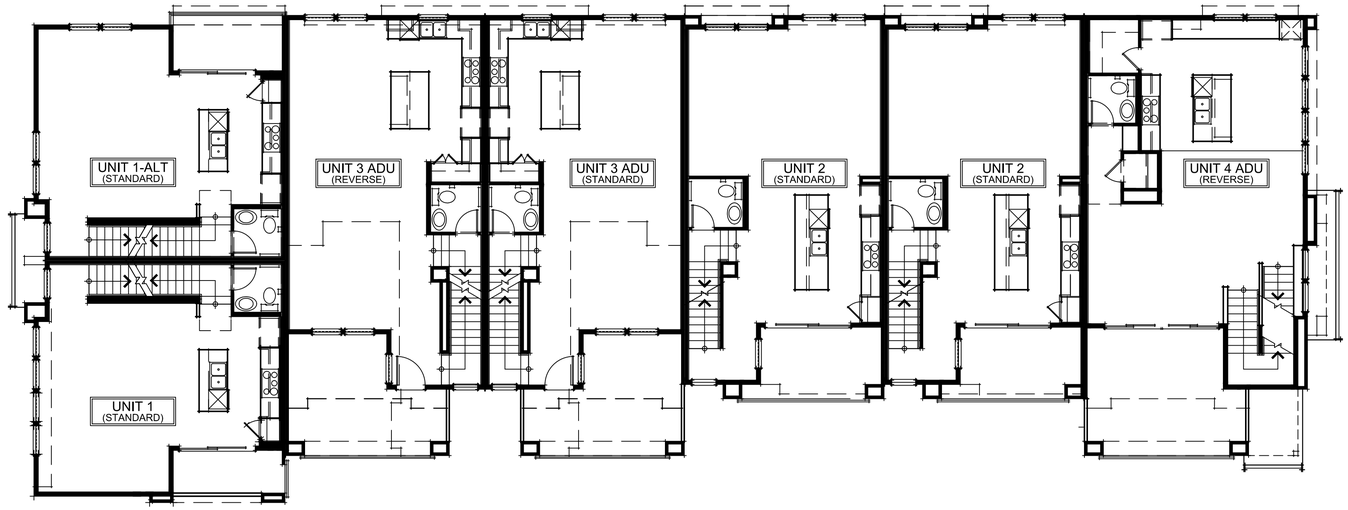
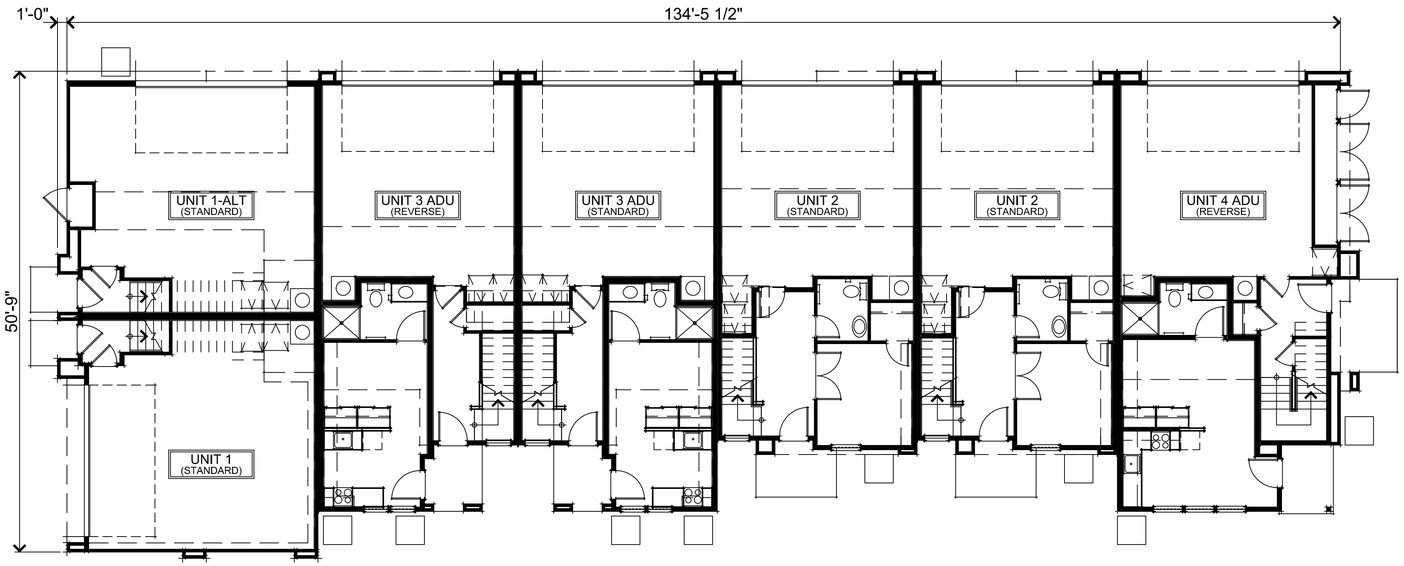


SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 2' 4' 6' 8' 16'

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7-UNIT BUILDING FIRST & SECOND FLOOR PLANS
A18

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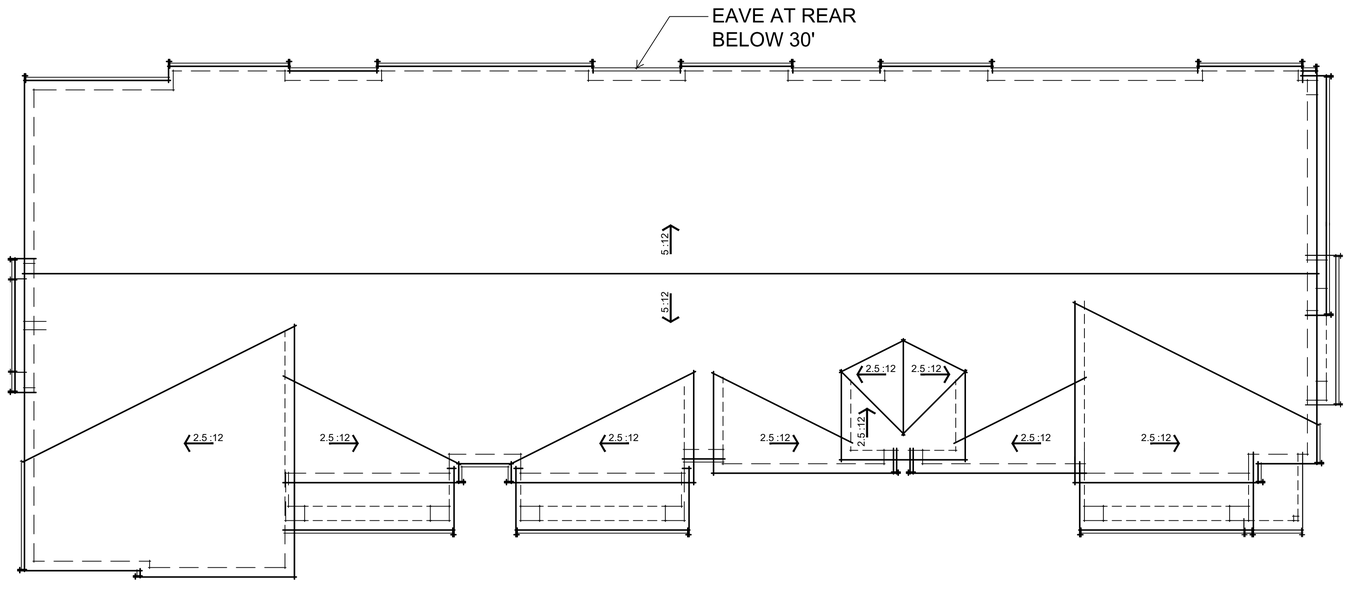
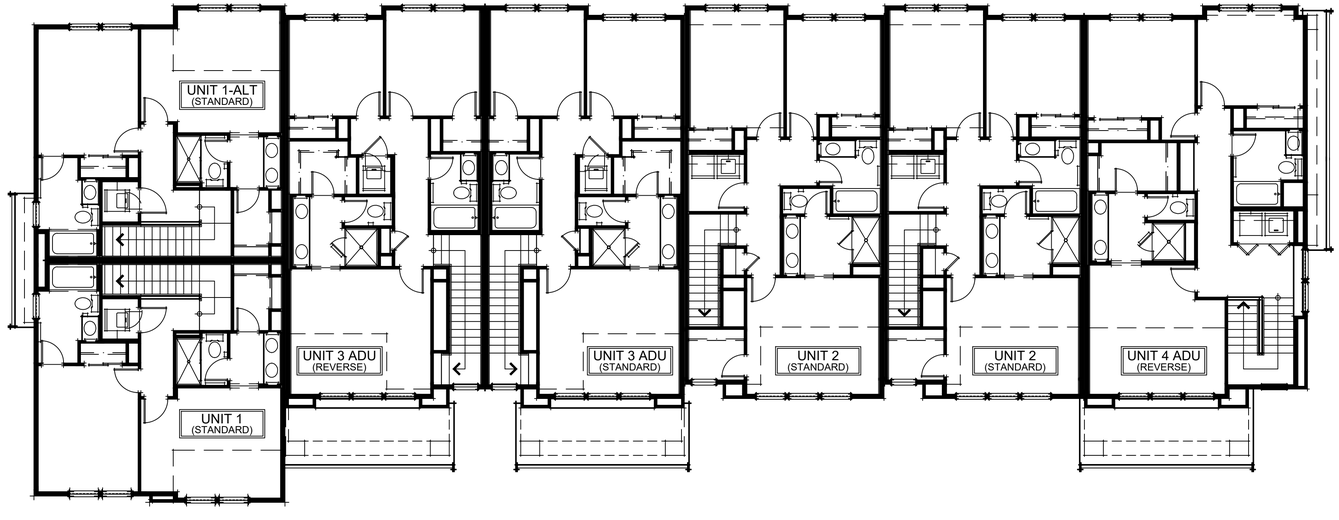


ROOF PLAN



THIRD FLOOR PLAN

0 2' 4' 6' 8' 16'

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Milpitas, CA
December 21, 2023

7-UNIT BUILDING THIRD FLOOR & ROOF PLAN
A19

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REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

0 2' 4' 6' 8' 16'

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7-UNIT BUILDING ELEVATIONS
A20

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TYPICAL BUILDING SECTION

0 1' 2' 3' 4' 8'

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BUILDING SECTION
A21

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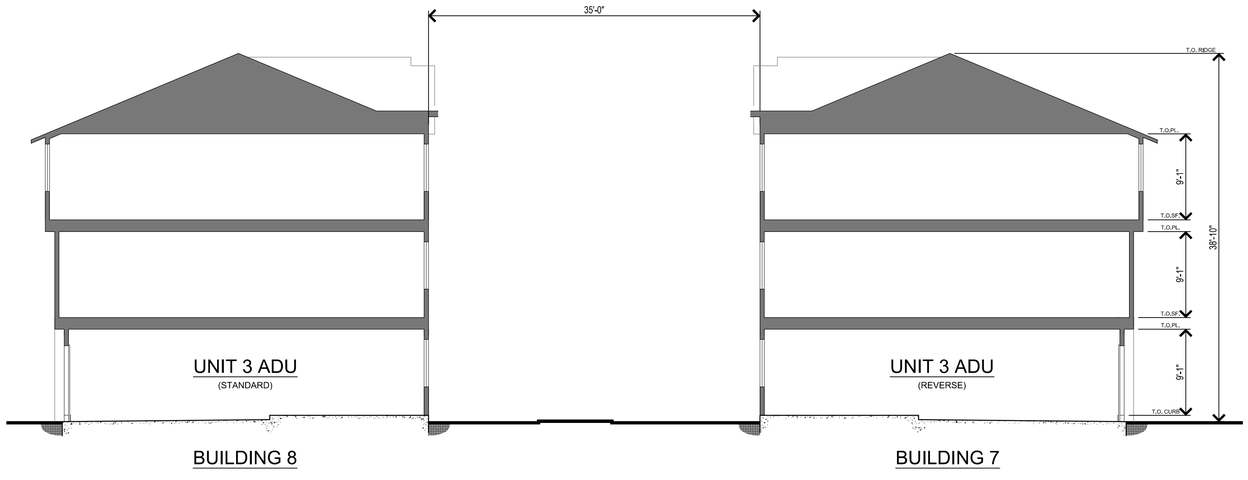
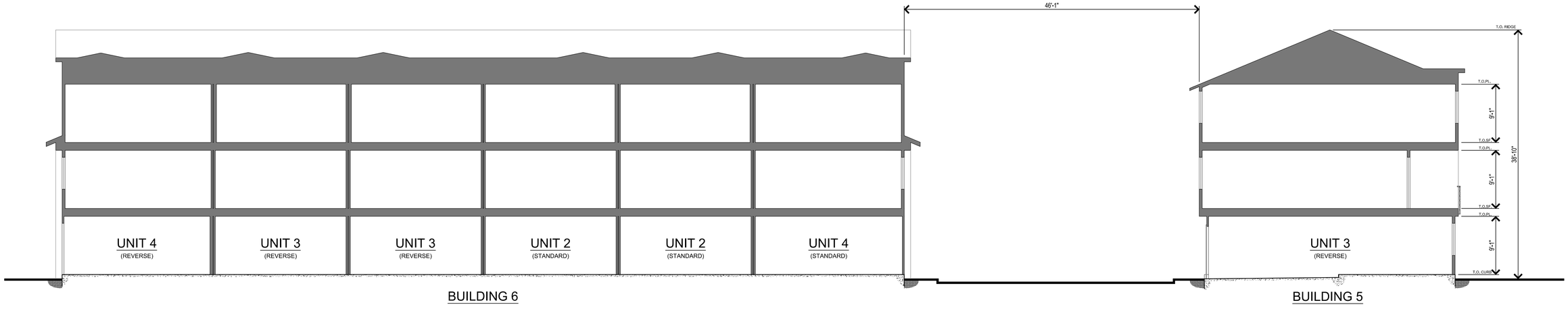


TYPICAL BUILDING SECTION



TYPICAL BUILDING SECTION

0 2' 4' 6' 8' 16'

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December 21, 2023

SITE SECTION A
A22

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MATERIALS



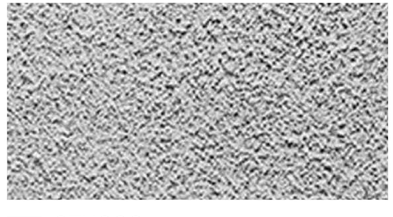




1 VERTICAL SIDING
VERTICAL FIBER CEMENT SIDING



2 CORANADO STONE
6" SPLIT LIMESTONE - CREAM



3 STUCCO
LIGHT SAND FINISH STUCCO



4 METAL RAILING



5 GARAGE DOOR
CLOPLAY BRIDGEPORT STEEL GARAGE DOORS



6 WALL SCONCE
SQUARE CYLINDER INDIRECT LED SCONCE



7 MODERN DOORS
CONTEMPORARY EXTERIOR DOOR



8 COMP. SHINGLE ROOFING
CERTAINTEED LANDMARK SOLARIS GEORGETOWN GRAY

EXTERIOR MATERIALS

1 VERTICAL FIBER CEMENT SIDING
2 CORONADO STONE 6" SPLIT LIMESTONE
3 LIGHT SAND FINISH STUCCO
4 METAL RAILING
5 CLOPAY BRIDGEPORT BD5EV STEEL GARAGE DOOR
6 SQUARE CYLINDER INDIRECT LED SCONCE
7 MODERN DOORS - CONTEMPORARY EXTERIOR DOOR
8 CERTAINTEED LANDMARK SOLARIS
GEORGETOWN GRAY COMP. SHINGLES

COLOR SCHEME



Stucco 1
SW 7005 Pure White

Stucco 2
SW 1015 Skyline Steel

Vertical Siding
SW 7013 Ivory Lace

Trim / Fascia
Garage Doors
SW 7668 March Wind

Entry Door / Accent
SW 6257 Gibraltar

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COLOR & MATERIALS
A23

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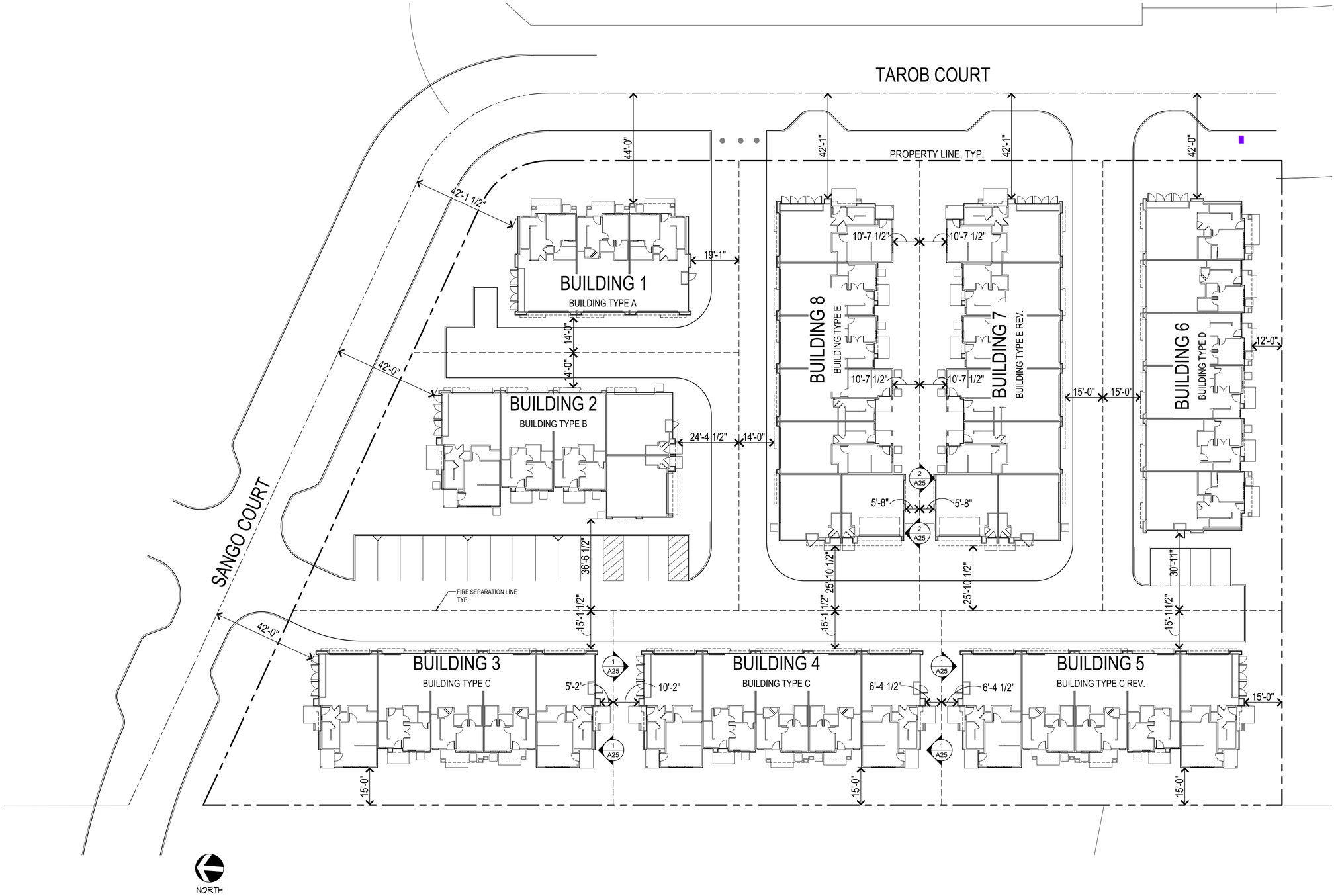

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December 21, 2023

BUILDING FIRE SEPARATION EXHIBIT
A24

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BUILDING 1 - TYPE A GROSS AREA CALCULATIONS

3-UNIT TYPE A	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	1431			1431
UTILITIES (U)	59			59
U OCCUPANCY SUB-TOTAL	1490			1490
RESIDENTIAL UNIT (R-2)	1141	2405	2529	6075
PORCH (R-2)	210	0	0	210
BALCONY (R-2)	0	482	0	482
R-2 OCCUPANCY SUB-TOTAL	1351	2887	2529	6767
TOTAL AREA PER FLOOR	2841	2887	2529	8257

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)							
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	1351	+	1490	=	0.28	
	ALLOWABLE	7000		16500			
2ND FLOOR	ACTUAL	2887	+	0	=	0.41	
	ALLOWABLE	7000		16500			
3RD FLOOR	ACTUAL	2529	+	0	=	0.36	
	ALLOWABLE	7000		16500			
TOTAL BUILDING RATIO						1.06	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2

BUILDING 2 - TYPE B GROSS AREA CALCULATIONS

5-UNIT TYPE C	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	2564			2564
UTILITIES (U)	59			59
U OCCUPANCY SUB-TOTAL	2623			2623
RESIDENTIAL UNIT (R-2)	1265	3466	3842	8573
PORCH (R-2)	245	0	0	245
BALCONY (R-2)	0	539	0	539
R-2 OCCUPANCY SUB-TOTAL	1510	4005	3842	9357
TOTAL AREA PER FLOOR	4133	4005	3842	11980

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)							
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	1510	+	2623	=	0.37	
	ALLOWABLE	7000		16500			
2ND FLOOR	ACTUAL	4005	+	0	=	0.57	
	ALLOWABLE	7000		16500			
3RD FLOOR	ACTUAL	3842	+	0	=	0.55	
	ALLOWABLE	7000		16500			
TOTAL BUILDING RATIO						1.50	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2

BUILDINGS 3, 4, & 5 - TYPE C GROSS AREA CALCULATIONS

5-UNIT TYPE C	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	2357			2357
UTILITIES (U)	59			59
U OCCUPANCY SUB-TOTAL	2416			2416
RESIDENTIAL UNIT (R-2)	2048	3900	4158	10106
PORCH (R-2)	351	0	0	351
BALCONY (R-2)	0	808	0	808
R-2 OCCUPANCY SUB-TOTAL	2399	4708	4158	11265
TOTAL AREA PER FLOOR	4815	4708	4158	13681

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)							
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	2399	+	2416	=	0.49	
	ALLOWABLE	7000		16500			
2ND FLOOR	ACTUAL	4708	+	0	=	0.67	
	ALLOWABLE	7000		16500			
3RD FLOOR	ACTUAL	4158	+	0	=	0.59	
	ALLOWABLE	7000		16500			
TOTAL BUILDING RATIO						1.76	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2

BUILDING 6 - TYPE D GROSS AREA CALCULATIONS

6-UNIT TYPE D	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	2848			2848
UTILITIES (U)	59			59
U OCCUPANCY SUB-TOTAL	2907			2907
RESIDENTIAL UNIT (R-2)	2159	4630	4990	11779
PORCH (R-2)	370			370
BALCONY (R-2)	0	790	0	790
R-2 OCCUPANCY SUB-TOTAL	2529	5420	4990	12939
TOTAL AREA PER FLOOR	5436	5420	4990	15846

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)							
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	2529	+	2907	=	0.48	
	ALLOWABLE	8190		16500			
2ND FLOOR	ACTUAL	5420	+	0	=	0.66	
	ALLOWABLE	8190		16500			
3RD FLOOR	ACTUAL	4990	+	0	=	0.61	
	ALLOWABLE	8190		16500			
TOTAL BUILDING RATIO						1.76	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2
0.17 INCREASE - PER C.B.C 506.3
{7000 + [7000 x 0.17] } = 8190

BUILDING 7 & 8 - TYPE E GROSS AREA CALCULATIONS

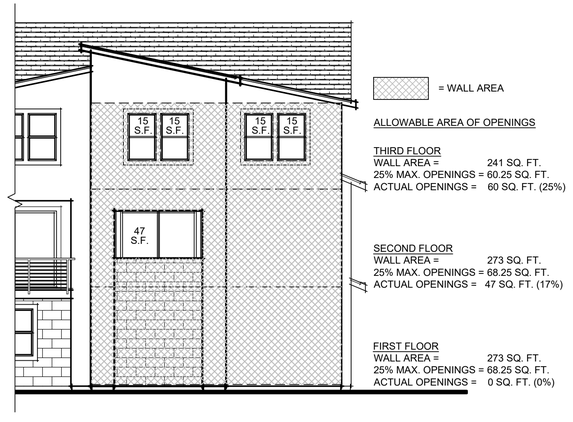
7-UNIT TYPE E	AREA CALCULATION TABLE			
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
GARAGE (U)	3491			3491
UTILITIES (U)	60			60
U OCCUPANCY SUB-TOTAL	3551			3551
RESIDENTIAL UNIT (R-2)	2112	4998	5436	12546
PORCH (R-2)	323	0	0	323
BALCONY (R-2)	0	906	0	906
R-2 OCCUPANCY SUB-TOTAL	2435	5904	5436	13775
TOTAL AREA PER FLOOR	5986	5904	5436	17326

	MIXED OCCUPANCY AREA DETERMINATION (C.B.C. 506.2.2)							
		(R-2)		(U)		CALCULATED RATIO PER 506.2.2*	MAX. RATIO PER 506.2.2
1ST FLOOR	ACTUAL	2435	+	3551	=	0.51	
	ALLOWABLE	8190		16500			
2ND FLOOR	ACTUAL	5904	+	0	=	0.72	
	ALLOWABLE	8190		16500			
3RD FLOOR	ACTUAL	5436	+	0	=	0.66	
	ALLOWABLE	8190		16500			
TOTAL BUILDING RATIO						1.90	2.00

*FLOOR RATIO NOT TO EXCEED 1 PER C.B.C. 508.4.2
0.17 INCREASE - PER C.B.C 506.3
{7000 + [7000 x 0.17] } = 8190



1 BUILDING 3 RIGHT ELEVATION
BUILDING 4 RIGHT ELEVATION
BUILDING 5 LEFT ELEVATION (REV)



2 BUILDING 7 FRONT ELEVATION (REV)
BUILDING 8 FRONT ELEVATION

0 2' 4' 6' 8' 16'

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ALLOWABLE OPENINGS EXHIBITS
A25

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VESTING TENTATIVE MAP
GEOMAX II

CITY OF MILPITAS, SANTA CLARA COUNTY, CALIFORNIA

FOR: TOLL BROTHERS

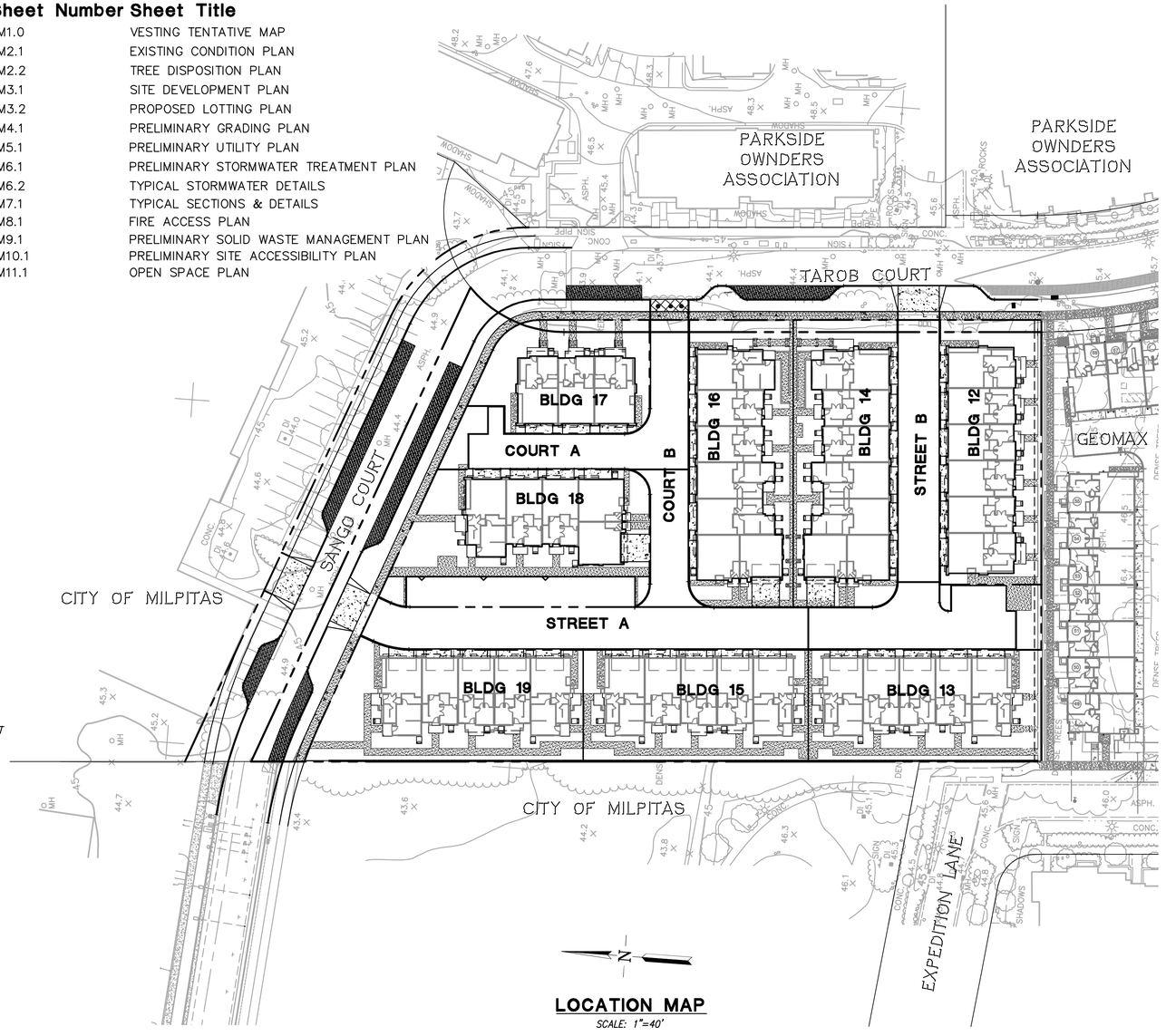
BENCHMARK

SURVEY DISK SET IN THE TOP OF THE SOUTHEAST CONCRETE WALL OF AN 8 X 9-FOOT CONCRETE CATCH BASIN, 44.2 FEET SOUTHWEST OF THE SOUTHWEST RAIL OF THE TRACK, 31.5 FEET NORTHWEST OF THE CENTERLINE OF THE ROAD, 0.8 FEET WEST OF THE EAST CORNER OF THE WALL, AND ABOUT 2 FEET LOWER THAN THE TRACK.

ELEVATION = 51.91 (NAVD 88)

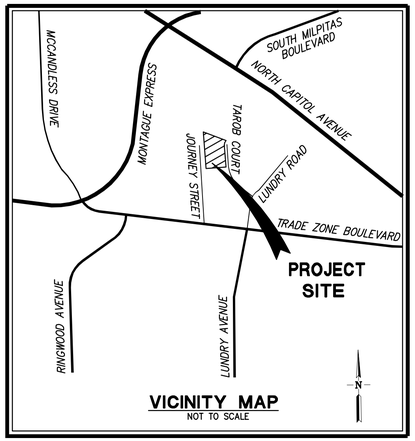
SHEET INDEX

Sheet Number	Sheet Title
TM1.0	VESTING TENTATIVE MAP
TM2.1	EXISTING CONDITION PLAN
TM2.2	TREE DISPOSITION PLAN
TM3.1	SITE DEVELOPMENT PLAN
TM3.2	PROPOSED LOTTING PLAN
TM4.1	PRELIMINARY GRADING PLAN
TM5.1	PRELIMINARY UTILITY PLAN
TM6.1	PRELIMINARY STORMWATER TREATMENT PLAN
TM6.2	TYPICAL STORMWATER DETAILS
TM7.1	TYPICAL SECTIONS & DETAILS
TM8.1	FIRE ACCESS PLAN
TM9.1	PRELIMINARY SOLID WASTE MANAGEMENT PLAN
TM10.1	PRELIMINARY SITE ACCESSIBILITY PLAN
TM11.1	OPEN SPACE PLAN



LOCATION MAP

SCALE: 1"=40'



VICINITY MAP

NOT TO SCALE

1. *OWNER:* GEOMAX, C/O TOLL BROTHERS, 6800 KOLL CENTER PARKWAY, SUITE 320, PLEASANTON, CA 94566, (925) 249-6010, CONTACT: ALLIE SWEENEY
2. *DEVELOPER:* TOLL BROTHERS, 6800 KOLL CENTER PARKWAY, SUITE 320, PLEASANTON, CA 94566, (925) 249-6010, CONTACT: ALLIE SWEENEY
3. *CIVIL ENGINEER:* RUGGERI-JENSEN-AZAR, 4690 CHABOT DRIVE, SUITE 200, PLEASANTON, CA 94588, (925) 227-9100, CONTACT: DOMINIC CARUCCI, RCE 85585
4. *GEOTECHNICAL ENGINEER:* ENGEO, 751 13TH STREET, SAN FRANCISCO, CA 94130, (858) 282-1595, CONTACT: TERESA KLOTZBACK
5. *ASSESOR'S PARCEL NUMBERS:* 086-36-041
6. *PROPERTY DESCRIPTION:* PARCELS 4 & 5, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP", WHICH WAS FILED FOR RECORD ON NOVEMBER 28, 1978 IN BOOK 431 OF MAPS, PAGE(S) 2 AND 3, IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA.
7. *EXISTING USE:* INDUSTRIAL
8. *PROPOSED USE:* MULTI-FAMILY RESIDENTIAL
9. *EXISTING ZONING:* R-3 TOD
10. *PROPOSED ZONING:* R-3 TOD
11. *GENERAL PLAN LAND DESIGNATION:* MILPITAS METRO SPECIFIC PLAN
12. *GROSS AREA:* 2.3± ACRES
15. *TOTAL NUMBER OF LOTS:* 9
16. *TOTAL NUMBER OF UNITS:* 43
17. *UTILITIES:*
    a. *WATER:* CITY OF MILPITAS
    b. *SANITARY SEWER:* CITY OF MILPITAS
    c. *STORM DRAIN:* CITY OF MILPITAS
    d. *GAS AND ELECTRIC:* PACIFIC GAS AND ELECTRIC
    e. *TELEPHONE:* AT&T
    f. *CABLE TV:* COMCAST
18. *TOPOGRAPHIC INFORMATION SHOWN IS BASED ON AERIAL SURVEY PREPARED IN MAY 2023.*
19. *THE PROPERTY IS WITHIN ZONE AO (DEPTH 1'), AS SHOWN IN FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 06085C0069H, DATED MAY 18, 2009.*
20. *IT IS THE INTENT OF THE DEVELOPER TO FILE CONDOMINIUM PLANS AFTER THE FINAL MAP APPROVAL.*

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	MATCH LINE	
	RETAINING WALL	
	EASEMENT LINE	
12"SD	STORM DRAIN	EX 12"SD
8"SS	SANITARY SEWER	EX 12"SS
12"W	POTABLE WATER	EX 12"W
8"W(R)	RECYCLED WATER	EX 8"W(R)
	CURB & GUTTER	EX FC
	SAWCUT	
	SIDEWALK	
	EARTH OR GRASS SWALE	
	VALLEY GUTTER	
	STORM WATER INLET	
	DROP INLET	
	AREA DRAIN	
	BUBBLE UP	
	MANHOLE	
	SANITARY SEWER CLEAN OUT	
	SANITARY SEWER LATERAL	
	FIRE HYDRANT	
	BLOW OFF	
	WATER SERVICE WITH METER BOX	
	BACKFLOW DEVICE	
	WATER VALVE	
	AIR RELEASE VALVE	
	POST INDICATOR VALVE	
	FIRE DEPARTMENT CONNECTION	
	SINGLE ARM STREET LIGHT	
	DOUBLE ARM STREET LIGHT	
	POST TOP LIGHT	
	PEDESTRIAN LIGHT	
	MONUMENT	
	TRAFFIC SIGN	
	STREET NAME SIGN	
	FENCE	
	BARRICADE	
	CURB RAMP	
130 x 525.2	CONTOUR ELEVATIONS	130 x525.2
	SPOT ELEVATION	
	NEW ASPHALT PAVEMENT	
	BIO-RETENTION AREA	

ABBREVIATIONS

AB	AGGREGATE BASE	PAE	PRIVATE VEHICLE ACCESS EASEMENT
AC	ASPHALT CONCRETE	PAV	PAVEMENT
AD	AREA DRAIN	PL	PROPERTY LINE
BC	BEGINNING OF CURVE	PIEE	PRIVATE VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS EASEMENT
BOC	BACK OF CURVE	PPAE	PRIVATE PEDESTRIAN ACCESS EASEMENT
BNDY	BOUNDARY	PSSE	PRIVATE SANITARY SEWER EASEMENT
BOT	BOTTOM	PSDE	PRIVATE STORM DRAIN EASEMENT
BSW	BACK OF SIDEWALK	PSUE	PUBLIC SERVICE UTILITY EASEMENT
BW	BOTTOM OF WALL	PRUE	PRIVATE SERVICES AND UTILITY EASEMENT
CL	CENTER LINE	PRSE	PRIVATE RECIPROCAL SIDEYARD EASEMENT
DI	DROP INLET	PWLE	PRIVATE WATER LINE EASEMENT
DMA	DRAINAGE MANAGEMENT AREA	PUE	PUBLIC UTILITY EASEMENT
DU	DWELLING UNITS	PVC	POLYVINYL CHLORIDE PIPE
EC	END OF CURVE	RET	CURB RETURN
ESMT	EASEMENT	RW	RIGHT OF WAY
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	SD	STORM DRAIN
EX	EXISTING	SF	SQUARE FEET
FC	FACE OF CURB	SL	STREET LIGHT
FF	FINISHED FLOOR	SNS	STREET NAME SIGN
FG	FINISHED GRADE	SS	SANITARY SEWER
FH	FIRE HYDRANT	SSCO	SANITARY SEWER CLEANOUT
FL	FLOW LINE	STD	STANDARD
GB	GRADE BREAK	SWE	PUBLIC SIDEWALK EASEMENT
HP	HIGH POINT	SWK	SIDEWALK
INV	INVERT ELEVATION	SWI	STORM WATER INLET
LAT	LATERAL	TC	TOP OF CURB
LF	LINEAR FOOT	TG	TOP OF GRATE
LP	LOW POINT	TW	TOP OF WALL
JT	JOINT TRENCH	TYP	TYPICAL
MAX	MAXIMUM	W	WATER LINE
MH	MANHOLE	WLE	WATER LINE EASEMENT
MIN	MINIMUM	WM	WATER METER
OH	OVERHEAD	WS	WATER SERVICE
P	PAD ELEVATION		

354.012 Tarob - Geomax II
Milpitas, CA
April 17, 2024

Toll Brothers
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Pleasanton, CA 94566 | 925.249-6000

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RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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PARKSIDE OWNDERS ASSOCIATION

PARKSIDE OWNDERS ASSOCIATION

TAROB COURT

SANGO COURT

CITY OF MILPITAS

CITY OF MILPITAS

GEOMAX

EX 27"SD

EX 24"SD

EX 8"SS

EX 8"RW

EX 12"W

EX ELEC

EX COM

EX 15"SD

EX 8"SS

EX 1 1/4" GAS

EX 30"SD

EX SD

EX 12"W

EX 10" PSUE IN FAVOR OF CITY OF MILPITAS (B 431 M 2/3) 7' TO BE QUITCLAIMED

EX 15' PSUE IN FAVOR OF CITY OF MILPITAS TO REMAIN

EX 10' PSUE IN FAVOR OF CITY OF MILPITAS TO BE QUITCLAIMED

EX 20' PSUE IN FAVOR OF CITY OF MILPITAS (B 431 M 2/3) 5' TO BE QUITCLAIMED

R=70.00'
Δ=51°00'00"
L=62.3

N04°12'22"W 78.0'

N04°12'22"W 197.8'

R=338.00'
Δ=0°22'35"
L=2.2

S89°22'35"E 304.1'

N85°47'38"E 250.0'

N85°47'32"E 250.0'

N04°12'22"W 193.3'

N04°12'23"W 135.8'

EXISTING ELECTRICAL TO BE RELOCATED WITHIN AN EASEMENT TO ENSURE UNINTERRUPTED FUNCTIONALITY, UNLESS SPECIFIED OTHERWISE BY THE CITY.

GROSS AREA= 1.17 AC
APN: 086-36-041
GEOMAX II

GROSS AREA= 1.15 AC
APN: 086-36-041
GEOMAX II

DENSE TREES

SHADOW

ASPH.

CONC.

SIGN

REGISTERED PROFESSIONAL ENGINEER
DOMINIC R. CARUCCI
No. 85585
CIVIL
STATE OF CALIFORNIA

N

0 20 40 60

1 inch = 20 ft.

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April 17, 2024

EXISTING CONDITION PLAN
TM2.1

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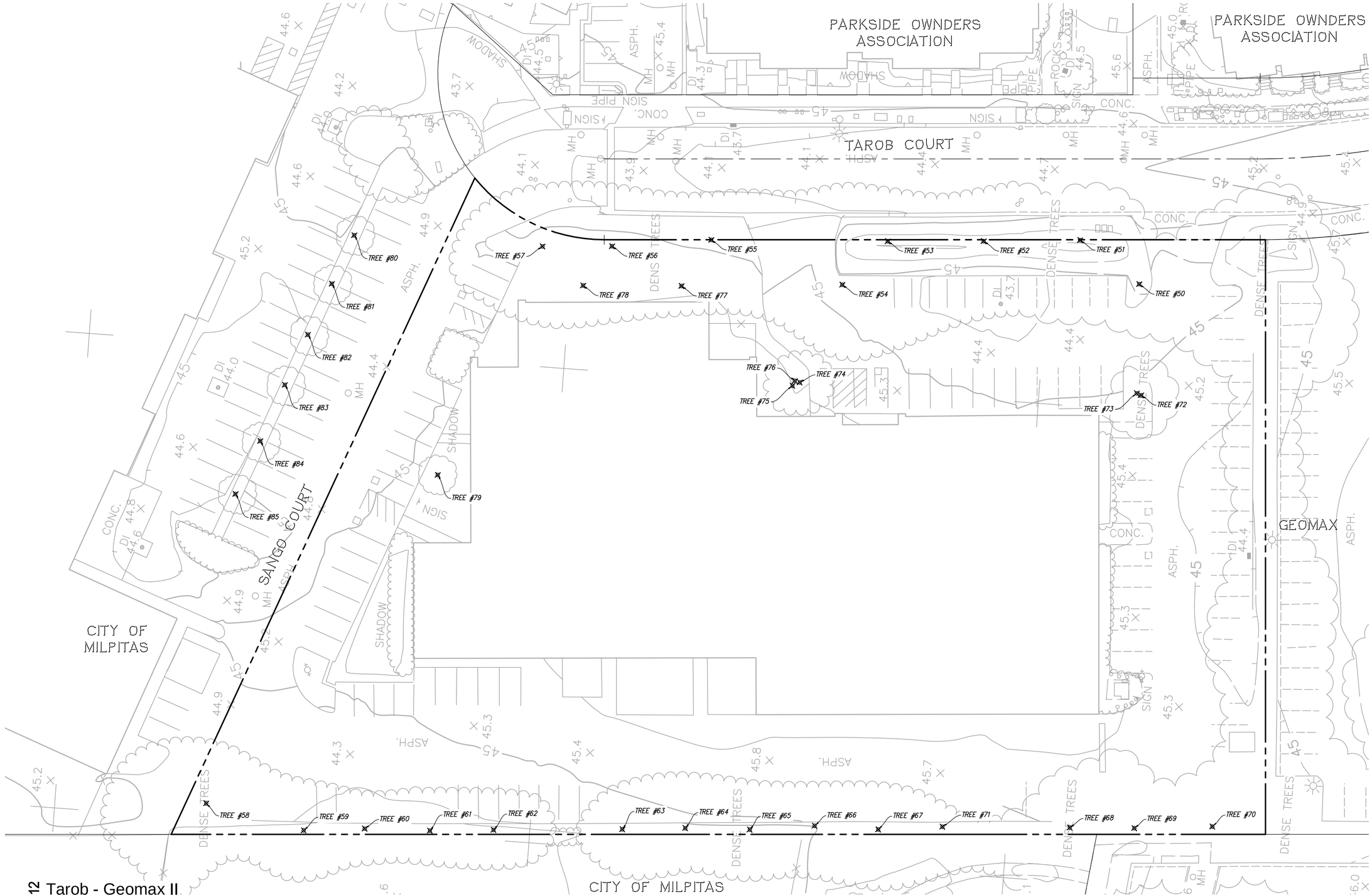

TREE NO.	COMMON NAME	PROTECTED?	PROPOSED
50	American Sycamore	Y	Remove
51	American Sycamore	Y	Remove
52	American Sycamore	Y	Remove
53	American Sycamore	Y	Remove
54	Evergreen Ash	Y	Remove
55	American Sycamore	Y	Remove
56	American Sycamore	Y	Remove
57	American Sycamore	Y	Remove
58	Evergreen Ash	Y	Remove
59	Evergreen Ash	Y	Remove
60	Evergreen Ash	Y	Remove
61	Evergreen Ash	Y	Remove
62	Evergreen Ash	Y	Remove
63	Evergreen Ash	Y	Remove
64	Evergreen Ash	Y	Remove
65	Evergreen Ash	Y	Remove
66	Evergreen Ash	Y	Remove
67	Evergreen Ash	Y	Remove
68	Evergreen Ash	Y	Remove
69	Evergreen Ash	Y	Remove
70	Evergreen Ash	Y	Remove
71	American Sycamore	N	Remove
72	Carob	N	Remove
73	Carrot Wood	N	Remove
74	Carrot Wood	N	Remove
75	Carrot Wood	N	Remove
76	Carrot Wood	N	Remove
77	Flowering Cherry	N	Remove
78	Flowering Cherry	N	Remove
79	Flowering Cherry	N	Remove
80	Crape Myrtle	N	Remain
81	Crape Myrtle	N	Remain
82	Crape Myrtle	N	Remain
83	Crape Myrtle	N	Remain
84	Crape Myrtle	N	Remain
85	Crape Myrtle	N	Remain

LEGEND

- ○ EX TREE TO REMAIN
- ✕ EX TREE TO BE REMOVED

NOTES:

1. EXISTING TREES AND TREE NUMBERS ARE BASED ON THE ARBORIST REPORT PREPARED BY LIVE OAK ASSOCIATES, DATED MAY 24, 2023.

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April 17, 2024

TREE DISPOSITION PLAN
TM2.2

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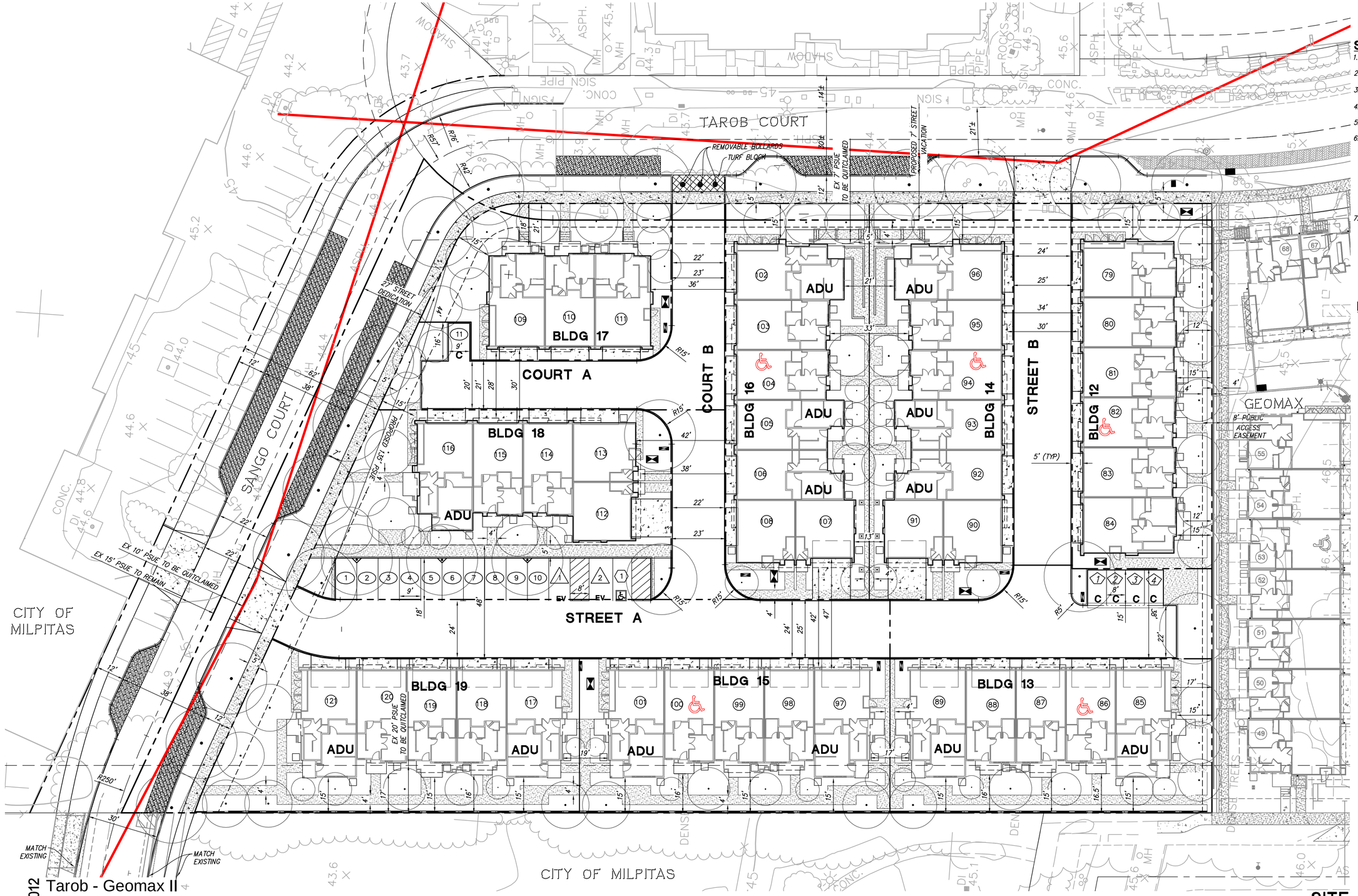

SITE DATA SUMMARY

1.	GROSS AREA:	2.3± ACRES
2.	NET AREA:	2.2± ACRES
3.	NUMBER OF UNITS:	56 (INCLUDES 13 ADU'S)
4.	NET DENSITY:	25.5 UNITS/ACRE
5.	PROPOSED NUMBER OF LOTS:	9
6.	PARKING SUMMARY:	
	a. GARAGE	86
	b. ONSITE	
	STANDARD	11
	COMPACT	4
	ADA	1
	EV	2
	TOTAL=	18
7.	SITE COVERAGE CALCULATIONS:	
	a. STREETS & COURTS	= 24,105 SF
	b. BUILDING	= 42,963 SF
	c. COMMON AREA/ OPEN SPACE	= 28,180 SF
	TOTAL =	95,248 SF

LEGEND

- (1) ADA STALL
- (9) STANDARD STALL (9'x18')
- (3) EV STALL
- (3) COMPACT STALL
- ADA UNIT (5 TOTAL)
- ADU — ADU UNIT (13 TOTAL)
- STAMPED ASPHALT PAVERS
- SIGHT DISTANCE

N

0 20 40 60

1 inch = 20 ft.

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April 17, 2024

SITE DEVELOPMENT PLAN
TM3.1

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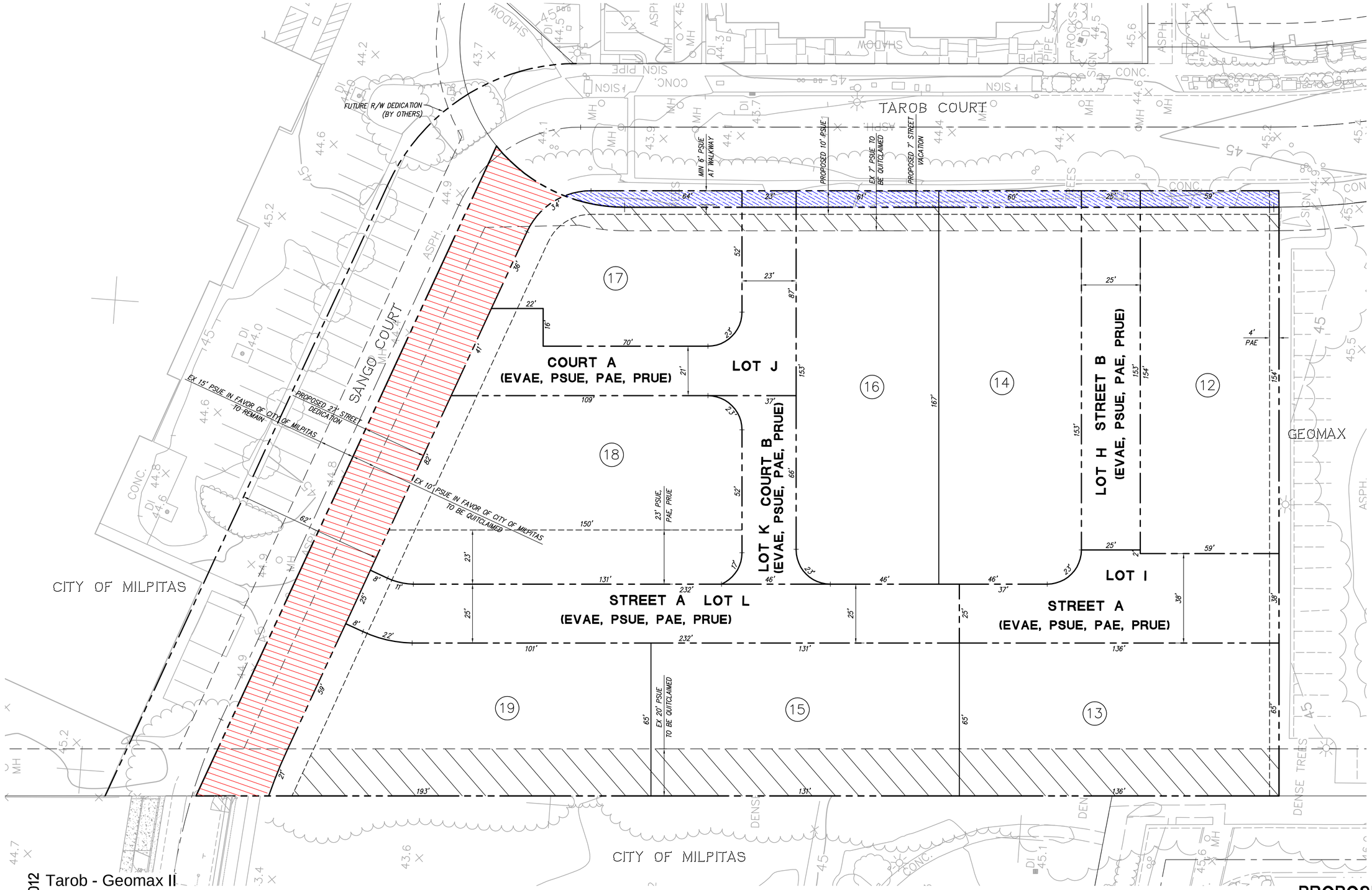

LEGEND

- PROPOSED STREET DEDICATION
- EX PSUE TO BE QUITCLAIMED
- PROPOSED STREET VACATION

NOTE:

1. ALL ON SITE STREETS ARE PRIVATELY OWNED & MAINTAINED BY HOMEOWNERS ASSOCIATES.

LOT AREA TABLE	
LOT #	AREA (SF)
12	9,082
13	8,822
14	10,074
15	8,508
16	10,074
17	5,987
18	11,242
19	9,737
LOT H	3,813
LOT I	4,570
LOT J	4,950
LOT K	1,963
LOT L	6,418

0 20 40 60

1 inch = 20 ft.

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April 17, 2024

PROPOSED LOTTING PLAN
TM3.2

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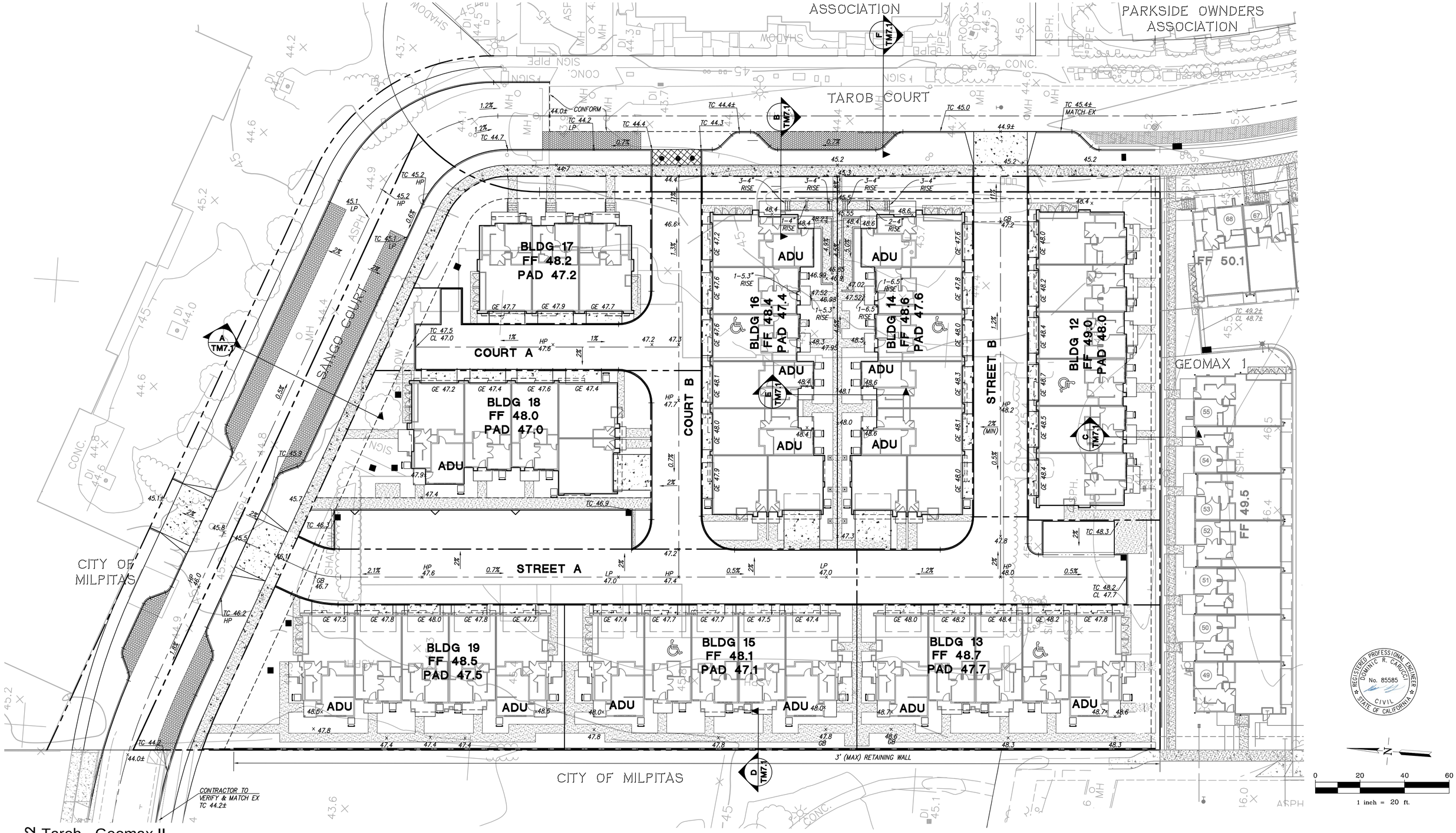

REGISTERED PROFESSIONAL ENGINEER
DOMINIC R. CARUCCI
No. 85585
CIVIL
STATE OF CALIFORNIA

0 20 40 60

1 inch = 20 ft.

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Milpitas, CA
April 17, 2024

PRELIMINARY GRADING PLAN
TM4.1

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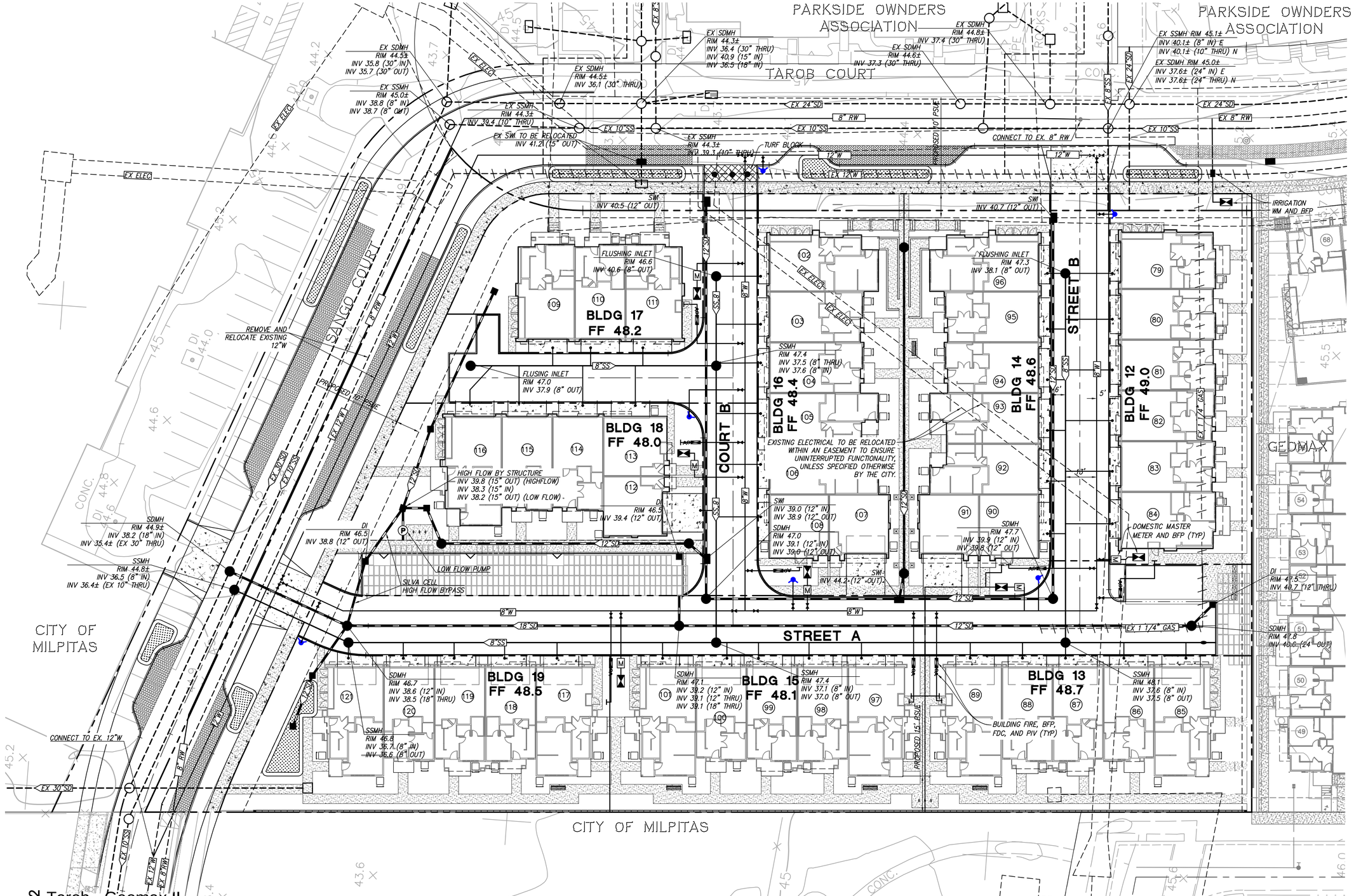

LEGEND

EXISTING UTILITY TO BE ABANDONED OR REMOVED.

NOTES:
1. BUILDING 13 AND 14 SHALL HAVE A SEWAGE BACKFLOW INSTALLED SINCE FF LESS THAN 1' ABOVE NEAREST UPSTREAM MANHOLE

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April 17, 2024

PRELIMINARY UTILITY PLAN
TM5.1

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STORMWATER TREATMENT CALCULATIONS

DMA	TOTAL AREA (SF)	IMPERVIOUS AREA (SF)	PERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	TYPE OF TREATMENT MEASURE	DETAIL (SHEET 6.2)
1	72,049	54,767	17,282	56,495	2,260	2,364	SILVA CELL	5
2	11,462	6,529	4,933	7,022	281	281	BIO-RETENTION	1
3	11,876	8,228	3,648	8,593	344	384	SILVA CELL	5
4	2,710	2,076	634	2,139	86	91	BIO-RETENTION	5
5	5,671	4,534	1,137	4,648	186	190	BIO-RETENTION	5
6	5,475	4,242	1,233	4,365	175	187	BIO-RETENTION	5
7	6,146	5,253	893	5,342	214	225	BIO-RETENTION	5
8	2,489	2,000	489	2,049	82	103	BIO-RETENTION	5
9	3,223	1,949	1,274	2,076	83	91	BIO-RETENTION	5
10	6,378	4,272	2,106	4,483	179	190	BIO-RETENTION	5
TOTAL	127,479	93,850	33,629	97,213	3,889	4,106		

NOTES:

1. THE STORMWATER TREATMENT TABLE CALCULATIONS ARE BASED ON THE SANTA CLARA COUNTYWIDE CLEAN WATER PROGRAM, C.3 STORMWATER TECHNICAL GUIDANCE, DATED JANUARY 1, 2015, AND THE FOLLOWING CRITERIA:
   a. EFFECTIVE IMPERVIOUS AREA = IMPERVIOUS AREA + 10% OF PERVIOUS AREA
   b. 0.2 INCHES/HOUR RAINFALL INTENSITY ON 100% OF EFFECTIVE IMPERVIOUS AREA.
   c. SOIL FOR TREATMENT MEDIUM WITH A 5 INCHES/HOUR INFILTRATION RATE.
2. SIZING FACTOR OF 0.04 NOTED ABOVE IS CALCULATED BASED ON THE FOLLOWING CRITERIA:
   a. SIZING FACTOR=(0.2 IN/HR)/(5 IN/HR)=0.04

LEGEND

- DRAINAGE MANAGEMENT AREA (DMA)
- BIO-RETENTION AREA
- SILVA CELLS

0 20 40 60

1 inch = 20 ft.

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Milpitas, CA
April 17, 2024

PRELIMINARY STORMWATER TREATMENT PLAN
TM6.1

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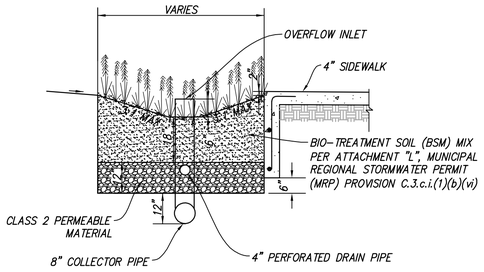
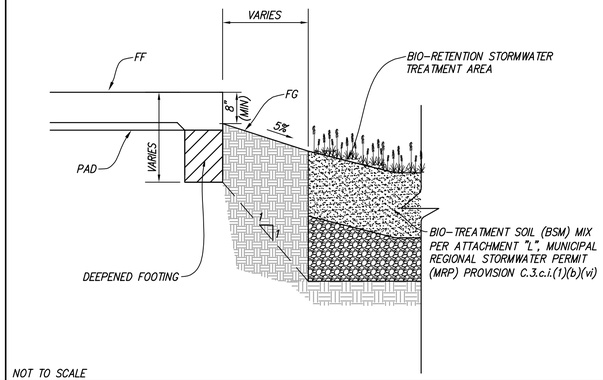


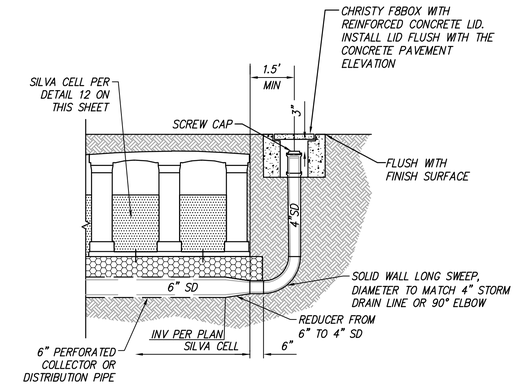
NOT TO SCALE

1 BIO-RETENTION NEXT TO SIDEWALK



NOT TO SCALE

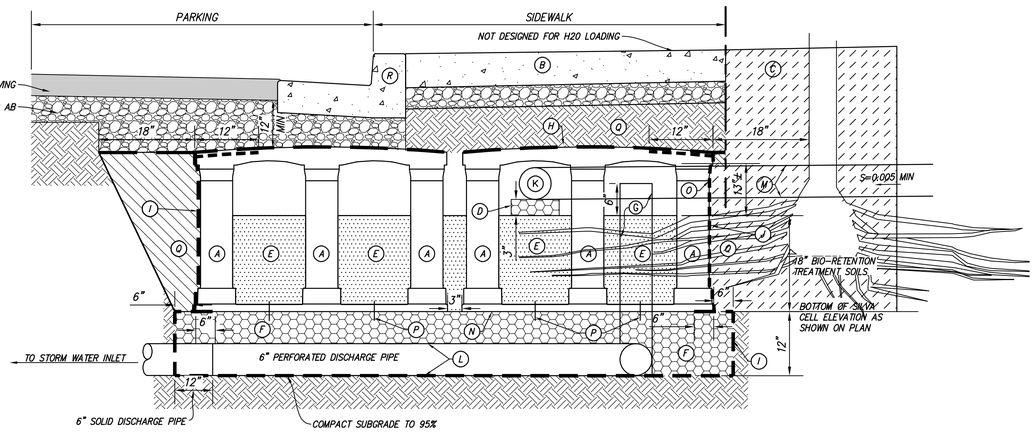
2 DEEPENED BUILDING FOUNDATION ADJACENT TO BIO-RETENTION



NOT TO SCALE

3 SILVA CELL CLEANOUT DETAIL

4



KEY PLAN

- (A) 2X SILVA CELL SYSTEM BY DEEP ROOT (DECK, BASE, AND POSTS)
- (B) CONCRETE SIDEWALK
- (C) PLANTING SOIL PER LANDSCAPE ARCHITECT
- (D) 2" DRAIN ROCK
- (E) BIO-RETENTION TREATMENT SOILS (BSM) MIX PER ATTACHMENT "L", MUNICIPAL REGIONAL STORMWATER PERMIT (MRP) PROVISION C.3.c.i.(1)(b)(vi)
- (F) CLASS 2 PERMEABLE MATERIAL PER CALTRANS SPECIFICATIONS, SECTION 68, COMPACTED TO 95%.
- (G) 6" SDR SOLID PVC OVERFLOW RISER
- (H) MIRAFI HP570 – GEOTEXTILE FABRIC 18" MIN OVERLAP & EXTEND GEOTEXTILE TO EDGE OF EXCAVATION.
- (I) 20MIL STEGO WRAP – PLACED AROUND SIDES AND BOTTOM OF CLASS 2 PERMEABLE MATERIAL AND SIDEWALL OF SILVA CELL
- (J) MIRAGRID 2XT – GEOGRID TO LINE PERIMETER OF SYSTEM WITH 6" TOE (OUTWARD FROM BASE) AND 12" EXCESS (OVER TOP OF DECK).
- (K) 6" SDR-35 PVC PERFORATED DISTRIBUTION PIPE.
- (L) 6" SDR-35 PVC PERFORATED COLLECTOR PIPE.
- (M) 6" SDR-35 SOLID PVC PIPE INTO SILVA CELL SYSTEM.
- (N) SILVA CELL BASE
- (O) CABLE TIE, ATTACHING GEOGRID TO SILVA CELL AT BASE OF UPPER LEG FLARE.
- (P) PIN, PER SILVA CELL SPECIFICATIONS.
- (Q) NATIVE BACKFILL, COMPACTED TO SOILS ENGINEER RECOMMENDATION.
- (R) 6" CURB AND GUTTER

NOT TO SCALE

5 TYPICAL SILVA CELL DETAIL

6

NOT TO SCALE

7

NOT TO SCALE

9

NOT TO SCALE

10

NOT TO SCALE

11

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TYPICAL STORMWATER DETAILS
TM6.2

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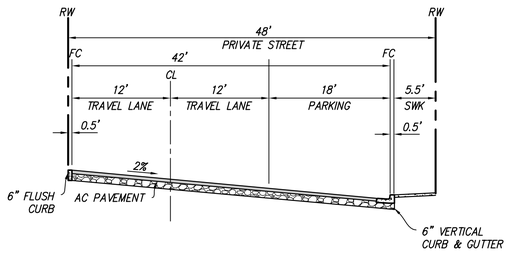

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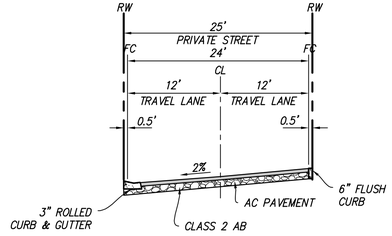
1 STREET A



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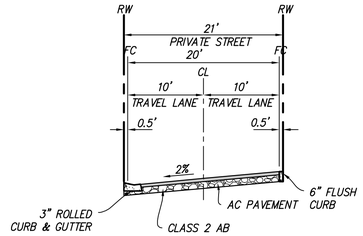
2 STREET B



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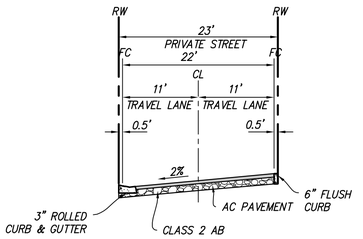
3 COURT A



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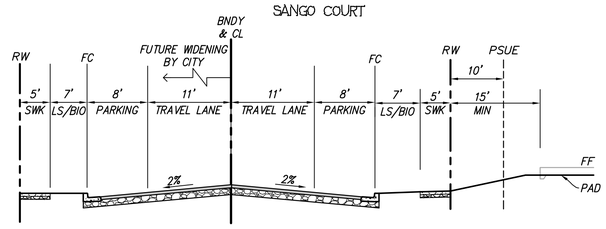
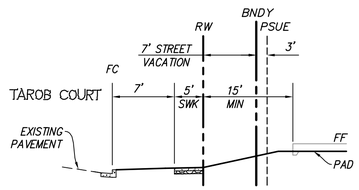
4 COURT B



NOT TO SCALE

5 SECTION A



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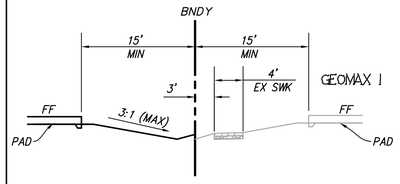
6 SECTION B



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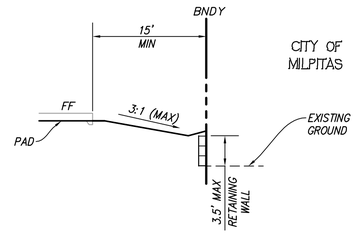
7 SECTION C



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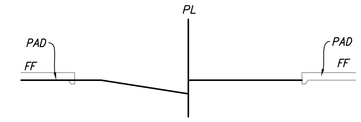
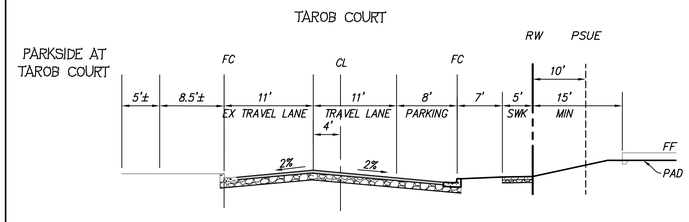
8 SECTION D



NOT TO SCALE

9 SECTION E



NOT TO SCALE

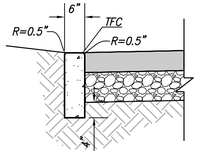
10 SECTION F

12

13

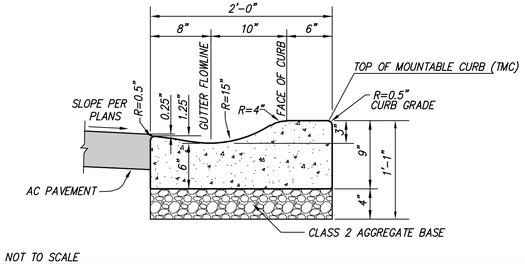
14

15



NOT TO SCALE

16 6" FLUSH CURB



NOT TO SCALE

17 3" ROLLED CURB & GUTTER

18

19

20

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TYPICAL SECTIONS & DETAILS
TM7.1

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PARKSIDE OWNERS ASSOCIATION

PARKSIDE OWNERS ASSOCIATION

TAROB COURT

SANGO COURT

COURT B

STREET A

STREET B

BLDG 17

BLDG 18

BLDG 16

BLDG 14

BLDG 12

BLDG 19

BLDG 15

BLDG 13

GEOMAX

CITY OF MILPITAS

CITY OF MILPITAS

R=48.5'

REMOVABLE BOLLARDS

EX. FIRE HYDRANT TO BE RELOCATED

EVA ONLY

EX FIRE HYDRANT TO BE RELOCATED

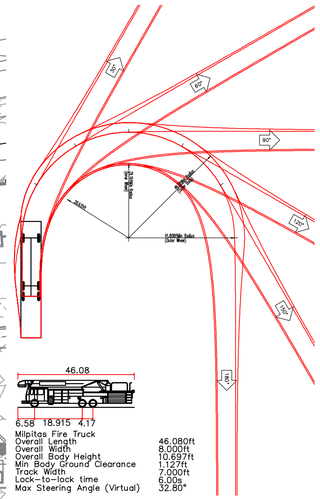
150' MAX

EV

C C C C

LEGEND

- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- WHEEL PATH
- VEHICLE ENVELOPE
- HOSE PULL
- FIRE CLOSET



Milpitas Fire Truck	
Overall Length	46.080ft
Overall Width	8.000ft
Overall Body Height	10.697ft
Min Body Ground Clearance	1.127ft
Track Width	7.000ft
Lock-to-lock time	6.00s
Max Steering Angle (Virtual)	32.80°

FIRE TRUCK TURNING TEMPLATE
1"=30'

0 20 40 60

1 inch = 20 ft.

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FIRE ACCESS PLAN
TM8.1

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PARKSIDE OWNDERS ASSOCIATION

PARKSIDE OWNDERS ASSOCIATION

TAROB COURT

REMOVABLE BOLLARDS

SANGO COURT

CITY OF MILPITAS

BLDG 17

BLDG 18

BLDG 16

BLDG 14

BLDG 12

COURT B

STREET B

STREET A

BLDG 19

BLDG 15

BLDG 13

GEOMAX

CITY OF MILPITAS

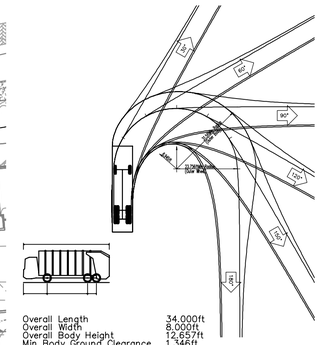
JOURNEY STREET

LEGEND

WHEEL PATH

VEHICLE ENVELOPE

WASTE BINS



Overall Length	34.000ft
Overall Width	8.000ft
Overall Body Height	12.657ft
Min Body Ground Clearance	1.346ft
Track Width	6.363ft
Lock-to-lock time	4.0s
Wall to Wall Turning Radius	7.500ft

SOLID WASTE TRUCK TURNING TEMPLATE

1"=30'

0 20 40 60

1 inch = 20 ft.

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PRELIMINARY SOLID WASTE MANAGEMENT PLAN

TM9.1

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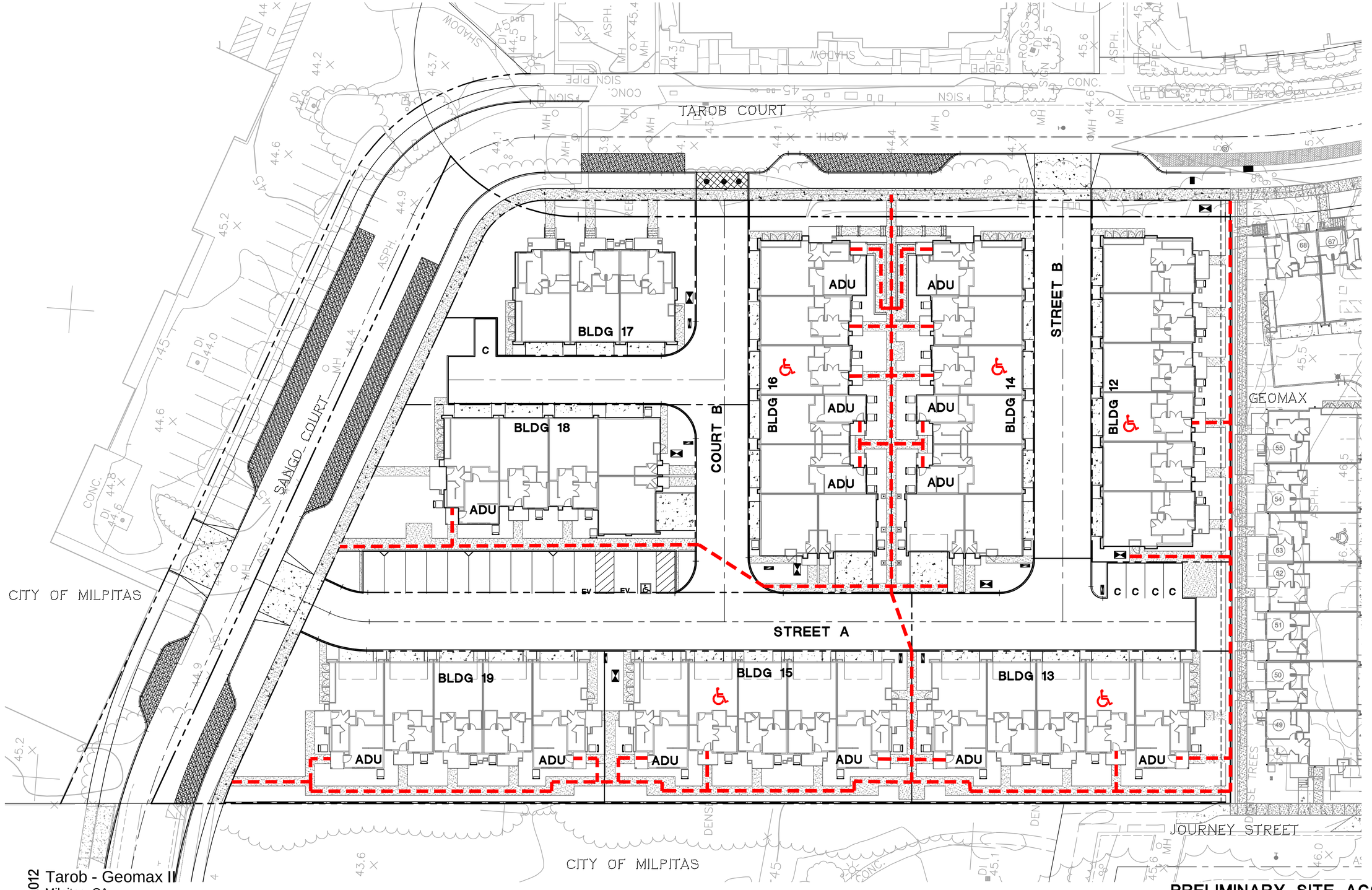

LEGEND

- ACCESSIBLE ROUTE
- ACCESSIBLE UNIT
- ADA PARKING

N

0 20 40 60

1 inch = 20 ft.

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PRELIMINARY SITE ACCESSIBILITY PLAN

TM10.1

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OPEN SPACE REQUIREMENTS		
DESCRIPTION	**REQUIRED**	**PROVIDED**
RESIDENTIAL OPEN SPACE: 25% OF TOTAL LOT AREA IS LANDSCAPE/OPEN SPACE	*23,847 SF*	*27,632 SF*
** PRIVATE USABLE OPEN SPACE: AN AVERAGE OF 200 SF OF USEABLE OPEN SPACE SHALL BE PROVIDED FOR EACH DWELLING UNIT*	*8,600 SF*	*12,844 SF*

*12,844 SF = (0.30*23,847) + DECKS 5,690 SF)*

LEGEND

RESIDENTIAL OPEN SPACE AREA

PARKSIDE OWNDERS ASSOCIATION

PARKSIDE OWNDERS ASSOCIATION

TAROB COURT

SANGO COURT

CITY OF MILPITAS

BLDG 17 3-PLEX

BLDG 18 5-PLEX

COURT B

BLDG 16 7-PLEX

BLDG 14 7-PLEX

STREET B

BLDG 12 6-PLEX

GEOMAX

STREET A

BLDG 19 5-PLEX

BLDG 15 5-PLEX

BLDG 13 5-PLEX

CITY OF MILPITAS

JOURNEY STREET

0 20 40 60

1 inch = 20 ft.

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April 17, 2024

OPEN SPACE PLAN
TM11.1

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Milpitas, CA
December 21, 2023

Illustrative Site Plan
L-1.1

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PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com
R3 STUDIOS



CONCRETE STEPS WITH CHEEKWALL
REFER TO DETAIL 3 SHEET L-5.1

SCREEN TREE:
REFER TO PROPOSED PLANT PALETTE
SHEET L-2

PLANTING AREA:
REFER TO PROPOSED PLANT PALETTE
SHEET L-2

STAMPED AND COLORED PAVING:
REFER TO MILPITAS TRANSIT AREA
SPECIFIC DETAIL SE-1 STAMPED CONCRETE
FOR MEDIANS AND PARKING LANES

BICYCLE RACKS
3 IN THIS LOCATION FOR A TOTAL
OF 6 BICYCLE PARKING SPACES,
REFER TO IMAGE SHEET L-4

CONCRETE DRIVEWAY:
REFER TO PLANS PREPARED BY
RJA CIVIL ENGINEERS

TUBULAR STEEL FENCE OVER RETAINING WALL:
REFER TO DETAIL 1 SHEET L-5.2

STORM WATER TREATMENT PLANTING:
REFER TO PROPOSED PLANT PALETTE
SHEET L-2

STREET TREES:
TO MATCH ADJACENT TAROB COURT
STREET TREES

PASEO
- PASEO ARBORS: REFER TO IMAGE SHEET L-4
- BENCHES: REFER TO IMAGE SHEET L-4
- CONCRETE RAMP
- 4'-0" WIDE CONCRETE WALKWAY WITH 4'-0" WIDE CONCRETE ENTRY WALKS: REFER TO DETAIL 1 SHEET L-5.1

4' WIDE CONCRETE ENTRY WALKWAY
REFER TO DETAIL 1 SHEET L-5.1

FLOWERING ACCENT TREE:
REFER TO PROPOSED PLANT PALETTE
SHEET L-2

AIR CONDENSOR SCREEN:
REFER TO DETAIL 2 SHEET L-5.1

MAILBOX STATIONS, PARCEL LOCKERS, AND WASTE RECEPTACLE
REFER TO IMAGE SHEET L-4

BICYCLE RACKS
3 IN THIS LOCATION FOR A TOTAL
OF 6 BICYCLE PARKING SPACES,
REFER TO IMAGE SHEET L-4

BENCH
REFER TO IMAGE SHEET L-4

TOTAL PROPOSED TREES: 107

PLAN VIEW
Scale: 1"=20'-0"

0' 10' 20' 40'

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Preliminary Landscape Plan
L-1.2

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LANDSCAPE ARCHITECTURE
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phone: 510.452.4190 www.r3studios.com
R3 STUDIOS

PROPOSED PLANT PALETTE

	BOTANICAL NAME	COMMON NAME	MINIMUM CONTAINER SIZE	EXPOSURE	COMMENTS	WUCOLS
	STREET TREES:					
	PISTACIA CHINENSIS	CHINESE PISTACHE	36" BOX	SUN	STANDARD	M
	NARROW EVERGREEN TREES:					
	ARBUTUS 'MARINA'	NCN	24" BOX	N/A	STANDARD	M
*	CALODEDRUS DECURRENS	CALIFORNIA INCENSE CEDAR	24" BOX	N/A	STANDARD	M
	MAGNOLIA GRANDIFLORA 'TEDDY BEAR'	MAGNOLIA	36" BOX	SUN/SHADE	STANDARD	M
	MAGNOLIA 'LITTLEL GEM'	LITTLE GEM MAGNOLIA	24" BOX	N/A	STANDARD	L
	TRISTANIA LAURINA	NCN	24" BOX	N/A	STANDARD	L
	SMALL FLOWERING ACCENT TREES:					
	CHIONANTHUS RETUSUS	NCN	24" BOX	SUN/SHADE	STANDARD	L
	CERCIS CANADENSIS 'FOREST PANSY'	EASTERN REDBUD	24" BOX	N/A	STANDARD	M
	LAGERSTROEMIA INDICA 'MUSKOGEE'	LAVENDER CRAPE MYRTLE	24" BOX	SUN	STANDARD	L
	MALUS SPECIES	CRABAPPLE	24" BOX	SUN	STANDARD	L
	FOUNDATION SHRUBS:					
*	ARCTOSTAPHYLOS SPECIES	MANZANITA	5 GALLON	SUN		L
	COLEONEMA PULCHRUM	PINK BREATH OF HEAVEN	5 GALLON	SUN		L
	CORREA SPECIES	AUSTRALIAN FUCHSIA	5 GALLON	SUN/ PART SHADE		L
	HIMALAYACALAMUS FALCONERI 'DAMARAPA'	CANDY STRIPE BAMBOO	5 GALLON	SUN/ PART SHADE		L
	LOROPETALUM CHINESE	NCN	5 GALLON	PART SHADE		M
	RAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIAN HAWTHORN	5 GALLON	SUN/ PART SHADE		L
	ROSMARINUS 'BLUE SPIRES'	UPRIGHT ROSEMARY	5 GALLON	SUN/ PART SHADE		L
	OSMANTHUS FRAGRENS	NCN	5 GALLON	SUN/ PART SHADE		L
	INTERMEDIATE SHRUBS:					
	CORREA SPECIES	AUSTRALIAN FUCHSIA	5 GALLON	SHADE/SUN		L
	DIETES VEGETA	FORTNIGHT LILY	5 GALLON	SHADE/SUN		L
	LAVANDULA SPECIES	LAVENDER	5 GALLON	SUN		L
	LIROPE GIGANTEA	LIRIOPE	5 GALLON	SHADE/SUN		L
*	MAHONIA SPECIES	NCN	5 GALLON	SHADE/SUN		L
	NANDINA DOMESTICA	HEAVENLY BAMBOO	5 GALLON	SHADE/SUN		M
	PHORMIUM SPECIES	NEW ZEALAND FLAX	5 GALLON	SUN		L
	PITTOSPORUM TOBIRA 'WHEELER'S DWARF'	PITTOSPORUM	5 GALLON	SUN/SHADE		L
	ROSA SPECIES	SHRUB ROSE	5 GALLON	SUN		M
	FOREGROUND SHRUBS:					
	AGAPANTHUS SPECIES	LILY OF THE NILE	1 GALLON	SHADE/SUN		M
	HEMEROCALLIS HYBRIDS 'ORANGE/YELLOW MIX 50/50'	EVERGREEN DAYLILY	1 GALLON	SUN		M
	KNIPHOFIA SPECIES	RED-HOT POKER	1 GALLON	SUN		L
	LAVANDULA 'MUNSTEAD'	ENGLISH LAVENDER	1 GALLON	SUN		L
	LIRIOPE MUSCARI 'BIG BLUE'	BIG BLUE LILY	1 GALLON	SHADE		M
	ANIGOZANTHOS	KANGAROO PAW	1 GALLON	SUN		L
	PHORMIUM SPECIES (DWARF)	NEW ZEALAND FLAX	1 GALLON	SUN		L
	SEDUM SPECIES	NCN	1 GALLON	SUN		L
	SENECIO SPECIES	NCN	1 GALLON	SUN		L
*	CAREX SPECIES	CAREX	1 GALLON	SUN/SHADE		L
	PITTOSPORUM SPECIES	TOBIRA	5 GALLON	SUN		L
	GROUNDCOVERS:					
*	ARCTOSTAPHYLOS SPECIES	MANZANITA	1 GALLON	SUN		L
	GREVILLEA LANIGERA 'COASTAL GEM'	NCN	1 GALLON	SUN/SHADE		L
	ROSA 'PEACH DRIFT'	PEACH DRIFT	2 GALLON	SUN		M
	ROSA 'PINK DRIFT'	PINK GROUNDCOVER ROSE	2 GALLON	SUN		L
*	ZAUSCHNERIA SPECIES	CALIFORNIA FUCHSIA	1 GALLON	SUN		L
	GRASSES:					
*	CALOMOGROTIS SPECIES	REED GRASS	1 GALLON	SUN		L
	FESTUCA MAIREI	ATLAS FESCUE	1 GALLON	SUN		L
	LOMANDRA	LOMANDRA	1 GALLON	SUN		L
*	MUHLENBERGIA SPECIES	DEER GRASS	1 GALLON	SUN		L
*	PENNISETUM SPECIES	FOUNTAIN GRASS	1 GALLON	SUN		L
	VINES:					
	FICUS PUMILA	CREEPING FIG	5 GALLON	SUN/SHADE		M
	PARTHENOCISSUS TRICUSPIDATA	BOSTON IVY	5 GALLON	SUN/SHADE		M
	JASMINUM SPECIES	JASMINE	5 GALLON	SUN/SHADE		M
	STORM WATER TREATMENT SHRUBS AND GRASSES:		1 GALLON	MIX EVENLY		

SPECIES/COMMON NAME

* ARISTIDA PURPUREA - PURPLE THREE-AWN	JUNCUS PATENS - BLUE RUSH
* BOUTELOUA GRACIS - BLUE GRAMA	LEYMUS CONDENSATUS - GIANT WILD RYE
* CAREX TEMULICOLA - BERKELEY SEDGE	MELICA CALIFORNICA - CALIFORNIA MELIC
CHONDROPETALUM TECTORUM - CAPE RUSH	* MIMULUS SPECIES - MONKEY FLOWER

NOTE:

SEVERAL TREE SPECIES ARE LISTED PER TREE TYPE TO ALLOW FOR FLEXIBILITY IN THE EVENT THAT A SPECIFIC SPECIES IS UNAVAILABLE AT INSTALLATION OR PLANTING AREA IS LIMITED BY UTILITIES. NOT ALL SPECIES OF TREES, SHRUBS, GROUNDCOVERS OR GRASS WILL BE PROPOSED FOR CONSTRUCTION DOCUMENTS.

* **NATIVE CALIFORNIA PLANT SPECIES**

NOTES

WATER CONSERVATION STATEMENT:

PLANT MATERIAL HAS BEEN CHOSEN FOR WATER CONSERVING AND REDUCED MAINTENANCE CHARACTERISTICS. A MAXIMUM OF 25% OF NON-TURF PLANS WILL HAVE A MODERATE IRRIGATION WATER REQUIREMENT AND A MINIMUM OF 50% OF NON-TURF PLANTS WILL HAVE A LOW TO VERY LOW IRRIGATION WATER REQUIREMENT.

IRRIGATION NOTE:

A FULLY AUTOMATIC IRRIGATION SYSTEM SHALL BE PROPOSED FOR THE PROJECT UTILIZING WATER CONSERVING METHODS. IRRIGATION SHALL BE INSTALLED THROUGHOUT THE BIO-RETENTION AREAS TO PROVIDE SUPPLEMENTAL IRRIGATION IN THE DRY MONTHS WITH REDUCED IRRIGATION DURING SEASONAL RAINFALL OR WET MONTHS.

MINIMUM TREE CLEARANCE NOTE:

1. SMALL TREES (15' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 5' FROM BUILDINGS AND A MINIMUM OF 2' FROM EDGES OF PAVING, CURBS OR WALLS.
2. MEDIUM TREES (25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 12' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.
3. LARGE TREES (ABOVE 25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 20' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.
4. 5' MINIMUM FROM JOINT TRENCH, WATER LINES, WATER METERS AND FIRE HYDRANTS.
5. 8' MINIMUM FROM SANITARY SEWER AND STORM DRAINS.
6. ALL TREES PLANTED WITHIN 5'-0" OF FUTURE CURBS, SIDEWALK, WALLS AND ALL UTILITIES, SHALL INCLUDE A ROOT BARRIER.

LANDSCAPE NOTES:

PLANT PALETTE IS FOR REFERENCE ONLY, NOT ALL TREES, SHRUBS, GRASSES, AND GROUNDCOVER LISTED WILL BE UTILIZED IN THE PREPARATION OF CONSTRUCTION DOCUMENTS. ADDITIONAL PLANTS MAY BE SUBSTITUTED DUE TO AVAILABILITY AND CONTAINER SIZE. PLANT MATERIAL SHALL BE SELECTED AT THE DESCRETION OF THE LANDSCAPE ARCHITECT.

ALL TRANSFORMERS AND ABOVE GROUND UTILITY BOXES TO BE SCREENED WITH EVERGREEN SHRUBS.

400-128
Tarob - Geomax II
Milpitas, CA
December 21, 2023

Proposed Plant Palette
L-2

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com
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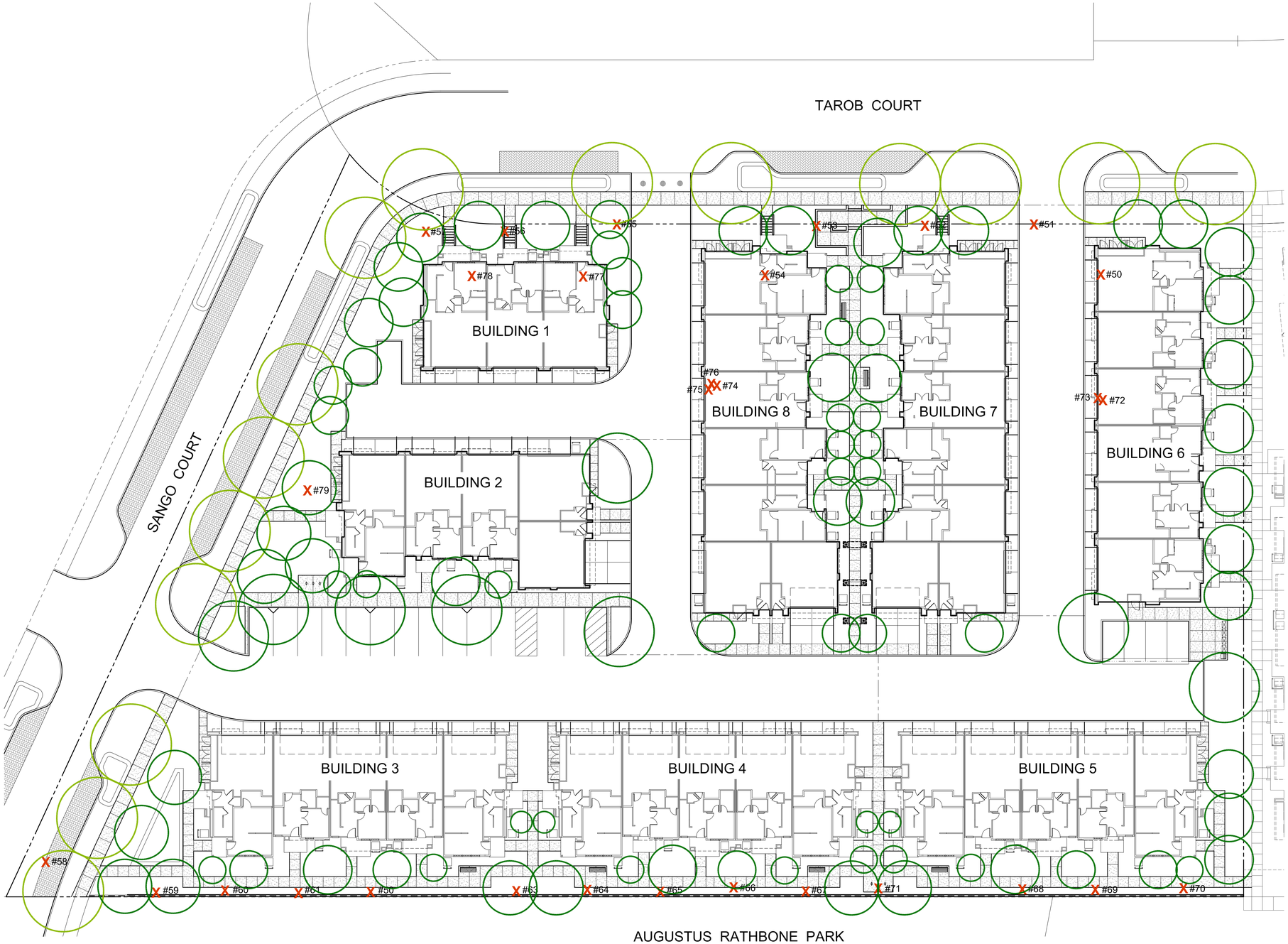

TREE NO.	SPECIES	PROTECTED TREE	PROPOSED ACTION	TOTAL TREE CIRCUM.	REPLACEMENT QUANTITY	
					24" BOX	36" BOX
50	AMERICAN SYCAMORE	YES	REMOVE	44.5"	2	
51	AMERICAN SYCAMORE	YES	REMOVE	77"		2
52	AMERICAN SYCAMORE	YES	REMOVE	75"		2
53	AMERICAN SYCAMORE	YES	REMOVE	45"	2	
54	EVERGREEN ASH	YES	REMOVE	88.5"		2
55	AMERICAN SYCAMORE	YES	REMOVE	81"		2
56	AMERICAN SYCAMORE	YES	REMOVE	86"		2
57	AMERICAN SYCAMORE	YES	REMOVE	86.75"		2
58	EVERGREEN ASH	YES	REMOVE	108"		2
59	EVERGREEN ASH	YES	REMOVE	55.5"	2	
60	EVERGREEN ASH	YES	REMOVE	37"	2	
61	EVERGREEN ASH	YES	REMOVE	47.5"	2	
62	EVERGREEN ASH	YES	REMOVE	48"	2	
63	EVERGREEN ASH	YES	REMOVE	56.25"	2	
64	EVERGREEN ASH	YES	REMOVE	39.75"	2	
65	EVERGREEN ASH	YES	REMOVE	54"	2	
66	EVERGREEN ASH	YES	REMOVE	72.75"	2	
67	EVERGREEN ASH	YES	REMOVE	60"	2	
68	EVERGREEN ASH	YES	REMOVE	63"	2	
69	EVERGREEN ASH	YES	REMOVE	59.5"	2	
70	EVERGREEN ASH	NO	REMOVE	68.5"	2	
71	AMERICAN SYCAMORE	NO	REMOVE	14.5"		
72	CAROB	NO	REMOVE	31.5"		
73	CARROT WOOD	NO	REMOVE	22"		
74	CARROT WOOD	NO	REMOVE	25.5"		
75	CARROT WOOD	NO	REMOVE	11.5"		
76	CARROT WOOD	NO	REMOVE	19.25"		
77	FLOWERING CHERRY	NO	REMOVE	18"		
78	FLOWERING CHERRY	NO	REMOVE	21.75"		
79	FLOWERING CHERRY	NO	REMOVE	35"		
			REPLACEMENT TREE TOTAL		**28**	**14**

TREE TO BE REMOVED	REPLACEMENT TREE(S)
37"-75" CIRCUMFERENCE	TWO 24" BOX TREE
GREATER THAN 75" CIRCUMFERENCE	TWO 36" BOX TREE

TREE COUNTS

TOTAL NUMBER OF TREES TO BE REMOVED: 30

TOTAL NUMBER OF TREES TO BE PRESERVED: 0

NUMBER OF 36" BOX TREES REQUIRED: 14

TOTAL NUMBER OF PROPOSED 36" BOX TREES: 15

NUMBER OF 24" BOX TREES REQUIRED: 28

TOTAL NUMBER OF PROPOSED 24" BOX TREES: 92

KEY

X — EXISTING TREE TO BE REMOVED

PROPOSED 36" BOX TREE

PROPOSED 24" BOX TREE

PLAN VIEW

Scale: 1"=20'-0"

0' 10' 20' 40'

400-128 Tarob - Geomax II

Milpitas, CA

December 21, 2023

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Tree Replacement Plan

L-3

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BENCH

FINISH TO BE CHARCOAL



WASTE RECEPTACLE

FINISH TO BE CHARCOAL



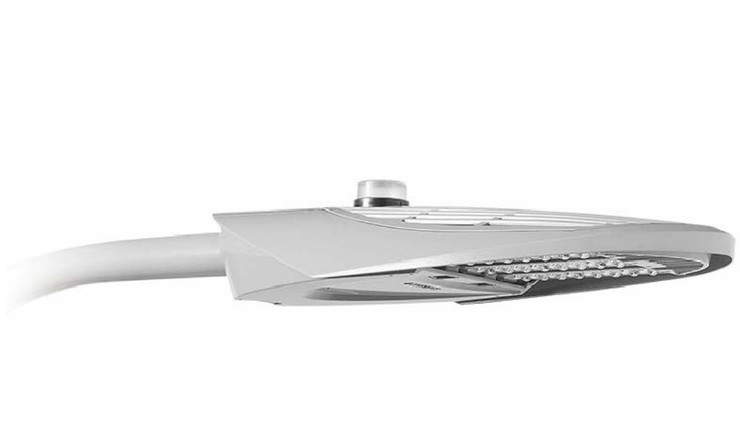
BICYCLE RACK

FINISH TO BE CHARCOAL



MAILBOX STATION

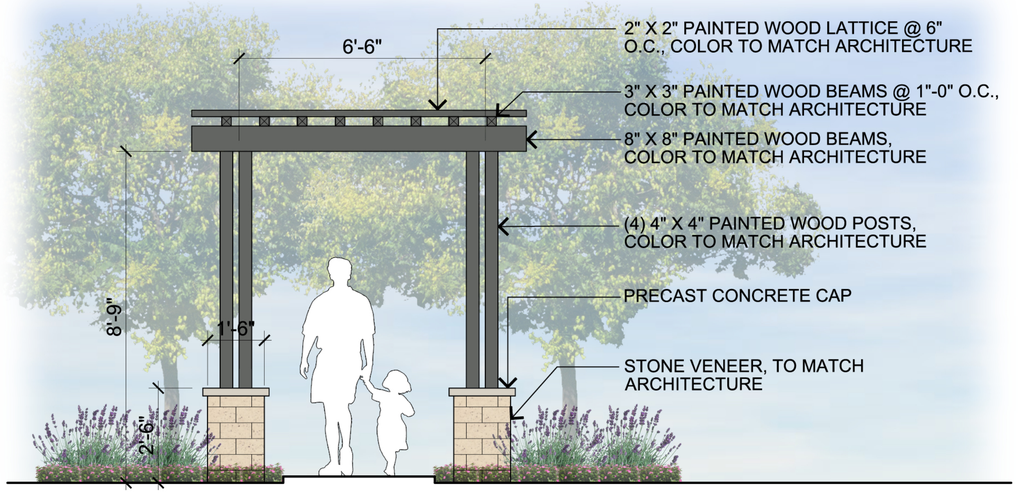
FINISH TO BE BLACK



STREET LIGHT

FINISH TO BE BLACK





ARBOR

SCALE: 1/2" = 1'-0"

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Site Amenities
L-4

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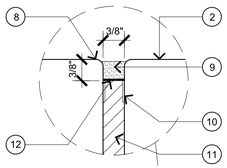
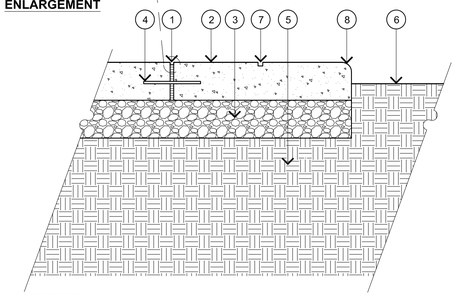


EXPANSION JOINT ENLARGEMENT



SECTION

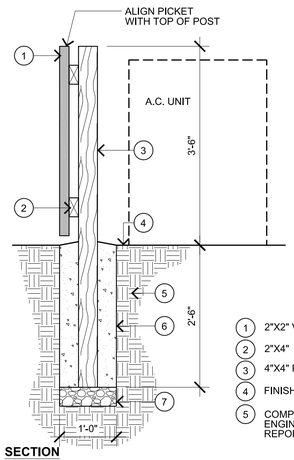
1. 3/8" EXPANSION JOINT WITH SEALANT & BACKER ROD. EXPANSION JOINTS SHALL OCCUR EVERY 25' O.C. EACH WAY AND AT BUILDINGS AND CURBS - REFER TO PLAN FOR LOCATIONS
2. CONCRETE PAVING, THICKNESS AND REINFORCING PER SOILS REPORT - REFER TO CONSTRUCTION LEGEND SHEET L1.10 FOR COLOR AND FINISH
3. CLASS II AGGREGATE SUB BASE, THICKNESS PER SOILS REPORT
4. #4 X 24" LONG DOWELS @ 24" O.C.
5. COMPACTED SUB GRADE PER SOILS REPORT
6. FINISH GRADE AT PLANTING AREA TO BE 2" BELOW PAVING
7. CONTROL JOINT- 5/8" DEEP X 3/8" WIDE, REFER TO PLANS FOR LOCATIONS (TYP.)
8. RADIUSED EDGE
9. SEALANT - ALSO INSTALL WHERE PAVING ABUTS TO BUILDING FOUNDATIONS.
10. PVC CAP
11. EXPANSION MATERIAL
12. BOND BREAKER TAPE

NOTES:

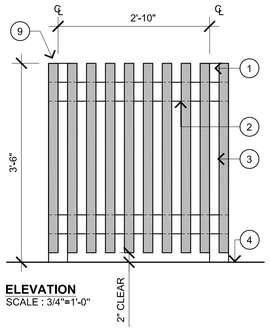
- CONCRETE MIX SHALL BE LOW SHRINK

1 CONCRETE PAVING

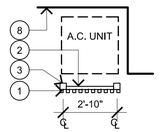
SCALE : 1 1/2"=1'-0"



SECTION
SCALE : 3/4"=1'-0"



ELEVATION
SCALE : 3/4"=1'-0"



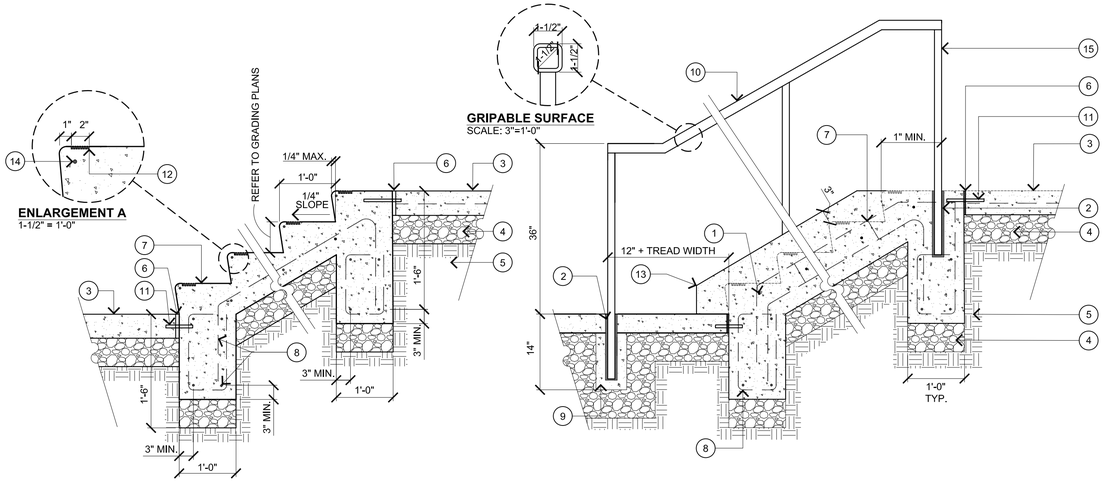
PLAN
SCALE : 1/4"=1'-0"

1. 2"X2" VERTICAL PICKET AT 4" O.C.
2. 2"X4"
3. 4"X4" PTDF POST
4. FINISH GRADE
5. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
6. CONCRETE FOOTING
7. CLASS II PERMEABLE MATERIAL, THICKNESS PER SOILS REPORT
8. BUILDING

NOTES:

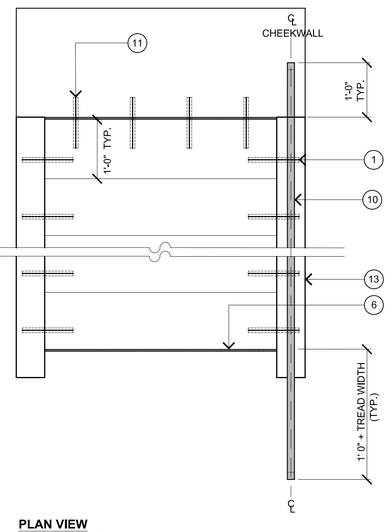
- ALL SCREWS SHALL BE HOT DIPPED GALVANIZED
- REFER TO CONSTRUCTION LEGEND FOR WOOD AND STAIN SPECIFICATIONS
- REFER TO PLANS FOR SCREEN LAYOUT

2 AIR CONDENSER SCREEN



STEP SECTION
SCALE : 3/4"=1'-0"

CHEEKWALL AND HANDRAIL SECTION
SCALE : 3/4"=1'-0"



PLAN VIEW
SCALE : 3/4"=1'-0"

1. #4 REBAR @ 12" O.C. CENTERED IN TREADS/RISERS AND AS ILLUSTRATED IN FOOTING
2. 3" X 12" CAN FORM, POUR ROCK SOLID.
3. CONCRETE PAVING - REFER TO DETAIL 1 THIS SHEET AND CONSTRUCTION LEGEND SHEET L1.10
4. CLASS II AGGREGATE SUB BASE, THICKNESS PER SOILS REPORT
5. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
6. 3/8" PREMOLDED EXPANSION JOINT
7. REINFORCED CONCRETE STEPS, ALL STEPS SHALL BE SLIP-RESISTANT
8. #4 REBAR @ CONTINUOUS.
9. THICKENED CONCRETE TO SUPPORT POST - 18" DEEP X 6.5" Ø
10. HANDRAIL - REFER TO CONSTRUCTION LEGEND SHEET L1.10
11. 12" GREASED #4 STEEL DOWEL @ 18" O.C. AT ALL CONSTRUCTION JOINTS.
12. 1/4" WARNING GROOVES CUT INTO NOSING AND PAINTED OR 2" INLAY WARNING STRIP WITH CONTRASTING COLOR, ALL TREADS (TYP.).
13. CONCRETE CHEEKWALL - REFER TO CONSTRUCTION LEGEND SHEET L1.10
14. #4 NOSE BAR 3" FROM EDGE.
15. HANDRAIL POST - REFER TO CONSTRUCTION LEGEND SHEET L1.10

NOTES:

- REFER TO GRADING PLAN FOR ELEVATIONS OF STAIRS AND LANDINGS
- HANDRAIL REQUIRED ONLY WHERE THREE OR MORE CONSECUTIVE RISERS OCCUR
- WHERE THE EXTENSION OF THE HANDRAIL IN THE DIRECTION OF STAIR RUN WOULD CREATE A HAZARD, THE EXTENSION SHALL BE TURNED 90° TO THE RUN OF THE RAMP
- METAL SHALL BE FILLET WELD AND GROUND SMOOTH

3 CONCRETE STEPS WITH CHEEKWALL AND HANDRAIL (AS REQUIRED)

400-128 Tarob - Geomax II
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Construction Details
L-5.1

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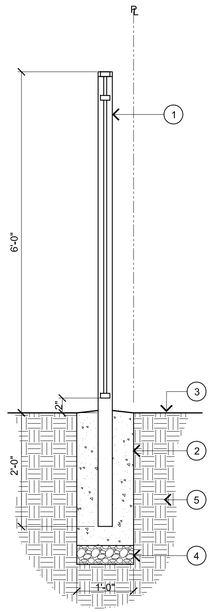
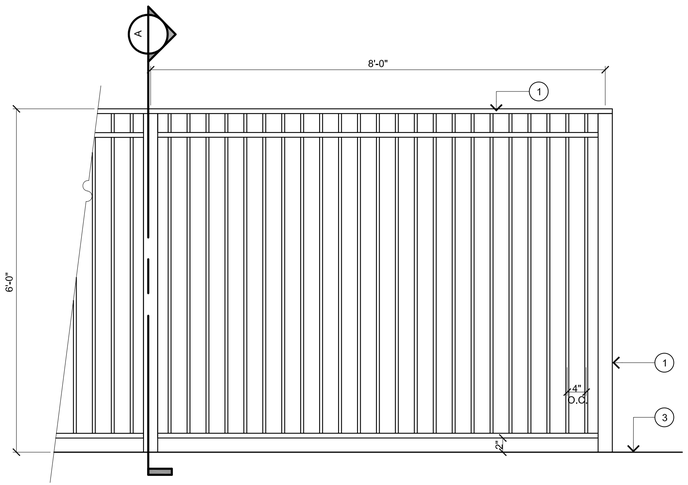
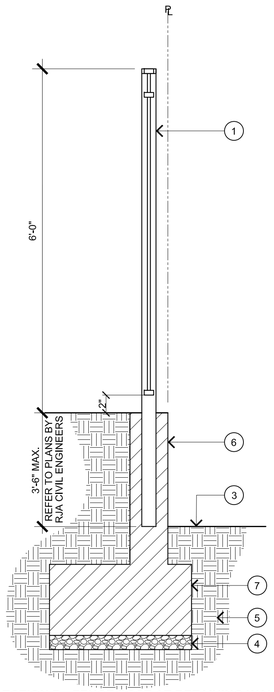


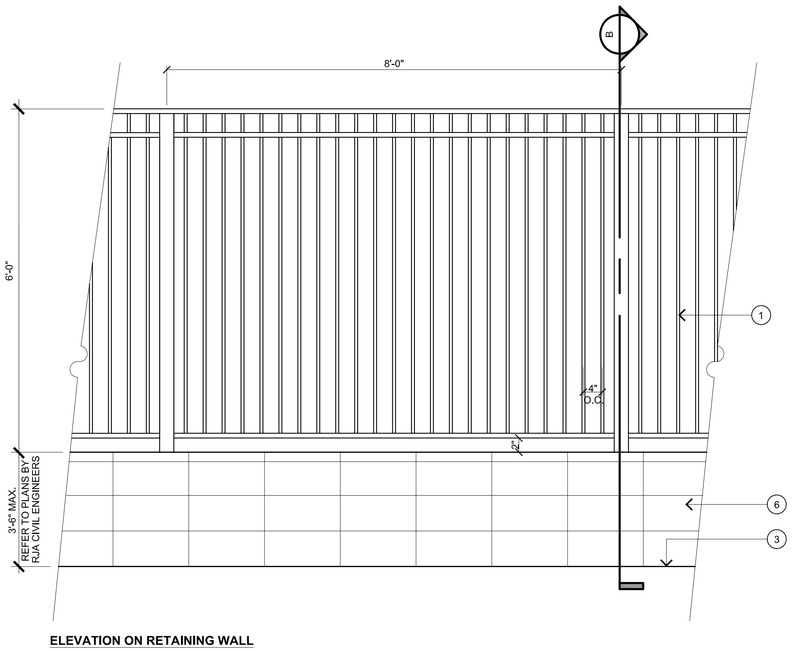
SECTION A - FENCE POST ON GRADE



ELEVATION ON GRADE



SECTION B - FENCE POST AT RETAINING WALL



ELEVATION ON RETAINING WALL

1. AMERISTAR TUBULAR STEEL FENCE - FINISH TO BE BLACK
2. FENCE POST CONCRETE FOOTING - PER MANUFACTURER
3. FINISH GRADE
4. CLASS II PERMEABLE MATERIAL, THICKNESS PER SOILS REPORT
5. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
6. RETAINING WALL - REFER TO PLANS PREPARED BY RJA CIVIL ENGINEERS
7. CONCRETE FOOTING - REFER TO PLANS PREPARED BY STRUCTURAL ENGINEERS

1 TUBULAR STEEL FENCE OVER RETAINING WALL

SCALE : 3/4"=1'-0"

400-128 Tarob - Geomax II
Milpitas, CA
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L-5.2

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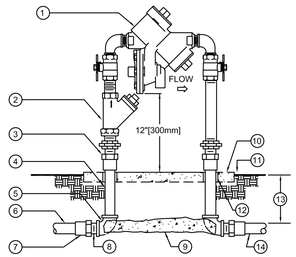
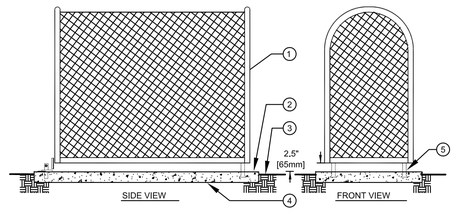


1. REDUCED PRESSURE BACKFLOW ASSEMBLY.
2. YB "Y" STRAINER SYSTEM (AS REQUIRED).
3. WROUGHT COPPER MALE ADAPTER-2 TOTAL (SOLDER x THREAD CONNECTION).
4. COPPER TYPE "K" PIPE (LENGTH AS REQUIRED).
5. WROUGHT COPPER 90° ELBOW-2 TOTAL (SOLDER x THREAD CONNECTION).
6. PVC MAIN LINE TO POINT OF CONNECTION.
7. BUSH AS NECESSARY FOR SIZE TRANSITION.
8. SCHEDULE 40 PVC MALE ADAPTER-2 TOTAL.
9. CONCRETE SUPPORT BLOCK.
10. CONCRETE PAD-SEE ENCLOSURE DETAIL.
11. FINISH GRADE.
12. PVC SLEEVE BOTH SIDES.
13. REFER TO IRRIGATION LEGEND
14. PVC MAIN LINE TO IRRIGATION SYSTEM.

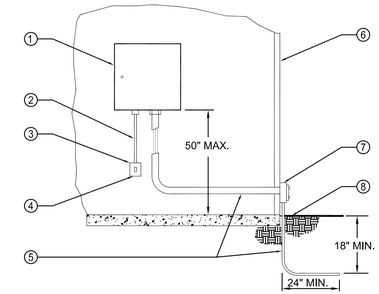
NOTES:
1. INSTALL A FREEZE PREVENTATIVE BLANKET AROUND BACKFLOW ASSEMBLY. BLANKET SHALL BE GREEN.
2. DO NOT SOLDER CONNECT FITTINGS WHILE THREADED INTO BACKFLOW ASSEMBLY. THIS MAY CAUSE DAMAGE TO DEVICE.
3. NIPPLES AND FITTINGS TO BE SAME IPT SIZE AS BACKFLOW ASSEMBLY.
4. PROVIDE A STAINLESS STEEL ENCLOSURE TO COMPLETELY ENCLOSE DEVICE. INSTALL ENCLOSURE TO CONCRETE BASE AS DIRECTED BY MANUFACTURER.

1 REDUCED PRESSURE BACKFLOW ASSEMBLY
SCALE: NONE



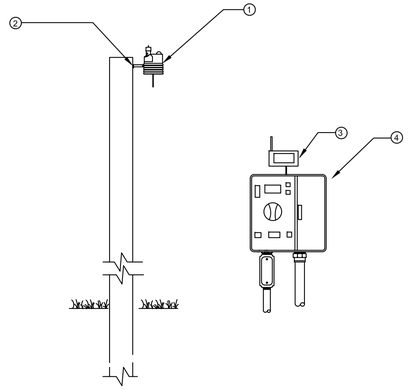
1. STAINLESS STEEL ENCLOSURE TO COMPLETELY ENCLOSE DEVICE
2. SET PAD 1/2" [13MM] ABOVE FINISH GRADE
3. FINISH GRADE
4. 6" [150mm] THICK CONCRETE PAD FOR ENCLOSURE SUPPORT TO EXTEND 6" [150mm] BEYOND ENCLOSURE ON ALL SIDES. CONCRETE TO HAVE MEDIUM BROOM FINISH.
5. MOUNTING BRACKETS (STANDARD WITH ENCLOSURE) TO BE SET INTO CONCRETE PAD. PROVIDE LOCKING TAB TO ACCEPT PADLOCK PER MANUFACTURER'S INSTRUCTION.

2 BACKFLOW ASSEMBLY ENCLOSURE
SCALE: NONE



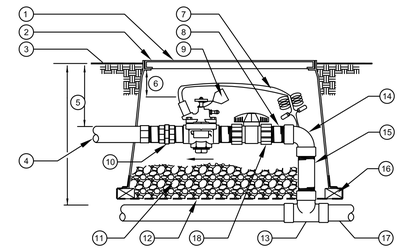
1. IRRIGATION CONTROLLER
2. 120 VOLT SERVICE IN RIGID STEEL CONDUIT
3. 120 VOLT LOCKABLE ON/OFF SWITCH PROVIDED UNDER IRRIGATION CONTRACT
4. 120 VOLT SERVICE TO CONTROLLER LOCATION PROVIDED BY ELECTRICAL CONTRACTOR
5. SCHEDULE 40 GREY PVC ELECTRICAL CONDUIT FOR LOW VOLTAGE WIRE
6. EXTERIOR WALL
7. ELECTRICAL PULL BOX PER ELECTRICAL CODE
8. FINISH GRADE

3 INTERIOR MOUNTED CONTROLLER
SCALE: NONE



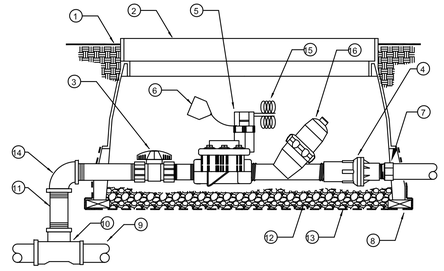
1. WIRELESS CLIMATE SENSOR TRANSMITTER
2. SUITABLE POST, POLE, OR GUTTER MOUNT. MOUNT IN LOCATION WHERE SENSOR CAN RECEIVE FULL SUN, IS OPEN TO RAINFALL AND OUT OF SPRINKLER SPRAY PATTERN
3. SENSOR RECEIVER
4. CONTROLLER

4 WIRELESS WEATHER SENSOR
SCALE: NONE



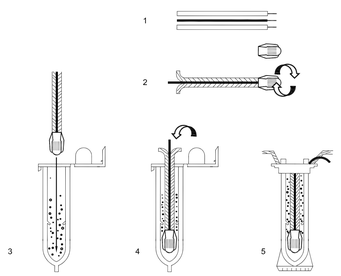
1. REMOTE CONTROL VALVE WITH FLOW CONTROL AND MANUAL BLEED (PRESSURE REGULATOR WHERE SHOWN ON PLANS).
2. USE A 14" X 19" RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID FOR 1" VALVES. FOR 1.5" AND LARGER VALVES INSTALL BALL VALVE WITHIN A SEPARATE 10" ROUND BOX OR ONE BALL VALVE PER MANIFOLD OF VALVES. GATE VALVE SIZE SHALL BE SAME AS LARGEST VALVE WITHIN MANIFOLD. ONE VALVE PER BOX- NO EXCEPTIONS. INSTALL BOX AS SHOWN IN BOX INSTALLATION DETAIL.
3. FINISH GRADE.
4. PVC LATERAL LINE.
5. REFER TO IRRIGATION SPECS.
6. 3" [75mm] MIN. 6" [150mm] MAX.
7. VALVE CONTROL WIRE- PROVIDE SEAL PACKS AT ALL SPLICES AND 3' [1m] OF EXCESS UF WIRE IN A 1" [25mm] DIAMETER COIL.
8. SCHEDULE 80 PVC NIPPLE (4 TOTAL).
9. VALVE I.D. TAG (CONTROLLER AND STATION NUMBER).
10. SCHEDULE 80 PVC THREADED UNION.
11. PEA GRAVEL OR 3/4" DRAIN ROCK- 4" [100mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
12. 19 GAUGE 1/2" [12mm] SQUARE WIRE MESH.
13. UPC APPROVED SCHEDULE 40 PVC TEE.
14. SCHEDULE 80 PVC 90° ELBOW (TxT).
15. SCHEDULE 80 PVC NIPPLE- LENGTH AS REQUIRED.
16. BRICK-1 EACH CORNER.
17. PVC MAIN LINE.
18. SCHEDULE 80 PVC UNION BALL VALVE (ONE PER VALVE).

5 REMOTE CONTROL VALVE
SCALE: NONE



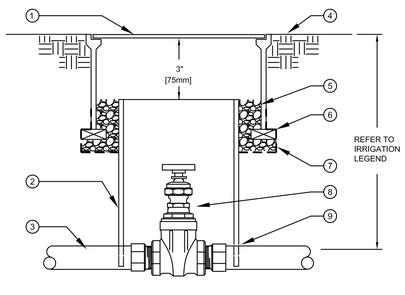
1. FINISH GRADE
2. JUMBO RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID. ONE VALVE PER BOX- NO EXCEPTIONS. INSTALL BOX AS SHOWN IN BOX INSTALLATION DETAIL.
3. SCHEDULE 80 PVC UNION BALL VALVE (ONE PER VALVE)
4. PRESSURE REGULATOR (INCLUDED IN DRIP ZONE KIT)
5. REMOTE CONTROL VALVE DRIP ZONE KIT. (SHALL INCLUDE VALVE, FILTER AND A 40 PSI PRESSURE REDUCING VALVE)
6. VALVE I.D. TAG (CONTROLLER AND STATION NUMBER).
7. SCHEDULE 40 MALE ADAPTER
8. BRICK-1 EACH CORNER.
9. PVC MAIN LINE.
10. UPC APPROVED SCHEDULE 40 PVC TEE.
11. SCHEDULE 80 PVC NIPPLE-(4-TOTAL) LENGTH AS REQUIRED.
12. PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [102mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
13. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
14. SCHEDULE 80 PVC 90° ELBOW (TxT).
15. VALVE CONTROL WIRE- PROVIDE 3M-DBY SEAL PACKS AT ALL SPLICES AND 3' [1m] OF EXCESS UF WIRE IN A 1" [25mm] DIAMETER COIL.
16. Y-FILTER (INCLUDED IN DRIP ZONE KIT)

6 REMOTE CONTROL VALVE (DRIPZONE)
SCALE: NONE



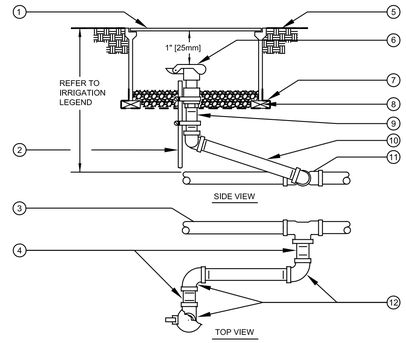
INSTRUCTIONS:
1. STRIP WIRES APPROXIMATELY 1/2" (13 mm) TO EXPOSE WIRE.
2. TWIST CONNECTOR AROUND WIRES CLOCKWISE UNTIL HAND TIGHT. DO NOT OVERTIGHTEN.
3. INSERT WIRE ASSEMBLY INTO PLASTIC TUBE UNTIL WIRE CONNECTOR SNAPS PAST LIP IN BOTTOM OF TUBE.
4. PLACE WIRES WHICH EXIT TUBE IN WIRE EXIT HOLES AND CLOSE CAP UNTIL IT SNAPS.
5. INSPECT FINAL SPLICE ASSEMBLY TO BE SECURE AND FINISHED.

7 WEATHERPROOF WIRE SPLICE ASSEMBLY
SCALE: NONE



1. 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
2. 8" [200mm] CLASS 160 OR SCHEDULE 40 PVC PIPE (NOTCH TO FIT OVER MAIN LINE PIPE).
3. PVC MAIN LINE.
4. FINISH GRADE.
5. PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [100mm] DEEP (NO SOIL IN VALVE BOX).
6. BRICK-2 TOTAL.
7. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
8. GATE VALVE.
9. MALE ADAPTER. REFER TO LEGEND FOR FITTING TYPE.

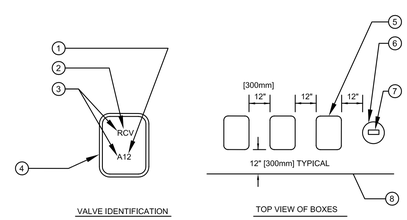
8 GATE VALVE
SCALE: NONE



1. 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
2. 1 1/4" x 1 1/4" x 3/16" [30mm x 30mm x 5mm] ANGLE IRON 30" [760mm] LONG W/2 STAINLESS STEEL STRAPS (ONE AROUND QCV).
3. PVC MAIN LINE.
4. 3" [75mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
5. FINISH GRADE.
6. QUICK COUPLING VALVE.
7. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
8. BRICK - 2 TOTAL.
9. SCHEDULE 80 PVC THREADED NIPPLE.
10. 10" [250mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
11. UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW.
12. SCHEDULE 80 PVC THREADED 90° ELL.

NOTE:
NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.

9 QUICK COUPLING VALVE
SCALE: NONE



1. CONTROLLER AND STATION
2. VALVE TYPE
3. HEAT BRAND LETTERS AND NUMBERS INTO LID.
4. VALVE BOX COVER
5. RECTANGULAR VALVE BOX
6. ROUND VALVE BOX FOR QCV AND GATE VALVE.
7. HEAT BRAND LETTERS AND NUMBERS INTO LID (TYPICAL).
8. EDGE OF LAWN, WALK, FENCE, CURB, ETC.

INSTRUCTIONS:
1. CENTER VALVE BOX OVER REMOTE CONTROL VALVE TO FACILITATE SERVICING VALVE.
2. SET BOXES 1" [25mm] ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.
3. SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.
4. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.
5. AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.
6. INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.

10 VALVE BOX INSTALLATION
SCALE: NONE

400-128 Tarob - Geomax II
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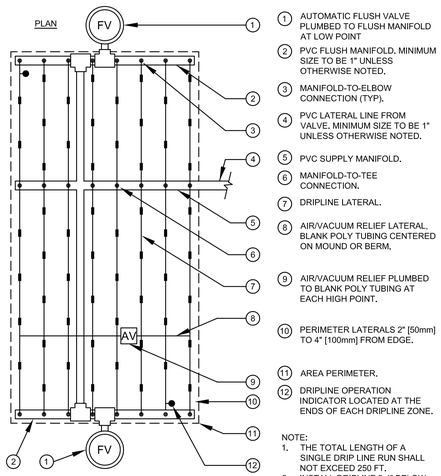
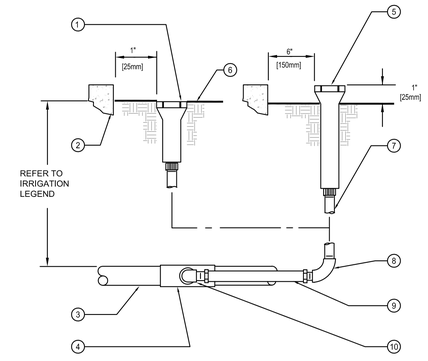


1. AUTOMATIC FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT
2. PVC FLUSH MANIFOLD, MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
3. MANIFOLD-TO-ELBOW CONNECTION (TYP).
4. PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
5. PVC SUPPLY MANIFOLD.
6. MANIFOLD-TO-TEE CONNECTION.
7. DRIPLINE LATERAL.
8. AIR/VACUUM RELIEF LATERAL, BLANK POLY TUBING CENTERED ON MOUND OR BERM.
9. AIR/VACUUM RELIEF PLUMBED TO BLANK POLY TUBING AT EACH HIGH POINT.
10. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
11. AREA PERIMETER.
12. DRIPLINE OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONE.

NOTE:
1. THE TOTAL LENGTH OF A SINGLE DRIP LINE RUN SHALL NOT EXCEED 250 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

1 TORO DL 2000 CENTER FEED LAYOUT

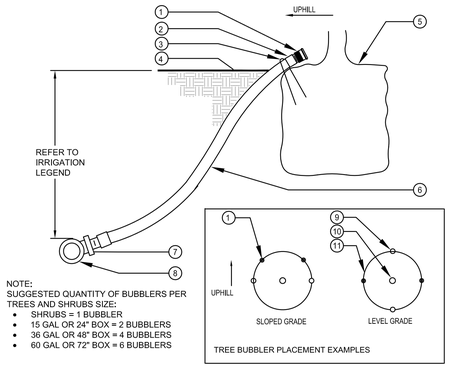
SCALE: NONE



1. POP-UP LAWN SPRAY SPRINKLER
2. WALL, WALK, CURB OR BUILDING
3. PVC LATERAL LINE
4. UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW
5. POP-UP SHRUB SPRAY SPRINKLER OR BUBBLER
6. FINISH GRADE
7. 1/2" [13mm] SCHEDULE 80 PVC THREADED NIPPLE (LENGTH AS REQUIRED).
8. 1/2" [13mm] SCHEDULE 40 PVC THREADED 90° ELL.
9. 1/2" [13mm] FLEXIBLE IPS HOSE 6" [150mm] LONG WITH MALE ADAPTERS OR 1/2" [13mm] FLEXIBLE SWING JOINT (1/2" x 6") [13mm x 150mm] WITH A MINIMUM PRESSURE RATING OF 100 PSI [690kPa].
10. 1/2" [13mm] SCHEDULE 40 PVC STREET ELL.

2 TORO DL 2000 END FEED LAYOUT

SCALE: NONE



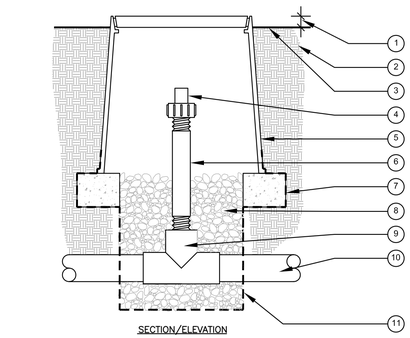
NOTE:
SUGGESTED QUANTITY OF BUBBLERS PER TREES AND SHRUBS SIZE:
- SHRUBS = 1 BUBBLER
- 15 GAL OR 24" BOX = 2 BUBBLERS
- 36 GAL OR 48" BOX = 4 BUBBLERS
- 60 GAL OR 72" BOX = 6 BUBBLERS

TREE BUBBLER PLACEMENT EXAMPLES

1. BUBBLER (TO BE INSTALLED ON TOP OF ROOTBALL).
2. 1/2" [13mm] SCH. 40 MALE ADAPTER.
3. 6" [150mm] STEEL STAPLE.
4. FINISH GRADE.
5. TREE OR SHRUB ROOTBALL.
6. 1/2" [13mm] IPS FLEXIBLE PVC.
7. PVC TEE (SST), ELBOW (ST) OR FEMALE ADAPTER.
8. PVC LATERAL LINE.
9. TREE STAKES.
10. TREE OR SHRUB.
11. EDGE OF ROOTBALL (TYPICAL).

3 TORO DL 2000 FLUSH VALVE (PVC TEE)

SCALE: NONE



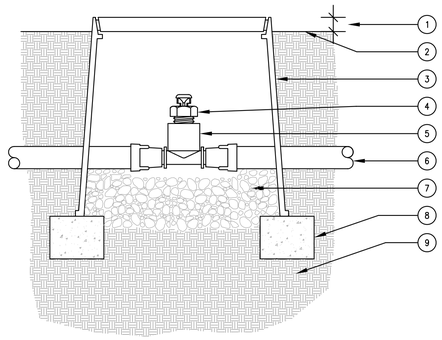
SECTION/ELEVATION

1. 1" [25mm] ABOVE FINISH GRADE.
2. NATIVE SOIL.
3. FINISH GRADE.
4. FLUSH VALVE.
5. ROUND PLASTIC VALVE BOX. REFER TO IRRIGATION SPECS FOR BOX SIZE. HEAT BRAND "FV" ON LID IN 2" [50mm] HIGH CHARACTERS.
6. 3/4" [20mm] SCH 80 PVC NIPPLE (LENGTH AS REQUIRED).
7. BRICK - 2 TOTAL
8. PEA GRAVEL 18" (450mm) DEEP.
9. PVC TEE (SxSxT) WITH 3/4" [20mm] THREADED OUTLET.
10. PVC PIPING.
11. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.

NOTE:
USE ONE FLUSH VALVE FOR EVERY 7 GPM PER ZONE. LOCATE AT LOW POINTS. FLUSH RATE IS 0.8 GPM. FLUSH PRESSURE IS 2 PSI.

4 TORO DL 2000 AIR VACUUM RELIEF VALVE

SCALE: NONE



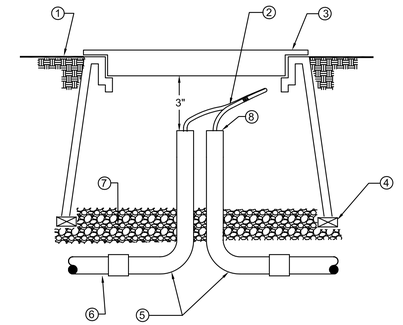
SECTION/ELEVATION

1. 1" ABOVE FINISH GRADE.
2. FINISH GRADE.
3. 6" ROUND PLASTIC VALVE BOX. HEAT BRAND "AR" ON LID IN 1" HIGH CHARACTERS.
4. TORO DL2000 AIR/VACUUM RELIEF VALVE (YD-500-34).
5. TORO LOC-EZE X 1/2" FPT TEE (FTF16).
6. TORO DL2000 TUBING (RGP-XX-XXX) OR TORO BLUE STRIPE POLY TUBING (EHD1645-XXX) AIR-RELIEF LATERAL.
7. PEA GRAVEL SUMP (6" DEEP).
8. BRICK SUPPORTS (2 COMMON BRICKS REQUIRED).
9. NATIVE SOIL PER SPECIFICATIONS.

NOTE:
USE ONE AIR/RELIEF VALVE FOR EVERY 7 GPM PER ZONE. LOCATE AT HIGH POINTS.

5 IRRIGATION TWO WIRE PULL BOX

SCALE: NONE



1. FINISH GRADE
2. 24" LOOP OF TWO WIRE CABLE.
3. GREY RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID. HEAT BRAND "PB" INTO LID.
4. BRICK-ONE ON EACH CORNER
5. SCHEDULE 40 PVC SWEEP ELLS
6. SCHEDULE 40 U.L. LISTED PVC CONDUIT
7. PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [102mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
8. SEAL ALL CONDUIT OPENINGS WITH WATERPROOF FOAM.

NOTE:
1. ALL DECODERS SHALL HAVE A VALVE NUMBER ADDRESSED AT CONTROLLER PRIOR TO INSTALLATION.
2. USE U.F. SAFETY CABLE STRIPPER BY KING INNOVATION (MODEL NUMBER 46200) FOR ALL TWO-WIRE SPLICE CONNECTIONS.

6 POP-UP SPRAY SPRINKLER RISER

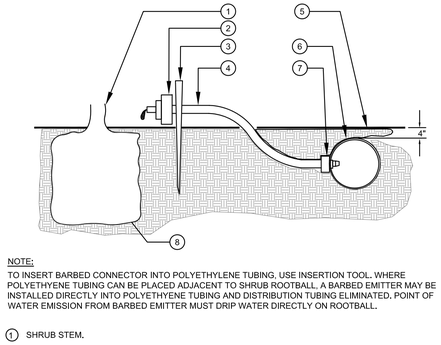
SCALE: NONE

NOTE:
SUGGESTED QUANTITY OF BUBBLERS PER TREES AND SHRUBS SIZE:
- SHRUBS = 1 BUBBLER
- 15 GAL OR 24" BOX = 2 BUBBLERS
- 36 GAL OR 48" BOX = 4 BUBBLERS
- 60 GAL OR 72" BOX = 6 BUBBLERS

TREE BUBBLER PLACEMENT EXAMPLES

7 TREE AND SHRUB BUBBLER

SCALE: NONE

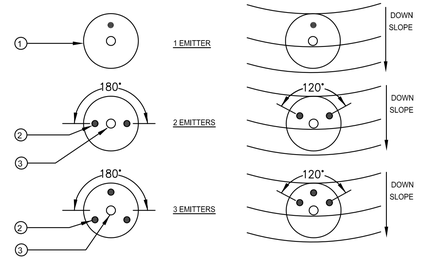


NOTE:
TO INSERT BARBED CONNECTOR INTO POLYETHYLENE TUBING, USE INSERTION TOOL. WHERE POLYETHYENE TUBING CAN BE PLACED ADJACENT TO SHRUB ROOTBALL, A BARBED EMITTER MAY BE INSTALLED DIRECTLY INTO POLYETHYENE TUBING AND DISTRIBUTION TUBING ELIMINATED. POINT OF WATER EMISSION FROM BARBED EMITTER MUST DRIP WATER DIRECTLY ON ROOTBALL.

1. SHRUB STEM.
2. EMITTER REFER TO EMITTER SCHEDULE FOR QUANTITY OF EMITTERS PER PLANT.
3. TUBING SUPPORT STAKE (SALCO DTS-200-400)
4. 1/4" TUBING DO NOT EXCEED 3' [1m] IN LENGTH.
5. FINISH GRADE.
6. SALCO PVC FLEX HOSE. INSTALL 4" [100mm] BELOW FINISH GRADE.
7. BARBED MALE ADAPTER.
8. EDGE OF ROOTBALL.

8 SALCO FLEX TUBING EMITTER PLACEMENT

SCALE: NONE



1. EDGE OF ROOTBALL (TYPICAL)
2. EMITTER OR DISTRIBUTION TUBE OUTLET (TYPICAL)
3. SHRUB STEM (TYPICAL)

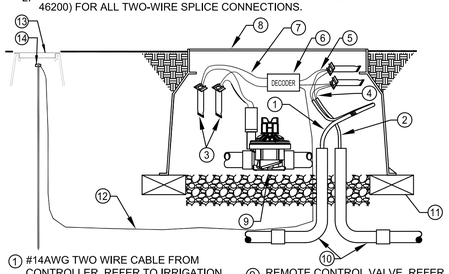
EMITTER SCHEDULE

PLANT SIZE	EMITTER SPECIFACATION	FLOW (GPH)/PER EMITTER OR OUTLET	QUANTITY OF EMITTERS PER SHRUB/TREE
1 GALLON SHRUBS	USE SLV-PS-CV-1	1 GPH	2
5 GALLON SHRUBS	USE SLV-PS-CV-2	2 GPH	2
15 GALLON	USE SLV-PS-CV-2	2 GPH	3

MAXIMUM AMOUNT OF FLOW PER DRIP TUBING RUN IS 240 GPH

9 SALCO EMITTER PLACEMENT AND

SCALE: NONE



1. #14AWG TWO WIRE CABLE FROM CONTROLLER. REFER TO IRRIGATION NOTES FOR MODEL NUMBER OF WIRE. ALLOW A 24" SLACK PER DECODER. USE ELECTRICAL TAPE TO HOLD SLACK CABLES TOGETHER.
2. TWO WIRE CABLE TO NEXT DECODER
3. 3M DBR/Y-6 OR APPROVED EQUAL WATERPROOF SPLICE KIT (4 TOTAL)
4. A MAXIMUM OF 4" OF WIRE SHALL BE STRIPPED FROM TWO WIRE CABLE WHEN SPLICING AT DECODERS.
5. CONNECT CORRECT DECODER WIRES TO TWO WIRE CABLES.
6. DECODER
7. CONNECT CORRECT DECODER WIRES TO VALVE SOLENOID WIRES
8. VALVE BOX. REFER TO REMOTE CONTROL VALVE DETAIL FOR INSTALLATION INSTRUCTIONS.
9. REMOTE CONTROL VALVE. REFER TO REMOTE CONTROL VALVE DETAIL FOR INSTALLATION INSTRUCTIONS.
10. 1.25" CONDUIT FOR 2 WIRE CABLE WITH LONG SWEEPS IN AND OUT OF EACH VALVE BOX. SEAL ALL CONDUIT OPENINGS WITH WATERPROFF FOAM.
11. BRICK-ONE ON EACH CORNER
12. #6 BARE COPPER GROUND WIRE. SPLICE INTO GROUND WIRE AT DECODER. ONLY REQUIRED AT EVERY 10TH DECODER AND AT THE ENDS OF THE LINE.
13. 8' LONG COPPER GROUND ROD. LOCATE A MINIMUM OF 8' AWAY FROM DECODER AND TWO WIRE CABLE. LOCATE IN 10" ROUND BOX.
14. CADWELD CONNECTIONS

10 DECODER WIRING IN CONDUIT

SCALE: NONE

400-128 Tarob - Geomax II
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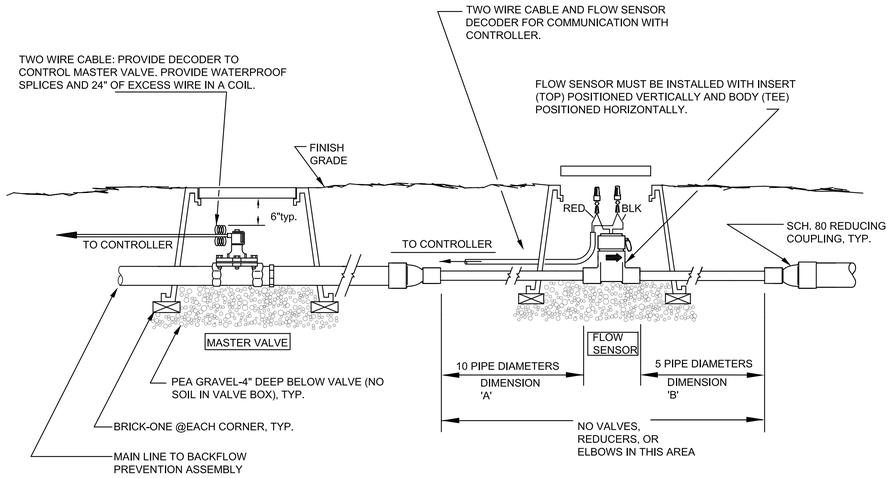
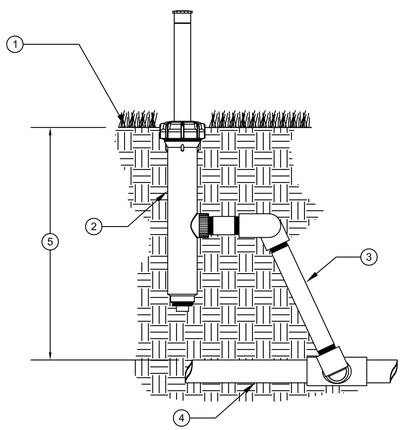


1 INSTALLATION DETAIL MASTER VALVE/FLOW SENSOR

SCALE: NONE

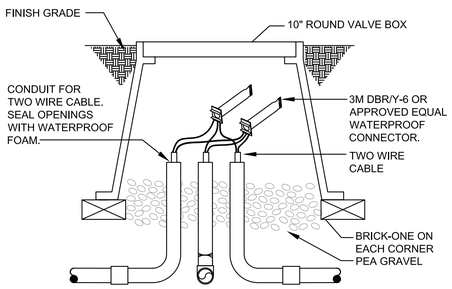


1. FINISH GRADE.
2. 570 POP-UP DRIP OPERATION INDICATOR ASSEMBLY (TORO MODEL 570-DRIP-IND) INSTALLED AT FURTHEST POINT DOWNSTREAM OF ZONE VALVE.
3. PVC OR SWING PIPE SWING JOINT ASSEMBLY.
4. PVC DRIP ZONE FOOTER.
5. DEPTH OF PVC LINE PER SPECIFICATIONS.

NOTE: TEFLON TAPE ALL THREADED JOINTS

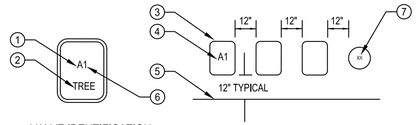
5 570 POP-UP DRIP OPERATION INDICATOR

SCALE: NONE



2 2-WIRE SPLICE BOX AT MAIN LINE TEE OR 3 WAY WIRE BRANCH

SCALE: NONE



VALVE IDENTIFICATION

1. CONTROLLER ID.
2. ALL TREE VALVES TO HAVE TREE BRANDED INTO LID.
3. RECTANGULAR VALVE BOX.
4. HEAT BRAND VALVE TYPE PER TABLE OR CONTROLLER ID AND STATION NUMBER INTO LID.
5. EDGE OF LAWN, WALK, FENCE, CURB, ETC.
6. STATION NUMBER.
7. ROUND VALVE BOX FOR QCV AND GATE VALVE. HEAT BRAND VALVE TYPE INTO INTO LID PER TABLE.

TOP VIEW OF BOXES

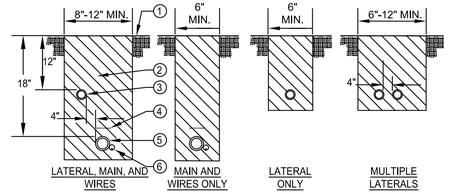
ITEMS TO BRAND:	BRAND CODE
GATE VALVE	GV
PRESSURE REDUCER	PRV
MASTER VALVE	MV
FLOW SENSOR	FS
HYDROMETER	HM
MAIN LINE AIR RELIEF	ARV
REMOTE CONTROL VALVE	A___
QUICK COUPLER	QC
SPLICE BOX	SB
PULL BOX	PB
LIGHTNING ARRESTOR	LA
GROUND ROD	GR

INSTRUCTIONS:

1. CENTER VALVE BOX OVER REMOTE CONTROL VALVE TO FACILITATE SERVICING VALVE.
2. SET BOXES 1" ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.
3. SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.
4. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.
5. AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.
6. INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.

3 VALVE BOX INSTALLATION

SCALE: NONE



NOTES:

1. ALL MAIN SUPPLY LINES AND LATERAL LINES SHALL BE PLACED IN SLEEVES UNDER PAVED SURFACES. INSTALL LOW VOLTAGE WIRES WITHIN A SEPARATE CONDUIT UNDER PAVED SURFACES. DO NOT TAPE WIRES WITHIN CONDUIT.
2. REUSE SALVAGED EXCAVATED FILL AND COMPACT TO ORIGINAL DENSITY IN LANDSCAPE AREAS. ALL OTHER AREAS SHALL BE AT 95% COMPACTION. BACKFILL MATERIAL SHALL BE THE EARTH EXCAVATED FROM THE TRENCHES, FREE FROM ROCKS (ANYTHING LARGER THAN 2"), CONCRETE CHUNKS, AND OTHER FOREIGN OR COARSE MATERIALS.
3. WHEN 12" POP-UP SPRINKLER HEADS ARE USED, INCREASE THE DEPTH OF LATERAL TO 18" AT THE SPRINKLER LOCATION ONLY.

1. FINISH GRADE.
2. CLEAN BACKFILL MATERIAL.
3. LATERAL LINE.
4. 3" DETECTABLE WARNING TAPE OVER MAIN LINE. INSTALL 3" ABOVE MAIN LINE. USE CHRISTY MODEL #TA-DT-3-BIRR FOR POTABLE IRRIGATION SYSTEMS OR #TA-DT-3-PRW FOR RECYCLED IRRIGATION WATER SYSTEMS
5. MAIN LINE.
6. TWO WIRE CABLE IN CONDUIT

4 TRENCHING

SCALE: NONE

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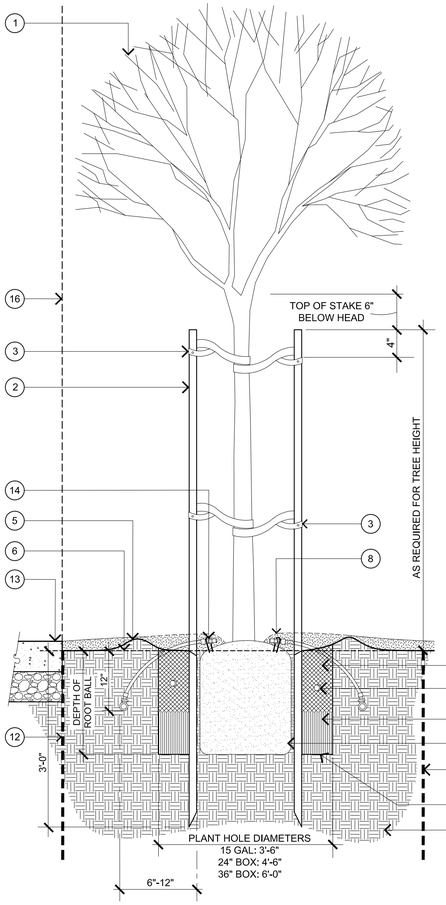
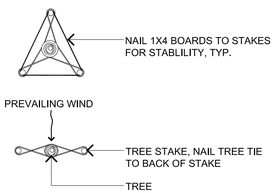


1. TREE: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
2. LODGE POLE PINE TREE STAKES: 3"X10' LONG TREE STAKES FOR WINDY CONDITIONS AND 36" BOX AND LARGER TREES
3. TREE TIE: WONDER TREE-TIE(800-910-2810) MODEL# W14-46, W24-84 OR APPROVED EQUAL. LOOP IN A FIGURE EIGHT AND NAIL TO BACK OF STAKE WITH GALVANIZED THREADED NAILS. ALLOW 3" OF MOVEMENT OF TREE IN ALL DIRECTIONS.
4. TREE ROOTBALL SET ON 12" LAYER UNDISTURBED NATIVE SOIL. DO NOT PENETRATE ROOTBALL WITH STAKES. TAMP SOIL TO 85% RELATIVE COMPACTION. SET CROWN OF ROOTBALL 2" ABOVE FINISH GRADE.
5. 3" EARTH BERM FOR WATER BASIN
6. FINISH GRADE, SET 1" BELOW AT TURF AREAS AND 2" AT SHRUB AND GROUNDCOVER AREAS
7. BACK FILL MIX: (TOP 12 INCHES ONLY): 70% PULVERIZED NATIVE SOIL, 30% NITROGEN FORTIFIED FIR OR REDWOOD SAWDUST.
8. BARK MULCH: 3" DEPTH, KEEP CLEAR FROM TRUNK OF TREE
9. PULVERIZED NATIVE SOIL
10. FERTILIZER TABS (21 GRAM, 20-10-5):
    - 15 GAL: 6 TABS
    - 24" BOX: 8 TABS
    - 36" BOX: 12 TABS
11. PLANTING HOLE, PULVERIZED NATIVE SOIL BELOW 12" FROM FINISHED GRADE; SCARIFY WALLS
12. ROOT BARRIER(AS NEEDED): REFER TO PLANTING NOTES AND SPECIFICATIONS
13. PAVING: REFER TO PLAN
14. 1/4 GPM IRRIGATION BUBBLER, OFFSET FROM TREE TUCKED TO ROOTBALL
15. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
16. BUILDING OR WALL (VARIES - SEE PLAN)

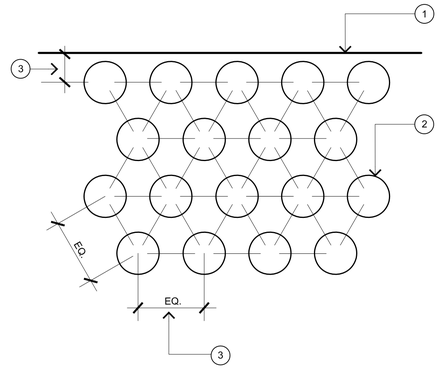
NOTES:

ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT.



1 TREE STAKING

N.T.S.



1. EDGE OF PAVING, HEADER, FACE OF BUILDING, WALL, ETC.
2. GROUNDCOVER: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
3. CENTERLINE OF PLANTS SHALL BE 1/2 OF EQUAL SPACING MINIMUM FROM EDGE OF PLANTING AREA

NOTES:

- ALL PLANTS SHALL BE PLANTED AT EQUAL SPACING (TRIANGULAR) UNLESS OTHERWISE SPECIFIED ON THE PLANS
- INFILL PLANTS AS REQUIRED TO MAINTAIN SPACING AT IRREGULAR EDGES
- KEEP MULCH CLEAR OF PLANT BASE
- ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT

2 GROUNDCOVER PLANTING

N.T.S.

1. SHRUB: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
2. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
3. FINISH GRADE
4. BACK FILL MIX: (1/2 DEPTH OF ROOT BALL HEIGHT): 70% PULVERIZED NATIVE SOIL, 30% NITROGEN FORTIFIED FIR OR REDWOOD SAWDUST.
5. SHRUB ROOTBALL SET ON LIGHTLY TAMPED SOIL. SET CROWN OF ROOTBALL 1" ABOVE FINISH GRADE.
6. FERTILIZER TABS (21 GRAM, 20-10-5):
    - 1 GALLON: 1 TAB
    - 2 GALLON: 2 TABS
    - 5 GAL: 3 TABS
    - 15 GAL: 5 TABS
7. BARK MULCH: 3" DEPTH, KEEP CLEAR FROM ROOT BALL CROWN
8. PULVERIZED NATIVE SOIL

NOTES:

ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT

3 SHRUB PLANTING

N.T.S.

400-128 Tarob - Geomax II
Milpitas, CA
December 21, 2023

Planting Details
L-7

Toll Brothers
6800 Koll Center Parkway, Suite 320
Pleasanton, CA 94566 | 925.249-6000

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
248 3rd street suite 202, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com

Toll Brothers
AMERICA'S LUXURY HOME BUILDER®

Density Bonus Waiver and Concessions Request – Written Narrative and Justification Letter
February 15, 2024

Toll Brothers is requesting the following Density Bonus Waivers be considered for our multi-family development project located at 1905 Tarob Court, Milpitas, CA (P-SD23-0011). The project includes 43 residential townhomes and 13 Accessory Dwelling Units (ADUs). Of the 43 townhomes, six will be marketed to below-market homebuyers, which means our project provides 15% inclusionary affordability.

- **Objective Design Standard Waiver** – Toll Brothers requests a waiver to the objective standard regarding primary building entrance locations. Six of our eight primary building entrances do not face a street, as the Transit Area Specific Plan (TASP) requires. We've chosen to face most of our residences towards an internal courtyard and/or the City park for the following:

    - Maximize Density – By designing the garage to face the internal street, we can increase the number of units on the site, which increases the number of residential units in the City, promoting housing production.
    - Security – Having a front door facing a courtyard or park can enhance security, as it may be more difficult for unwanted visitors or intruders.
    - Aesthetic Appeal – A courtyard or park-facing entrance can provide a more aesthetically pleasing view compared to a street view, enhancing the overall appeal and value of the property.
    - Outdoor Space – Courtyards and parks offer outdoor space for relaxation, recreation, and socializing, which may not be available on an interior street with no sidewalks.

    Since our project includes more than 10% affordable units, Toll Brothers is entitled to the Objective Design waiver, as stated above.

- Per California Density Bonus Law (Government Code Section 65915(p)), Toll Brothers are requesting "*a vehicular parking ratio, inclusive of handicapped and guest parking*" not to exceed a ratio of two onsite parking spaces for two to three-bedroom units and two and one-half parking spaces for four or more bedroom units. Toll Brothers are proposing 17 two and three-bedroom units and 26 four-bedroom units. Using State Density Bonus Law parking ratios, Toll Brothers would be required to provide at least 99 parking spaces ((17 x 2.0) + (26 x 2.5) = 99). Toll Brothers is proposing 104 total parking spaces for the development, which exceeds the State Density Bonus Law parking requirement and is entitled to the parking waiver reduction.

AGENDA ITEM: IX-2

MILPITAS PLANNING COMMISSION
STAFF REPORT

May 22, 2024

APPLICATION: **GENERAL PLAN AMENDMENT (GP24-0002), ZONING TEXT AMENDMENT and ZONING MAP AMENDMENT (ZA24-0002): City-initiated Amendments to the General Plan Land Use Element Text and Land Use Map; Title XI, Chapter 10 (Zoning) of the Milpitas Municipal Code; and the Zoning Map. The General Plan, Zoning Text and Zoning Map Amendments would Create New Zoning Districts (Business Park Research and Development Zone, Metro Area Zones) and Change the General Plan Land Use Designations and Zoning Classifications of Certain Parcels Throughout the City to Achieve Consistency Between the Milpitas 2040 General Plan, Milpitas Metro Specific Plan, Zoning Ordinance, and Zoning Map.**

RECOMMENDATION: **Staff recommends that the Planning Commission consider and adopt Resolution No. 24-017 recommending that the City Council approve General Plan Amendment GP24-0002 and Zoning Text and Zoning Map Amendment ZA24-0002 to create the new Business Park Research and Development Zone and Metro Area Zones; to update the citywide Zoning Map for consistency with the Milpitas 2040 General Plan and Milpitas Metro Specific Plan; and to ensure overall consistency between the General Plan Land Use Element, Zoning Ordinance, and Zoning Map.**

LOCATION:

Area of City: Citywide

PEOPLE:

Project Applicant: City of Milpitas

Project Planner: Holly Pearson, AICP, Senior Special Projects Associate

LAND USE:

General Plan Designation: Multiple

Zoning Districts: Multiple

ENVIRONMENTAL: An Addendum to the Final Environmental Impact Report (FEIR) for the Milpitas 2040 General Plan (State Clearinghouse No: 2020070348) and Subsequent Final Environmental Impact Report (SFEIR) for the Milpitas Metro Specific Plan (State Clearinghouse No: 2006032091) has been prepared. The Addendum finds that the impacts of the proposed project remain consistent with the impacts previously analyzed in the certified General Plan FEIR and Metro Specific Plan SFEIR, and no further environmental analysis pursuant to CEQA is required.

EXECUTIVE SUMMARY

This staff report presents work completed during the first phase of the comprehensive zoning update project, which focuses on the essential updates to the Zoning Ordinance and map that are needed to implement the land use policies in the recently updated General Plan and adopted Milpitas Metro Specific Plan. This includes creation of new zoning districts (Business Park Research and Development Zone, Metro Area Zones) and updates to the citywide zoning map to bring the zoning of all parcels in the city into consistency with their land use designations in the General Plan and Metro Specific Plan.

In addition to the proposed Zoning Ordinance text amendments and zoning map amendments, work completed during Phase 1 of the zoning update identified several minor amendments that must be made to the General Plan Land Use Element (text and map) to achieve consistency between the General Plan, Zoning Ordinance, and zoning map.

BACKGROUND

The City of Milpitas recently launched an effort to comprehensively update the Zoning Ordinance (Milpitas Municipal Code Title XI, Chapter 10), which is the primary implementation tool for the City's General Plan with regard to land use and urban development. Zoning regulations are a tool to implement the vision and goals for growth and preservation of the city by setting forth rules and standards for what may be built, and what types of uses or businesses may be located where. The City's Zoning Ordinance addresses topics such as land uses, administration, and procedures for new development, as well as alterations to existing buildings and lots, development standards such as building height and lot coverage, and other important topics such as parking and landscaping.

The City's Zoning Ordinance was originally written and adopted in 1955, with the most recent significant update having taken place in 2008. Although there have been multiple ad hoc amendments in recent years in response to changes in state law, zoning practice, and technology, overall, the Zoning Ordinance has not kept pace with changing trends in land use and economics and does not reflect current best practices in planning and development regulations. In addition, it contains many outdated terms and needs to be reorganized to improve clarity and ease of use.

In 2021, the City completed a comprehensive update to its general plan, titled the Milpitas 2040 General Plan. The adoption of the new General Plan created an opportunity, as well as a legal mandate, to update the Zoning Ordinance (also referred to as the Zoning Code) to ensure that the code achieves the type of development that will carry out the vision set forth in the General Plan. The zoning update will ensure that the code implements the policies and actions in the General Plan for land use, community design, economic development, conservation and sustainability, and community health and wellness.

The City and its consultant, Lisa Wise Consulting (LWC), commenced work on the zoning update project in February 2023. The full project will take approximately two and a half years to complete. The first phase of this work focuses on the priority tasks related to General Plan consistency, including the creation of new zoning districts, with related regulations, and updates to the zoning map. The second phase, which is anticipated to be completed in the summer of 2025, will include more extensive revisions to, and the reorganization of, the full Zoning Ordinance.

PROJECT DESCRIPTION

The following is a summary of all proposed Phase 1 amendments:

<u>General Plan Amendment</u>

- Amend the Land Use Map to change the land use designations for seven (7) parcels throughout the city for consistency with current site conditions and/or existing zoning.
- Amend the Land Use Map to change the land use designation for 287 parcels within the Granada Planned Unit Development (PUD 11) residential subdivision from Medium Density Residential (MDR) to High Density Residential (HDR) for consistency with current site conditions and existing zoning.
- Amend the Land Use Element to change the density range for the Low Density Residential (LDR) Land Use Designation from 3-5 dwelling units per acre (du/a) to 3-7 du/a, and to change the density range for the Medium Density Residential (MDR) Land Use Designation from 6-15 du/a to 7-15 du/a, to align allowable densities in the General Plan and implementing zones.
- Amend the description of the Business Park Research and Development designation in the Land Use Element to remove the word "small" from the term "small warehouses," thereby allowing larger warehouse facilities within this land use designation.
- Amend Table 1 in the Land Use Element to remove the Neighborhood Commercial (C1) Zone as an implementing zone for the General Commercial (GNC) Land Use Designation, to maintain consistency in the allowable development intensity (floor area ratio) ranges for the GNC designation and its implementing zoning districts.

Zoning Text Amendments

- Create new zoning districts, including the Business Park Research and Development (BPRD) Zone and Metro Area Zones, to implement the land use policies in the Milpitas 2040 General Plan and the Milpitas Metro Specific Plan.
- Amend various sections of the Zoning Ordinance, including Section 2 – Definitions, Section 3 – Zoning Districts, Section 53 – Off-Street Parking Regulations, and Section 56 – Nonconforming Buildings and Uses, to add or clarify definitions, regulations, and standards related to the new Business Park Research and Development Zone and Metro Area Zones.
- Add a New Subsection 54.18 – 2023-2031 Housing Element Sites to codify new requirements included in the recently updated Housing Element.

Zoning Map Amendments

- Change the zoning classification of parcels throughout the city for consistency with their land use designations in the Milpitas 2040 General Plan and Milpitas Metro Specific Plan.
- Remove the Recreation and Entertainment (RE) Overlay Zone from all parcels to be rezoned as Business Park Research and Development (BPRD), Park and Public Open Space (POS), and Institutional (I).

PROJECT ANALYSIS

General Plan Amendment

Text Amendment – Land Use Element

LWC and Planning staff conducted an exercise to analyze the consistency of the current zoning of all parcels in Milpitas with the General Plan Land Use Map and the land use designations that went into effect in 2021 with adoption of the updated General Plan. Through this process, a discrepancy was noted between the residential density that is allowed per the Low Density Residential (LDR) designation in

the General Plan (3-5 du/a) and some of the variations of the existing R1 Single Family Residential Zone. The R1 zone has several variations with different minimum lot area standards (e.g., R1-2.5 with minimum lot area 2,500 square feet; R1-5 with minimum lot area 5,000 square feet, etc.) (see Table XI-10-4.04-1: Residential Zone Development Standards in the Milpitas Zoning Ordinance).

Most areas of the city with General Plan designation LDR are currently zoned R1-6. Based on the minimum lot area of 6,000 sf, this equates to an allowable density of 7.26 du/a – a higher density than what is allowed per the General Plan land use of LDR. There are also smaller areas (65 parcels in total) that are LDR under the General Plan and are currently zoned R1-5 (min. lot area 5,000 sf and effective max. density 8.71 du/a) or R1-3 (min. lot area 3,000 sf and effective max. density 14.52 du/a).

To correct this discrepancy, prior to adoption of the updated zoning map, staff proposes to make the following amendments to the General Plan Land Use Element:

- ***Low Density Residential (LDR) Designation***: Amend the General Plan to change the density range from 3-5 du/acre to 3-7 du/acre.
- ***Medium Density Residential (MDR) Designation:*** Amend the General Plan to change the density range from 6-15 du/acre to 7-15 du/acre.

Due to extensive public comment about the proposed BPRD Zone regulations that was received during the outreach process for Phase 1 of the zoning update project (discussed in detail in the "Key Issues for the BPRD Zone" section on pages 7-8), staff determined that warehousing and distribution uses should continue to be allowed in the BPRD area, the majority of which is currently zoned M1-Light Industrial. Because the General Plan description of the BPRD land use designation refers to "small warehouses," implying only limited warehouse uses that are integrated with other primary uses such as research & development and advanced manufacturing, staff proposed to amend the language describing the BPRD designation to strike the word "small" where it precedes "warehouses." This would allow larger, stand-alone warehousing and distribution (up to 150,000 square feet) to be a by-right permitted use in the BPRD Zone, and warehouses larger than 150,000 square feet to be allowed with a Conditional Use Permit.

As part of the forthcoming Phase 2 Zoning Ordinance amendments, LWC is recommending that the development standards for the Neighborhood Commercial (C1) be amended to increase the maximum floor area ratio (FAR) from 0.35 to 0.75. With that change, under *Table 1: General Plan Designations and Implementing Zoning Districts* (General Plan Land Use Element, page LU-14), the C1 zone would no longer be consistent with the General Commercial (GNC) land use designation, which has a maximum FAR of 0.5. Therefore, Planning staff proposes to amend Table 1 in the Land Use Element to remove C1 as an implementing zone for the GNC designation.

Land Use Map Amendment

During the process of analyzing the consistency of the General Plan Land Use Map with the current zoning map, City staff identified seven miscellaneous (7) parcels that require changes to their General Plan land use designations. These map amendments are needed to accurately reflect existing uses on the properties and to align the General Plan land use with the current zoning. In addition, the 287 parcels that comprise the residential subdivision known as the Granada Planned Unit Development (PUD) have a General Plan land use designation of Medium Density Residential (MDR) and are zoned R3–Multi-Family High Density Residential. To make the General Plan Land Use, the zoning, and the actual built form/density consistent with one another, the best solution is to change the General Plan land use

designation to High Density Residential (HDR).

The table in Attachment B – Summary of General Plan Land Use Map Amendment lists the parcels with proposed General Plan map changes and the reason(s) for the changes. The proposed map changes are also illustrated in *Exhibit A: General Plan Map Amendment* to *Exhibit 1: Draft City Council Resolution* (attached to Attachment A: Resolution No. 24-017).

Zoning Ordinance Amendments

The Land Use Element of the Milpitas 2040 General Plan includes a new land use designation that did not exist under the City's previous General Plan: Business Park Research and Development (BPRD). This is an industrial land use designation that is "intended to accommodate business parks, high-intensity office buildings, light manufacturing parks, and light industrial areas that provide for a variety of businesses that support employment opportunities and services for Milpitas and the region."

The Metro Specific Plan focuses on an area of approximately 510 gross acres in the southern end of Milpitas and includes the Milpitas BART station and Transit Center, the Great Mall, and surrounding areas. The plan outlines eight land use classifications and their corresponding zoning districts. The implementing zoning districts listed in the Metro Plan are similar to other zoning districts that currently exist in the City's Zoning Ordinance: High Density Mixed Use (MXD2) and Very High Density Mixed Use (MXD3); Multi-Family High Density Residential (R3), Multi-Family Very High Density Residential (R4), and Urban Residential (R5). In addition, the Metro Plan includes two variations of the new BPRD land use classification and corresponding BPRD zones (BPRD and BPRD-R), with the distinguishing factor being that the latter allows residential uses on a limited basis.

Accordingly, the proposed new zones drafted for Phase 1 of the comprehensive zoning update are:

- Business Park Research and Development (BPRD)
- Metro Multi-Family High Density Residential (R3-Metro)
- Metro Multi-Family Very High Density Residential (R4-Metro)
- Metro Urban Residential (R5-Metro)
- Metro High Density Mixed Use (MXD2-Metro)
- Metro Very High Density Mixed Use (MXD3-Metro)
- Metro Business Park Research and Development (BPRD-Metro)
- Metro Business Park Research and Development, Limited Residential; (BPRD-R-Metro)

The BPRD Zone is being incorporated into the existing Section 7 – Industrial Zones of the code, while the seven Metro Zones are included in a new section, Section 9 – Metro Area Zones. In addition to these base zone regulations, the draft amendments include related changes to the following sections of the Zoning Ordinance:

- **Section 2–Definitions**: New definitions added for new land uses to be included in the use tables for the BPRD and Metro Area Zones; revisions to some existing land use definitions.
- **Section 3–Zones**: Adding new BPRD and Metro Area Zones to the list of all zoning districts in the city.

- **Section 53–Off-Street Parking Regulations**: Adding new off-street vehicle and bicycle parking requirements in the Metro Area Zones, consistent with guidance in the Metro Specific Plan; adding parking requirement ratios for newly added land uses.
- **Section 56–Nonconforming Buildings and Uses**: Adding a new provision stating that approved nonconforming parcels are legal building sites and may be developed.

Lastly, a new **subsection 54.18–Housing Element Sites** has been added to codify new requirements included in the recently updated 2023-2031 Housing Element.

Zoning Map Changes

During the zoning map consistency analysis exercise, staff identified several hundred parcels for which zoning was inconsistent with the General Plan land use designation. The majority of these parcels were expected zoning changes following General Plan adoption to bring zoning into consistency with the Land Use Map. All proposed zoning changes in the city are shown in *Exhibit A: Zoning Map Amendment* to *Exhibit 2: Draft Zoning Text and Map Amendments Ordinance* (incorporated into Attachment A: Resolution No. 24-017).

For a small number of other parcels, after detailed review staff determined that amendments to the General Plan Land Use Map were more appropriate than zoning changes, generally due to existing site conditions (e.g., actual use or actual density of built structures), unintentional inconsistencies, or overriding policy reasons. These parcels have been previously discussed in the "General Plan Amendments" section.

Public Outreach

Throughout the first phase of the zoning update project, staff and LWC conducted a variety of community engagement activities to invite public input about the draft zoning amendments. These included creation of a dedicated website (www.milpitaszoningupdate.org), use of a project email list to disseminate news and announcements about the project, and periodic press releases and social media posts. A citizens' Zoning Advisory Group (ZAG) was also formed, comprised of representatives from existing City boards and commissions. The ZAG met on May 23, 2023, and August 24, 2023, to discuss topics related to the first phase of the zoning update work.

Following the release in August 2023 of the initial public review draft of the Phase 1 Zoning Ordinance and zoning map amendments, a virtual community workshop was held on August 24. Planning staff and LWC conducted study sessions at public meetings with the Planning Commission (on August 30) and City Council (on October 3). Staff also gave an informational presentation at the Economic Development and Trade Commission meeting on September 11.

At the October 3 City Council study session, based on comments and concerns from interested parties about the draft BPRD Zone regulations, Councilmembers directed staff to conduct additional, focused public outreach with stakeholders for the future BPRD area. In response, staff began hosting weekly "virtual office hours" for the zoning update project, during which interested parties could meet one-on-one with Planning staff to ask questions and provide feedback.

Staff also organized and facilitated a series of three focus group meetings, held on November 13, 14, and 15. A total of 13 industry stakeholders participated in the focus groups. In addition, an individual meeting was held on November 1 with representatives from Cisco Systems, Inc., which owns several

properties in the proposed BPRD area. Planning Director Lee also attended a special meeting with members of the Milpitas Chamber of Commerce on November 16 to discuss the draft BPRD Zone. These outreach activities resulted in a large amount of detailed and high-quality input about how the draft BPRD Zone regulations could be changed to better reflect the current market conditions and the needs of businesses and developers.

Following the focused outreach activities in November, Planning staff continued to follow up via email and live calls with interested stakeholders as revisions to the proposed BPRD Zone regulations were drafted. The current version of the draft BPRD Zone, shown in redline or "track changes" format (Attachment C), reflects extensive changes as compared to the original draft. These changes are responsive to current economic realities, market conditions, and rapidly changing high-tech industries. The changes are intended to allow greater flexibility in terms of permitted uses as well as development and design standards.

Key Issues for the BPRD Zone

Most of the public comment received on the Phase 1 zoning amendments has been on the draft BPRD Zone regulations. As noted above, many stakeholders with interests in the future BPRD area and the high-tech/advanced manufacturing/research & development sectors came forward at the October 3 City Council study session and during the following weeks to discuss the proposed BPRD regulations with staff and provide detailed input. These stakeholders included property owners, developers, real estate investors, commercial and industrial leasing brokers, and business representatives. Below is a summary of the stakeholder input received during the focused outreach activities held from November 2023 through April 2024.

<u>General Comments re: Market for Advanced Manufacturing/R&D Space in Silicon Valley</u>

- Maximizing flexibility is essential in order to attract companies in the advanced manufacturing/ R&D, and emerging technologies sectors.
- The City should minimize the need for discretionary approvals.
- Providing ample parking is important since advanced manufacturing/R&D are employee-intensive uses and employees in the South Bay typically want to be able to drive to work and park in front of the building they work in.

<u>Use Regulations for Warehousing/Distribution</u>

- Allowing warehousing/distribution by right is essential in order to give property owners, developers and investors confidence and to minimize the risks involved in property redevelopment.
- Many participants felt that 150,000 square feet is a reasonable maximum size threshold for allowing warehouse uses by right in the BPRD area and noted that some nearby local jurisdictions have this as a maximum floor area for warehouses permitted by right. Others commented that a higher floor area threshold for by-right permitted warehousing would be preferable.

<u>Development and Design Standards</u>

- Floor Area Ratio (FAR): 0.35 was frequently cited as the typical FAR for advanced manufacturing/ R&D. Focus group participants consistently felt that 0.45 is too high. Many site planning constraints and requirements, parking needs, as well as the irregular street grid

(resulting in oddly shaped parcels) in the BPRD area make it difficult to achieve FAR higher than 0.35.

- The current market demand is for basic, flexible, single-story buildings (e.g., concrete tilt-up industrial buildings) where companies can come in and make whatever tenant improvements are needed to the interior to support their operations.
- It is better not to be too "prescriptive" about design standards or about how/where amenities such as outdoor dining areas, restaurants, fitness center, childcare, etc. are located on a site.

The following are key revisions to the draft BPRD Zone regulations that have been made following release of the August 2023 public review draft in response to stakeholder comments. For a full list of changes to the draft Zoning Amendments, please refer to Attachment D: Errata Sheet.

- Revised definitions of "Advanced Manufacturing" and "Research & Development" to specify that these uses include any amount of storage of raw materials and finished products that actively supports the primary use.
- Revised definition of "Warehousing and Distribution" to clarify that it refers to "passive storage" (i.e., a distinction was made between traditional industrial warehousing and the storage of goods that is directly related to active, employment-generating uses).
- Added and defined other new high-tech land uses, such as data centers.
- In the BPRD Zone, warehousing and distribution facilities (stand-alone 'passive' storage) up to 150,000 square feet would be allowed by right, and larger ones would require a Conditional Use Permit. All warehousing and distribution uses would continue to be allowed by right in the other industrial zones (M1, M2, MP) without size restriction.
- Many development and design standards in the previous draft were relaxed or eliminated.

General Plan Conformance

The City's General Plan is the primary long-range planning document that provides the vision for the future growth and development of Milpitas. The General Plan and zoning map amendments conform to the policies and standards in the City's General Plan, as demonstrated in the following table.

Table 1: General Plan Conformance

Policy	Conformance
Introduction: Amending the General Plan	The Introduction to the General Plan (Page IN1-8) states that "The General Plan…is a dynamic and multi-faceted document that defines and addresses the changing needs of the City." It goes on to recognize "the need for the General Plan to remain current and reflective of local issues and policies." The proposed changes to the Land Use Element text are in keeping with this guidance from the General Plan itself because they involve updates to policy language about allowable development densities and intensities to ensure that General Plan policies align with the implementing zoning regulations. The proposed text changes to the BPRD land use description are directly related to changing economic and market conditions

Policy	Conformance
	and will allow the BPRD area to attract new development and investment as well as attract and retain businesses.
Land Use Element Policy LU 1-2: Assign the following range of land use designations throughout the city and the Planning Area, as shown on the Land Use Map (Figure LU-1) and regulate the levels of building intensity and density consistent with the designations established by the Land Use Map.	The purpose of the proposed amendments to the Zoning Ordinance is to enact zoning regulations that implement the General Plan land use designations; i.e., to create specific rules and standards that regulate building intensity, density, and other factors that serve to realize the intent of the various land use designations in the General Plan and Metro Specific Plan. Together with the proposed amendments to the zoning map, the Zoning Ordinance amendments will realize the action called for under Policy LU 1-2 by bringing the zoning of all land citywide into consistency with the General Plan Land Use Element.
Land Use Element Policy LU 1-3: Maintain a supply of developable lands sufficient to meet desired levels of housing, jobs, and economic needs over the planning period.	The updates to the City's zoning map, with related new zoning regulations for the BPRD Zone and Metro Area Zones, will add a significant amount of housing capacity in Milpitas and will increase the potential for new high-tech, R&D, and advanced manufacturing businesses to locate in Milpitas. These changes will help realize the City's goals for accommodating new housing units and advancing economic development and job creation.
Land Use Element Policy LU 1-7: Recognize that the Land Use Map may be amended in accordance with State law in order to ensure that there is an adequate supply of commercial, business park, industrial, public facility, parks, residential, and other desired land uses to serve the City's needs.	These proposed map amendments are consistent with the General Plan because they follow the guidance outlined within the General Plan itself for amending this policy document when local issues or conditions necessitate such changes. In this case, changes to the General Plan Land Use Map are required as a result of detailed review that revealed certain properties in the city where the current land use designations did not correspond with existing uses or existing built conditions. Amending the Land Use Map as proposed will ensure that all land in the city is appropriately designated to support current and future uses, development patterns, and/or conservation efforts. The process for making the necessary changes to the General Plan follows the requirements of State law and City codes and policies.
Land Use Element Action LU-1a: Update the City's Zoning Map as appropriate to ensure consistency with the land use designations shown on Figure LU-1 (Land Use Map).	The proposed zoning map amendments represent the fulfillment of this action from the Land Use Element – updating the zoning map for consistency with the General Plan Land Use Map.
Land Use Element Action LU-1b: Review the Zoning Ordinance and update as appropriate to reflect	The proposed zoning text amendments represent the fulfillment of this action from the Land Use Element – updating the Zoning Ordinance for consistency with various goals and policies in the

Policy	Conformance
land use goals, policies, and implementation actions included in this Plan.	General Plan.
Land Use Element Policy LU 7-2: Support opportunities for future development within the Business Park Research & Development land uses to support hi-tech jobs innovative practices and industries. These areas should support existing businesses [and] encourage and incentivize new firms with more intensive uses to locate in Milpitas, and allow local companies to stay and grow their operations while promoting transportation objectives.	The creation of the new Business Park Research and Development Zone provides the specific tools, regulations, and guidelines needed to realize the policy intent of the General Plan's BPRD area (job creation, especially in emerging high-tech industries). Throughout the process of drafting, refining, and revising the BPRD Zone regulations, special care has been taken to ensure that the zoning rules and standards are supportive of the needs of these businesses and will allow them to operate according to changing industry needs. Attention has also been given to the needs of existing businesses in the BPRD area, including warehouse uses, to ensure that they will continue to conform to the new zoning regulations. Through extensive stakeholder consultation, the draft BPRD Zone has been designed to attract innovative new businesses and encourage them to locate in Milpitas.
Economic Development Element Policy ED 1-3: Strengthen the City's position as a premier regional location for high-tech industrial and advanced manufacturing uses in Silicon Valley.	The creation of the BPRD Zone and BPRD Metro Zones fulfills one of the City's most important strategies for carrying out this policy. These new zoning districts will provide appropriately zoned land for high-tech and advanced manufacturing uses in a prime location with good access and transportation connections to other locations in the Silicon Valley region.
Economic Development Element Policy ED 5-2: Attract high-performing companies that complement existing industries in Milpitas and provide well-paying employment opportunities suited to the local workforce.	The allowed land uses in the proposed new BPRD Zone and BPRD Metro Zones are designed to attract high-performing and innovative companies to Milpitas. The draft zoning regulations for both uses and development standards have been carefully crafted to allow flexibility for new businesses and to accommodate a wide variety of business types. This will encourage a range of job types that provide work opportunities for local residents across a broad spectrum of skills and income levels.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings identify the rationale behind the decision to take a certain action. The following are the required findings for approval of a zoning amendment.

General Plan Amendment

The Introduction section of the Milpitas 2040 General Plan (*page IN-8*) states the following four standard findings that must be made for a proposed General Plan amendment. These four findings fully encompass,

include, and expand upon the findings required for General Plan amendment under Subsection XI-10-57.02(G)(1) of the Milpitas Municipal Code:

1. *The amendment is deemed to be in the public interest.*

   The proposed amendments to the text of the Land Use Element of the City's General Plan, as well as the proposed changes to the General Plan Land Use Map, are necessary to align the permitted land uses and allowed density ranges between the land use designations defined in the General Plan and the zoning districts that implement those designations. Some of the changes to the General Plan Land Use Map are also needed to accurately reflect the existing uses and actual built conditions of certain parcels. These changes are in the public interest because a General Plan map that corresponds to the actual ownership status, uses, and development patterns of land in Milpitas, as well as overall consistency between the General Plan and the zoning ordinance and zoning map, is good public policy, helping to promote orderly development and certainty for property owners and neighbors in terms of land uses, development potential, and protection of open space areas.

2. *The amendment is consistent and/or compatible with the rest of the General Plan.*

   The introduction to the General Plan notes that the document "is not static, but rather is a dynamic and multi-faceted document that defines and addresses the changing needs of the City. It is based on an on-going assessment and understanding of existing and projected community needs" (page IN-8, Milpitas 2040 General Plan). This language reflects the understanding that the General Plan will occasionally require amendments to keep pace with changing circumstances and issues that affect growth, conservation, and quality of life in Milpitas.

   The proposed amendments are in keeping with this understanding, instituting changes to the General Plan that reflect current conditions. The proposed land use map changes are intended to match the existing zoning and reflect on-the-ground conditions for select properties in the city. Changing the land use designation for certain parcels to Permanent Open Space will further the goals of the Parks, Recreation, and Open Space Element by protecting open space and natural areas in the city. The proposed amendment to the language in the Land Use Element describing the Business Park Research and Development Zone reflects and supports existing market realities for Milpitas and the broader South Bay area, thereby helping to further the goals of the Economic Development Element.

   The proposed minor amendments are related to the Land Use Element and Land Use Map only, and do not affect any other portion of the General Plan. The amendments are consistent with the General Plan as a whole and do not create any internal inconsistencies.

3. *The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

   The proposed amendments involve changes to the General Plan map and land use designations for a relatively small number of parcels, as well as minor changes to the language of the Land Use Element. These amendments would not be detrimental to public health, safety, or welfare because they would simply bring the General Plan's allowed land uses and development density ranges into consistency with the corresponding zoning districts, resulting in clearer and more effective land use policies and regulations. In addition, the minor text amendment related to warehouses in the Business Park Research and Development area would not be detrimental to public health, safety, or welfare because it would simply allow larger warehouse uses on properties with that land use designation, which is consistent with current market demands and conducive to the city's economic health and development.

4. *The amendment has been processed in accordance with the applicable provisions of the California*

Government Code, the California Environmental Quality Act (CEQA), and the City's Municipal Code.

California Government Code Section 65358 provides guidance for a local jurisdiction to follow in amending its general plan, stating that such an amendment may be initiated if deemed "to be in the public interest" and "shall be initiated in the manner specified by the legislative body" (in this case, the Milpitas City Council). The City's procedure for amending the General Plan is outlined in Milpitas Municipal Code (MMC) Section XI-10-57.02. That procedure includes requirements for a General Plan amendment to be reviewed at a public hearing before the Planning Commission, which shall make a recommendation to the City Council; and then for the City Council to hold a public hearing and make a decision on the proposed amendment. These procedures are being followed for the General Plan amendments in question and are consistent with and fulfill the procedure specified in the Government Code.

The City has also fulfilled all procedural prerequisites of the Government Code and Milpitas Municipal Code. This includes public involvement (Gov. Code, § 65351), referral to other agencies (Gov. Code, § 65352), tribal consultation (Gov. Code, § 65352.3), and all public notices and hearings required.

In conformity with Government Code section 65350.5 and Water Code sections 10910 et seq., the amendments do not substantially change the City's prior analysis and conclusions regarding water systems, water rights, and groundwater sustainability and management or otherwise require amendment of the City's prior determinations in this regard with respect to its General Plan.

The California Government Code also states that a municipality may amend a mandatory element of its general plan (including a land use element) no more than four times per calendar year. This is the City's second proposed amendment to the Milpitas 2040 General Plan Land Use Element in 2024.

The proposed amendments are being processed in accordance with CEQA. As noted above, an EIR Addendum to the previously certified FEIR for the General Plan and SFEIR for the Metro Specific Plan was prepared and concluded that impacts are consistent with those previously analyzed in these environmental documents and no further analysis pursuant to CEQA is required.

Zoning Amendment (Milpitas Municipal Code Section XI-10-57.02(G)(3))

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

   The fundamental purpose of the proposed Zoning Ordinance and zoning map amendments is to achieve consistency with the General Plan, as required by state law. This detailed set of Zoning Ordinance and zoning map amendments follows the adoption of the comprehensive update to the City's general plan, titled the Milpitas 2040 General Plan, as well as the adoption of the Metro Specific Plan. The creation of the new Business Park Research and Development Zone and the new Metro Area Zones, along with updates to the zoning classifications of certain parcels throughout the city, accomplish the important objective of bringing the Zoning Ordinance and zoning map into consistency with the General Plan and Metro Specific Plan.

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

   The proposed zoning changes serve to implement several of the City's adopted land use and economic development policies that promote the public interest. They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. They would also provide clear and user-friendly regulatory requirements and standards for new development, improving outcomes for property owners and adjacent residents and businesses. In summary, the proposed zoning amendments would support overall community health and well-being in Milpitas.

PUBLIC COMMENT

Staff conducted consultation regarding the proposed General Plan amendment with local Native American tribes, pursuant to Senate Bill (SB) 18. Consultation letters describing the proposed General Plan amendment were mailed on February 28, 2024, to designated representatives from 12 tribes whose historical territory coincides with the present-day boundaries of Milpitas. As of the publication date of this staff report, no tribes had requested consultation.

As required under California Government Code §65352, notices of the proposed General Plan amendments were sent to various public agencies, including Santa Clara County, the adjacent Cities of San Jose and Fremont, the Milpitas Unified School District, regional planning entities (Association of Bay Area Governments and Metropolitan Transportation Commission), the Santa Clara County Local Agency Formation Commission, the State Water Resources Control Board, and others. To date, minor comments have been received and addressed from two entities, the Santa Clara Valley Water District and the San Francisco Public Utilities Commission.

Staff provided public notice for the proposed General Plan amendment, zoning text amendments, and zoning map amendments in accordance with City and State noticing requirements. The Planning Department published a notice of the Planning Commission hearing in the *Milpitas Post* on May 10, 2024. A public notice was also provided on the City's website, www.milpitas.gov and posted at City Hall.

In addition, notice postcards of proposed property rezoning were mailed to owners of 52 parcels in the new BPRD Zone area, and owners of 108 other parcels with proposed zoning changes (including properties to be rezoned to C2-General Commercial, MXD-Mixed Use, and R3-Multi-Family High Density Residential).

Since the release in mid-April of the public hearing draft of the proposed General Plan Amendment and Zoning Ordinance and Map Amendments, staff has received several written comment emails and letters, which are included as Attachment E and summarized below.

Two letters, from McCarthy Development and Cushman & Wakefield, request that the floor area threshold for by-right permitted warehousing and distribution in the BPRD Zone to be increased from 150,000 to 200,000 square feet. An email from Lowney Architecture details additional requested modifications to the special development and design standards for the BPRD Zone which, according to the commenter, would better facilitate the design and construction of smaller industrial buildings.

Lastly, at the time of publication of this report, 16 template emails had been received from community members relating to the application currently under review by the Planning Department for expansion of the Stratford Preparatory School (1323 Great Mall Drive), which is proposed to be rezoned to BPRD-R-Metro. These emails request that the zoning update support approval of the Stratford School campus expansion. Citywide planning decisions are based upon the community as a whole and not any particular project. The Stratford School project should be evaluated by the Planning Commission at the time that project comes before the Commission for a decision.

ENVIRONMENTAL REVIEW

An Addendum to the Final Environmental Impact Report (EIR) for the Milpitas 2040 General Plan and Subsequent Final Environmental Impact Report (SFEIR) for the Milpitas Metro Specific Plan was prepared and published on April 26, 2024 (see *Exhibit 3: EIR Addendum*, attached to Attachment A:

Resolution No. 24-017). The Addendum finds that the impacts of the proposed project remain consistent with the impacts previously analyzed in the certified General Plan FEIR and Metro Specific Plan SFEIR. The Addendum further concludes that proposed General Plan amendment and zoning ordinance and zoning map amendments do not require any substantial revisions to the General Plan FEIR or Metro Specific Plan SFEIR, and that no new significant information or changes in circumstances surrounding the proposed project have occurred since the certification of the General Plan FEIR or Metro Specific Plan SFEIR. The Addendum demonstrates that the previous analysis completed for the General Plan Update FEIR and Metro Specific Plan SFEIR remain adequate under CEQA; therefore, no further environmental review is required.

CITY COUNCIL REVIEW

General Plan and zoning amendments require review and approval by the City Council based on a recommendation from the Planning Commission. This item is tentatively scheduled for discussion by the Milpitas City Council on June 4, 2024.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close the Public Hearing; and
2. Determine that the Addendum to the Final Environmental Impact Report (EIR) for the Milpitas 2040 General Plan (State Clearinghouse No. 2020070348) and Subsequent Final Environmental Impact Report (SFEIR) for the Metro Specific Plan (State Clearinghouse No. 2006032091) adequately analyzes the potential environmental impacts associated with the proposed General Plan and Zoning Amendments, and that the EIR Addendum is in compliance pursuant to CEQA Guidelines §15162 and §15164; and
3. Adopt Resolution No. 24-017 recommending that the City Council approve General Plan Amendment No. GP24-0002 and Zoning Text and Zoning Map Amendment No. ZA24-0002.

ATTACHMENTS

A: Resolution No. 24-017
Exhibit 1: Draft City Council Resolution for General Plan Amendment
Exhibit A: General Plan Map Amendment
Exhibit 2: Draft Zoning Text and Map Amendments Ordinance
Exhibit A: Zoning Map Amendment
Exhibit 3: EIR Addendum
B. Summary of General Plan Land Use Map Amendment
C. Draft Zoning Ordinance Text Amendments (redline version)
D. Errata Sheet for Phase 1 Zoning Ordinance Update – Public Hearing Draft
E. Public Comments Received

RESOLUTION NO. 24-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT GP24-0002, TO AMEND THE LAND USE ELEMENT TEXT AND LAND USE MAP, ZONING TEXT AND MAP AMENDMENT ZA24-0002, TO CREATE NEW ZONING DISTRICTS (BUSINESS PARK RESEARCH AND DEVELOPMENT ZONE, METRO AREA ZONES) AND TO CHANGE THE ZONING CLASSIFICATIONS OF CERTAIN PARCELS THROUGHOUT THE CITY, TO ACHIEVE CONSISTENCY BETWEEN THE MILPITAS 2040 GENERAL PLAN, MILPITAS METRO SPECIFIC PLAN, ZONING ORDINANCE, AND ZONING MAP, AND ADOPT THE COMPREHENSIVE ZONING ORDINANCE UPDATE PHASE I ADDENDUM TO THE GENERAL PLAN FEIR (SCH # 2020070348) AND MILPITAS METRO SPECIFIC PLAN SFEIR (SCH # 2006032091).

WHEREAS, the City of Milpitas, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65300 et seq. requires each city to prepare and adopt, and amend as necessary, a comprehensive, long-term general plan for the physical development of the county or city; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, on March 9, 2021, the Milpitas City Council adopted the Milpitas 2040 General Plan, updating and revising the land use policies, goals, and objectives contained in the City's previous General Plan; and

WHEREAS, on February 7, 2023, the Milpitas City Council adopted the Metro Specific Plan to guide future land use, development, and public and private investment in the area surrounding the Milpitas Transit Center, the Milpitas Bay Area Rapid Transit (BART station), and the Great Mall; and

WHEREAS, California Government Code Section 65860 requires a city's zoning ordinance to be consistent with its adopted general plan, including any specific plan that has been adopted to establish planning policies for a defined geographic area of the city; and

WHEREAS, the City has prepared a General Plan Amendment and Zoning Text and Zoning Map Amendment ("Amendments") to implement the land use policies and goals of the Milpitas 2040 General Plan and Metro Specific Plan, including the creation of a new Business Park Research and Development Zone and new Metro Area Zones, and to ensure overall consistency between the City's General Plan, Metro Specific Plan, Zoning Ordinance, and Zoning Map; and

WHEREAS, on March 9, 2021, a Final Environmental Impact Report (FEIR) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA),

and whereas the proposed Amendments are consistent with the updated General Plan and the environmental analysis conducted for the same; and

WHEREAS, on February 7, 2023, a Subsequent Final Environmental Impact Report (SFEIR) was certified for the Metro Specific Plan in accordance with CEQA, and the proposed Amendments are consistent with the Metro Plan and the environmental analysis conducted for the same; and

WHEREAS, an Addendum to the certified Milpitas 2040 General Plan FEIR and Metro Specific Plan SFEIR was published on April 26, 2024, which concluded that the impacts of the proposed General Plan Amendments and Zoning Text and Zoning Map Amendments remain consistent with the impacts previously analyzed in the Environmental Impact Reports, and therefore no further environmental analysis pursuant to CEQA is required; and

WHEREAS, the Planning Commission makes and accepts as its own the findings set forth in this resolution; and

WHEREAS, the Planning Commission is an advisory body to the City Council; and

WHEREAS, on May 22, 2024, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the proposed Amendments; and

WHEREAS, the Planning Commission has considered all the written and oral testimony presented at the public hearing in making its decision; and

WHEREAS, all legal prerequisites to the adoption of this resolution and the Planning Commission's review, recommendation, and approval of the General Plan amendments, Zoning amendments, and CEQA review contained herein have been met.

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

SECTION 1. Recitals

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. CEQA Finding

An Addendum to the Final Environmental Impact Report (FEIR) for the Milpitas 2040 General Plan (State Clearinghouse No: 2020070348) and Subsequent Final Environmental Impact Report (SFEIR) for the Milpitas Metro Specific Plan (State Clearinghouse No: 2006032091) was published on April 26, 2024. The Addendum finds that the impacts of the proposed project remain consistent with the impacts previously analyzed in the certified General Plan FEIR and Metro Specific Plan SFEIR. The Addendum

further concludes that proposed project does not require any substantial revisions to the General Plan FEIR or Metro Specific Plan SFEIR, that no new significant information or changes in circumstances surrounding the proposed project have occurred since the certification of the General Plan FEIR or Metro Specific Plan SFEIR, and that the previous analysis completed for the General Plan Update FEIR and Metro Specific Plan SFEIR remain adequate under CEQA. The Planning Commission therefore finds that its actions are consistent with CEQA and State CEQA guidelines and that no additional environmental review is required therefore. Subject to the City Council's ultimate adoption and approvals, the Planning Commission approves, recommends the City Council approve, and adopts this Addendum as if fully set forth herein.

SECTION 3. Findings for General Plan Amendment

The Planning Commission finds based upon the full record before it that all findings and prerequisites required for the General Plan amendments proposed have been met, including those set forth in the Government Code, including Sections 65350 et seq., the Milpitas Municipal Code, including Section XI-10-57.02, and page IN-8 of the Milpitas 2040 General Plan itself. The Planning Commission makes the following further and specific findings based on the evidence in the public record in support of General Plan Amendment No. GP24-0002:

1. *The amendment is deemed to be in the public interest.*

The proposed amendments to the text of the Land Use Element of the City's General Plan, as well as the proposed changes to the General Plan Land Use Map, are necessary to align the permitted land uses and allowed density ranges between the land use designations defined in the General Plan and the zoning districts that implement those designations. Some of the changes to the General Plan Land Use Map are also needed to accurately reflect the existing uses and actual built conditions of certain parcels. These changes are in the public interest because a General Plan map that corresponds to the actual ownership status, uses, and development patterns of land in Milpitas, as well as overall consistency between the General Plan and the zoning ordinance and zoning map, is good public policy, helping to promote orderly development and certainty for property owners and neighbors in terms of land uses, development potential, and protection of open space areas.

2. *The amendment is consistent and/or compatible with the rest of the General Plan.*

The introduction to the General Plan notes that the document "is not static, but rather is a dynamic and multi-faceted document that defines and addresses the changing needs of the City. It is based on an on-going assessment and understanding of existing and projected community needs" (page IN-8, Milpitas 2040 General Plan). This language reflects the understanding that the General Plan will occasionally require amendments to keep pace with changing circumstances and issues that affect growth, conservation, and quality of life in Milpitas.

The proposed amendments are in keeping with this understanding, instituting changes to the General Plan that reflect current conditions. The proposed land use map changes are intended to match the existing zoning and reflect on-the-ground conditions for select properties in the city. Changing the land use designation for certain parcels to Permanent Open Space will further the goals of the Parks, Recreation, and Open Space Element by protecting open space and natural areas in the city. The proposed amendment to the language in the Land Use Element describing the Business Park Research

and Development Zone reflects and supports existing market realities for Milpitas and the broader South Bay area, thereby helping to further the goals of the Economic Development Element.

The proposed minor amendments are related to the Land Use Element and Land Use Map only, and do not affect any other portion of the General Plan. The amendments are consistent with the General Plan as a whole and do not create any internal inconsistencies.

3. *The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed amendments involve changes to the General Plan map and land use designations for a relatively small number of parcels, as well as minor changes to the language of the Land Use Element. These amendments would not be detrimental to public health, safety, or welfare because they would simply bring the General Plan's allowed land uses and development density ranges into consistency with the corresponding zoning districts, resulting in clearer and more effective land use policies and regulations. In addition, the minor text amendment related to warehouses in the Business Park Research and Development area would not be detrimental to public health, safety, or welfare because it would simply allow larger warehouse uses on properties with that land use designation, which is consistent with current market demands and conducive to the city's economic health and development.

4. *The amendment has been processed in accordance with the applicable provisions of the California Government Code, the California Environmental Quality Act (CEQA), and the City's Municipal Code.*

California Government Code Section 65358 provides guidance for a local jurisdiction to follow in amending its general plan, stating that such an amendment may be initiated if deemed "to be in the the public interest" and "shall be initiated in the manner specified by the legislative body" (in this case, the Milpitas City Council). The City's procedure for amending the General Plan is outlined in Milpitas Municipal Code (MMC) Section XI-10-57.02. That procedure includes requirements for a General Plan amendment to be reviewed at a public hearing before the Planning Commission, which shall make a recommendation to the City Council; and then for the City Council to hold a public hearing and make a decision on the proposed amendment. These procedures are being followed for the General Plan amendments in question and are consistent with and fulfill the procedure specified in the Government Code.

The City has also fulfilled all procedural prerequisites of the Government Code and Milpitas Municipal Code. This includes public involvement (Gov. Code, § 65351), referral to other agencies (Gov. Code, § 65352), tribal consultation (Gov. Code, § 65352.3), and all public notices and hearings required.

In conformity with Government Code section 65350.5 and Water Code sections 10910 et seq., the amendments do not substantially change the City's prior analysis and conclusions regarding water systems, water rights, and groundwater sustainability and management or otherwise require amendment of the City's prior determinations in this regard with respect to its General Plan.

The California Government Code also states that a municipality may amend a mandatory element of its general plan (including a land use element) no more than four times per calendar year. This is the City's second proposed amendment to the Milpitas 2040 General Plan Land Use Element in 2024.

The proposed amendments are being processed in accordance with CEQA. As noted above, an EIR Addendum to the previously certified FEIR for the General Plan and SFEIR for the Metro Specific Plan

was prepared and concluded that impacts are consistent with those previously analyzed in these environmental documents and no further analysis pursuant to CEQA is required.

SECTION 4. Findings for Zoning Amendment (Milpitas Municipal Code, Subsection XI-10-57.02(G)(3))

The Planning Commission finds based upon the full record before it that all findings and prerequisites required for the Zoning Text and Zoning Map amendments proposed have been met, including those set forth in the Government Code, including Sections 65850 et seq., and the Milpitas Municipal Code, including Section XI-10-57.02. The Planning Commission makes the following further and specific findings based on the evidence in the public record in support of Zoning Text and Zoning Map Amendment No. ZA24-0002:

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

   The fundamental purpose of the proposed Zoning Ordinance and zoning map amendments is to achieve consistency with the General Plan, as required by state law. This detailed set of Zoning Ordinance and zoning map amendments follows the adoption of the comprehensive update to the City's general plan, titled the Milpitas 2040 General Plan, as well as the adoption of the Metro Specific Plan. The creation of the new Business Park Research and Development Zone and the new Metro Area Zones, along with updates to the zoning classifications of certain parcels throughout the city, accomplish the important objective of bringing the Zoning Ordinance and zoning map into consistency with the General Plan and Metro Specific Plan.

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

   The proposed zoning changes serve to implement several of the City's adopted land use and economic development policies that promote the public interest. They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. They would also provide clear and user-friendly regulatory requirements and standards for new development, improving outcomes for property owners and adjacent residents and businesses. In summary, the proposed zoning amendments would support overall community health and well-being in Milpitas.

SECTION 5: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 24-017 recommending that the City Council (1) approve General Plan Amendment No. GP24-0002 and adopt the implementing proposed resolution in Exhibit 1 hereto, to amend the Land Use Element Text and Land Use Map, (2) approve Zoning Amendment No. ZA24-0002 and adopt the implementing proposed ordinance in Exhibit 2 hereto, to create new zoning districts (Business Park Research and Development Zone, Metro Area Zones) and to change the zoning classifications of certain parcels throughout the city, to achieve consistency between the Milpitas 2040 General Plan, Milpitas Metro Specific Plan, Zoning Ordinance, and Zoning Map, and (3) adopt the Comprehensive Zoning Ordinance Update Phase I Addendum to the General Plan FEIR (SCH # 2020070348) and Milpitas Metro Specific Plan SFEIR (SCH # 2006032091), based on the above Findings and the full record before it.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on May 22, 2024.

Mercedes Albana, 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 May 22, 2024, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana				
Dipak Awasthi				
Michael Caulkins				
Alexander Galang				
Parveen Gupta				
Chia Ling Kong				
Sonia Medina-Ashby				

EXHIBITS

1: Draft City Council Resolution for General Plan Amendment

Exhibit A: General Plan Map Amendment

2: Draft Zoning Text and Map Amendments Ordinance

Exhibit A: Zoning Map Amendment

3: EIR Addendum

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING GENERAL PLAN AMENDMENT NO. GP24-0002 TO AMEND THE LAND USE ELEMENT TEXT AND LAND USE MAP TO ACHIEVE CONSISTENCY BETWEEN THE MILPITAS 2040 GENERAL PLAN, THE ZONING ORDINANCE, AND THE ZONING MAP.

WHEREAS, the City of Milpitas, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, on March 9, 2021, the Milpitas City Council adopted the Milpitas 2040 General Plan, updating and revising the land use policies, goals, and objectives contained in the City's previous General Plan; and

WHEREAS, California Government Code Section 65860 requires a city's zoning ordinance to be consistent with its adopted general plan, including any specific plan that has been adopted to establish planning policies for a defined geographic area of the city; and

WHEREAS, the City has prepared a General Plan Amendment and Zoning Text and Zoning Map Amendment ("Amendments") to implement the land use policies and goals of the Milpitas 2040 General Plan, including the creation of a new Business Park Research and Development Zone, and to ensure overall consistency between the City's General Plan, Zoning Ordinance, and Zoning Map; and

WHEREAS, on March 9, 2021, a Final Environmental Impact Report (FEIR) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, an Addendum to the certified Milpitas 2040 General Plan FEIR (SCH # 2020070348) and Milpitas Metro Specific Plan SFEIR (SCH # 2006032091) was published on April 26, 2024, which concluded that the impacts of the proposed General Plan Amendments and Zoning Text and Zoning Map Amendments remain consistent with the impacts previously analyzed in the Environmental Impact Report, and therefore no further environmental analysis pursuant to CEQA is required; and

WHEREAS, the Planning Commission made and accepted as its own the findings set forth in this resolution; and

WHEREAS, the City Council is the final authority on General Plan, Specific Plan, and Zoning amendments, including amendments to the Land Use Map and Zoning Map; and

WHEREAS, on May 22, 2024, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff and other interested parties, and adopted Resolution 24-017 recommending, among other things, that the City Council approve the General Plan Amendment GP24-0002 and adopt the Comprehensive Zoning Ordinance Update Phase 1 Addendum

to the General Plan FEIR (SCH # 2020070348) and Milpitas Metro Specific Plan SFEIR (SCH # 2006032091) related thereto; and

WHEREAS, on _____, the City of Milpitas City Council held a duly noticed public hearing on the proposed General Plan Amendment, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. RECITALS

The City Council has considered the full record before it, which includes, but is not limited to, all published staff reports, oral and written testimony by staff, the Planning Commission, City Council, and the public, and all other relevant materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. GENERAL PLAN AMENDMENT FINDINGS (SECTION XI-10-57.02)

The City Council finds based upon the full record before it that all findings and prerequisites required for the General Plan amendments proposed have been met, including those set forth in the Government Code, including Sections 65350 et seq., the Milpitas Municipal Code, including Section XI-10-57.02, and page IN-8 of the Milpitas 2040 General Plan itself. The City Council makes the following further and specific findings based on the evidence in the administrative record in support of General Plan Amendment No. GP24-0002:

1. *The amendment is deemed to be in the public interest.*

The proposed amendments to the text of the Land Use Element of the City's General Plan, as well as the proposed changes to the General Plan Land Use Map, are necessary to align the permitted land uses and allowed density ranges between the land use designations defined in the General Plan and the zoning districts that implement those designations. Some of the changes to the General Plan Land Use Map are also needed to accurately reflect the existing uses and actual built conditions of certain parcels. These changes are in the public interest because a General Plan map that corresponds to the actual ownership status, uses, and development patterns of land in Milpitas, as well as overall consistency between the General Plan and the zoning ordinance and zoning map, is good public policy, helping to promote orderly development and certainty for property owners and neighbors in terms of land uses, development potential, and protection of open space areas.

2. *The amendment is consistent and/or compatible with the rest of the General Plan.*

The introduction to the General Plan notes that the document "is not static, but rather is a dynamic and multi-faceted document that defines and addresses the changing needs of the City. It is based on an on-going assessment and understanding of existing and projected community needs" (page IN-8, Milpitas 2040 General Plan). This language reflects the understanding that the General Plan will occasionally require amendments to keep pace with changing circumstances and issues that affect growth, conservation, and quality of life in Milpitas.

The proposed amendments are in keeping with this understanding, instituting changes to the General

Plan that reflect current conditions. The proposed land use map changes are intended to match the existing zoning and reflect on-the-ground conditions for select properties in the city. Changing the land use designation for certain parcels to Permanent Open Space will further the goals of the Parks, Recreation, and Open Space Element by protecting open space and natural areas in the city. The proposed amendment to the language in the Land Use Element describing the Business Park Research and Development Zone reflects and supports existing market realities for Milpitas and the broader South Bay area, thereby helping to further the goals of the Economic Development Element.

The proposed minor amendments are related to the Land Use Element and Land Use Map only, and do not affect any other portion of the General Plan. The amendments are consistent with the General Plan as a whole and do not create any internal inconsistencies.

3. *The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed amendments involve changes to the General Plan map and land use designations for a relatively small number of parcels, as well as minor changes to the language of the Land Use Element. These amendments would not be detrimental to public health, safety, or welfare because they would simply bring the General Plan's allowed land uses and development density ranges into consistency with the corresponding zoning districts, resulting in clearer and more effective land use policies and regulations. In addition, the minor text amendment related to warehouses in the Business Park Research and Development area would not be detrimental to public health, safety, or welfare because it would simply allow larger warehouse uses on properties with that land use designation, which is consistent with current market demands and conducive to the city's economic health and development.

4. *The amendment has been processed in accordance with the applicable provisions of the California Government Code, the California Environmental Quality Act (CEQA), and the City's Municipal Code.*

California Government Code Section 65358 provides guidance for a local jurisdiction to follow in amending its general plan, stating that such an amendment may be initiated if deemed "to be in the the public interest" and "shall be initiated in the manner specified by the legislative body" (in this case, the Milpitas City Council). The City's procedure for amending the General Plan is outlined in Milpitas Municipal Code (MMC) Section XI-10-57.02. That procedure includes requirements for a General Plan amendment to be reviewed at a public hearing before the Planning Commission, which shall make a recommendation to the City Council; and then for the City Council to hold a public hearing and make a decision on the proposed amendment. These procedures are being followed for the General Plan amendments in question and are consistent with and fulfill the procedure specified in the Government Code.

The City has also fulfilled all procedural prerequisites of the Government Code and Milpitas Municipal Code. This includes public involvement (Gov. Code, § 65351), referral to other agencies (Gov. Code, § 65352), tribal consultation (Gov. Code, § 65352.3), and all public notices and hearings required.

In conformity with Government Code section 65350.5 and Water Code sections 10910 et seq., the amendments do not substantially change the City's prior analysis and conclusions regarding water systems, water rights, and groundwater sustainability and management or otherwise require amendment of the City's prior determinations in this regard with respect to its General Plan.

The California Government Code also states that a municipality may amend a mandatory element of its general plan (including a land use element) no more than four times per calendar year. This is the City's second proposed amendment to the Milpitas 2040 General Plan Land Use Element in 2024.

The proposed amendments are being processed in accordance with CEQA. As noted above, an EIR Addendum to the previously certified FEIR for the General Plan and SFEIR for the Metro Specific Plan was prepared and concluded that impacts are consistent with those previously analyzed in these environmental documents and no further analysis pursuant to CEQA is required.

SECTION 3. AMENDMENT OF MILPITAS GENERAL PLAN 2040 RESIDENTIAL LAND USE DESIGNATIONS

The descriptions of the Low Density Residential (LDR) and Medium Density Residential (MDR) designations on pages LU-4 and LU-5 of the adopted Milpitas 2040 General Plan are hereby amended to read as follows:

LOW DENSITY RESIDENTIAL (LDR). (3 to 7 units per gross acre) All housing units are either on separate lots or as part of a clustered Planned Unit Development. Single-unit detached residences will be the typical housing type in this category.

MEDIUM DENSITY RESIDENTIAL (MDR). (7 to 15 units per gross acre excluding density bonuses). Single-family attached, multi-family, duplexes, or clustered residences would typically be built within this density range.

SECTION 4. AMENDMENT OF MILPITAS GENERAL PLAN 2040 INDUSTRIAL LAND USE DESIGNATIONS

The description of the Business Park Research & Development (BPRD) designation on page LU-7 of the adopted Milpitas 2040 General Plan is hereby amended to read as follows:

BUSINESS PARK RESEARCH & DEVELOPMENT (BPRD) (UP TO 2.5 FAR). The Business Park Research & Development (BPRD) classification is intended to accommodate business parks, high-intensity office buildings, light manufacturing parks, and light industrial areas that provide for a variety of businesses that support employment opportunities and services for Milpitas and the region. The BPRD designation would enable the integration of research and development, office, warehouse and light manufacturing uses in one location, and allows existing firms to grow/expand operations onsite.

Additionally, as manufacturing in the city shifts to more high-tech products and services, the designation will support the consolidation of management, design, and manufacturing uses on a single, integrated site, which can be important for the overall efficiency of business operations and potentially increase creative collisions and local business-to-business transactions. The BPRD designation allows for a FAR up to 2.5.

Additionally, as part of campus-like development, uses that support businesses, including health and fitness centers, restaurants/cafes, limited convenience retail, and day care facilities may be conditionally allowed onsite as a minor use associated with a primary employment-generating use.

SECTION 5. AMENDMENT OF MILPITAS GENERAL PLAN 2040 LAND USE ELEMENT TABLE 1: GENERAL PLAN DESIGNATIONS AND IMPLEMENTING ZONING DISTRICTS

The implementing zones for the General Commercial land use designation in Table 1 at page LU-

14 of the adopted Milpitas 2040 General Plan are hereby amended to read as follows:

General Plan Land Use Designation	Zoning District	Zone Map Symbol
Commercial Uses		
GNC – General Commercial	"C2" General Commercial District "HS" Highway Service District "CO" Administrative and Professional Office District	C2, HS, CO

SECTION 6. AMENDMENT OF MILPITAS GENERAL PLAN 2040 FIGURE LU-1: GENERAL PLAN LAND USE MAP

The General Plan Land Use Map (Figure LU-1) at page LU-11 of the adopted Milpitas 2040 General Plan is hereby amended only as to parcels and changes as shown in Exhibit A.

SECTION 7. CALIFORNIA ENVIRONMENTAL QUALITY ACT

In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the Milpitas 2040 General Plan. The Final EIR was adopted, along with the updated General Plan, by Resolution No. 9047 on March 9, 2021 (State Clearinghouse No. 2020070348). An Addendum to the Final Environmental Impact Report (FEIR) for the Milpitas 2040 General Plan (State Clearinghouse No: 2020070348) was published on April 26, 2024. The Addendum finds that the impacts of the proposed project remain consistent with the impacts previously analyzed in the certified General Plan FEIR. The Addendum further concludes that proposed project does not require any substantial revisions to the General Plan FEIR, that no new significant information or changes in circumstances surrounding the proposed project have occurred since the certification of the General Plan FEIR, and that the previous analysis completed for the General Plan Update FEIR remains adequate under CEQA. The City Council therefore finds that its actions are consistent with CEQA and State CEQA guidelines and that no additional environmental review is required. The City Council approves and adopts this Addendum as if fully set forth herein.

SECTION 8. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

SECTION 9. CITY COUNCIL APPROVAL

The City Council hereby approves General Plan Amendment No. GP24-0002, based on the above findings.

PASSED AND ADOPTED this _____day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Suzanne Guzzetta, City Clerk

APPROVED:

Carmen Montano, Mayor

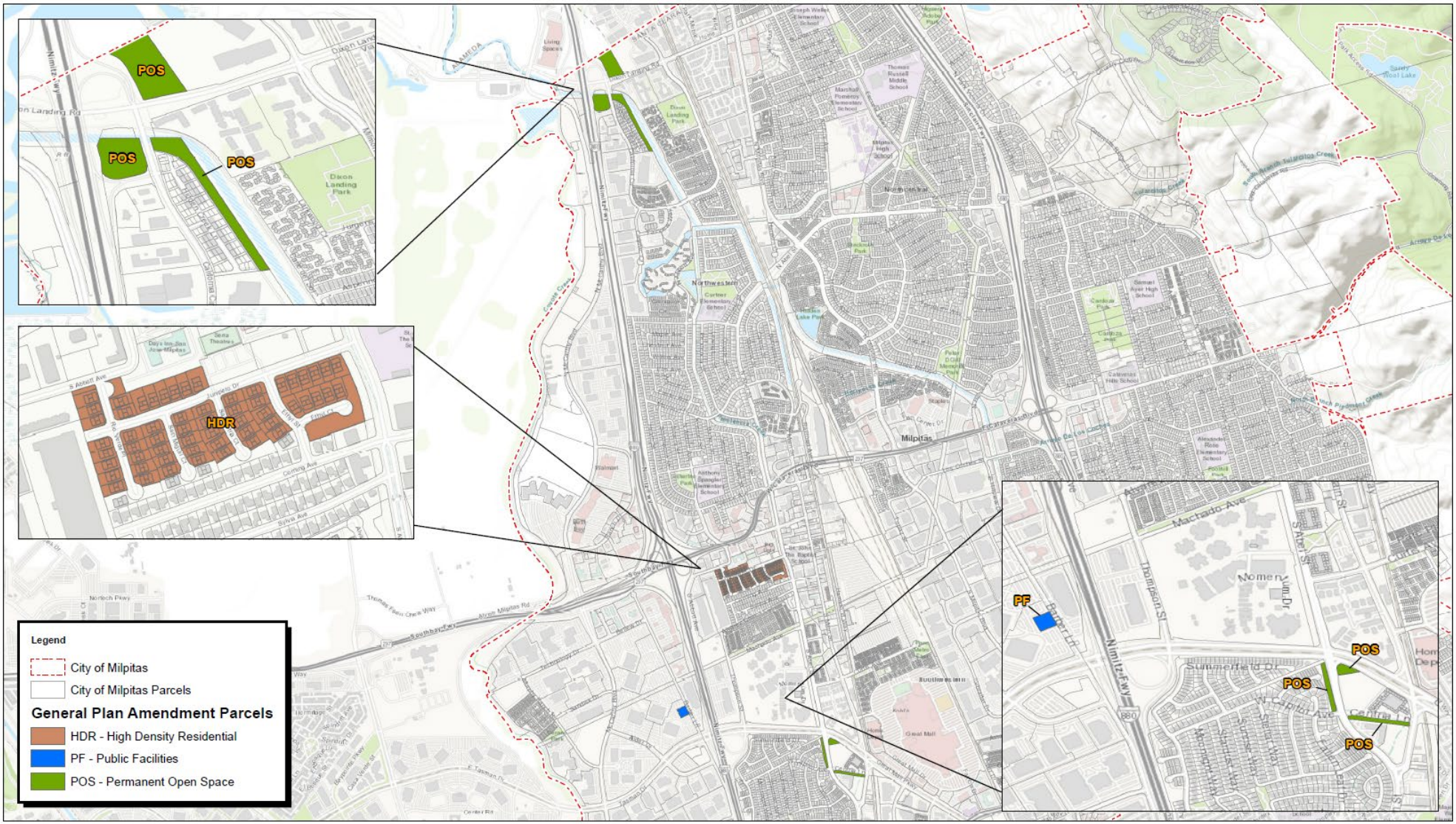
APPROVED AS TO FORM:

Michael Mutalipassi, City Attorney

Attachments:

Exhibit A: General Plan Land Use Map Amendment

Exhibit A: General Plan Land Use Map Amendment



REGULAR

NUMBER: XX.XXX

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING TITLE XI, CHAPTER 10, SECTION 2 (DEFINITIONS), SECTION 3 (ZONING DISTRICTS), SECTION 7 (INDUSTRIAL ZONES AND STANDARDS), SECTION 53 (OFF-STREET PARKING REGULATIONS), AND SECTION 56 (NONCONFORMING BUILDINGS AND USES); AND ADDING SECTION 9 (METRO AREA ZONES AND STANDARDS) AND SUBSECTION 54.18 (2023-2031 HOUSING ELEMENT SITES); RELATING TO THE CREATION OF NEW ZONING DISTRICTS (BUSINESS PARK RESEARCH AND DEVELOPMENT ZONE, METRO AREA ZONES); AND AMENDING THE ZONING MAP OF THE CITY OF MILPITAS TO CHANGE THE ZONING CLASSIFICATIONS OF CERTAIN PARCELS THROUGHOUT THE CITY TO ACHIEVE CONSISTENCY BETWEEN THE MILPITAS 2040 GENERAL PLAN, MILPITAS METRO SPECIFIC PLAN, ZONING ORDINANCE, AND ZONING MAP.

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:

_____ _____

Suzanne Guzzetta, City Clerk Carmen Montano, Mayor

APPROVED AS TO FORM:

_____

Michael Mutalipassi, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City of Milpitas, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, Section 3.03 of Chapter 10 Zoning of Title XI of the Milpitas Municipal Code, divides the City into zoning districts; and

WHEREAS, the City Council is the final authority on General Plan, Specific Plan, and Zoning amendments, including amendments to the Zoning Ordinance and Zoning Map; and

WHEREAS, on March 9, 2021, the Milpitas City Council adopted the Milpitas 2040 General Plan, updating and revising the land use policies, goals, and objectives contained in the City's previous General Plan; and

WHEREAS, on February 7, 2023, the Milpitas City Council adopted the Metro Specific Plan to guide future land use, development, and public and private investment in the area surrounding the Milpitas Transit Center, the Milpitas Bay Area Rapid Transit (BART station), and the Great Mall; and

WHEREAS, California Government Code Section 65860 requires a city's zoning ordinance to be consistent with its adopted general plan, including any specific plan that has been adopted to establish planning policies for a defined geographic area of the city; and

WHEREAS, the City has prepared a Zoning Text and Zoning Map Amendment ("Amendments") to implement the land use policies and goals of the Milpitas 2040 General Plan and Metro Specific Plan, including the creation of a new Business Park Research and Development Zone and new Metro Area Zones, and to ensure overall consistency between the City's General Plan, Metro Specific Plan, Zoning Ordinance, and Zoning Map; and

WHEREAS, pursuant to Milpitas Municipal Code §§ XI-10-57.02(G)(3), the City Council finds the Zoning Amendments set forth herein to be consistent with the General Plan, and specifically with Land Use Element Actions LU-1a (*update the City's Zoning Map as appropriate to ensure consistency with the land use designations shown on Figure LU-1[Land Use Map]*) and LU-1b (*review the Zoning Ordinance and update as appropriate to reflect Land Use goals, policies, and implementation actions included in this Plan)*; and

WHEREAS, per Milpitas Municipal Code § XI-10-57.02(G)(3), the City Council likewise finds that the Zoning Amendments set forth herein will not adversely affect the public health, safety and welfare, in that the proposed changes serve to implement several of the City's adopted land use and economic development policies by facilitating new, higher-density and transit-oriented development in appropriate areas and attracting new businesses to Milpitas, thereby advancing numerous goals related to community design, environment, and economic development and supporting overall community health and well-being in Milpitas; and

WHEREAS, on March 9, 2021, a Final Environmental Impact Report (FEIR) (SCH # 2020070348) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on February 7, 2023 a Subsequent Final Environmental Impact Report (SFEIR) (SCH # 2006032091) was certified for the Milpitas Metro Specific Plan; and

WHEREAS, an Addendum to the certified Milpitas 2040 General Plan FEIR and Metro Specific Plan SFEIR was published on April 26, 2024, which concluded that the impacts of the proposed Zoning Text and Map Amendments remain consistent with the impacts previously analyzed in the Environmental Impact Reports, and therefore no further environmental analysis pursuant to CEQA is required; and

WHEREAS, on May 22, 2024, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff and other interested parties, and adopted Resolution 24-017 recommending, among other things, that the City Council approve and Zoning Amendment ZA24-0002 and adopt the Comprehensive Zoning Ordinance Update Phase I Addendum to the General Plan FEIR (SCH # 2020070348) and Milpitas Metro Specific Plan SFEIR (SCH # 2006032091) related thereto; and

WHEREAS, all legal prerequisites to the adoption of this ordinance and the City Council's review and approval of the General Plan amendments, Zoning amendments, and CEQA review contained herein have been met.

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. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Based on its review of the entire record, including the staff report, public comments and testimony presented to the Planning Commission and City Council, and the facts outlined below, the City Council hereby finds and determines that the potential environmental effects of the proposed Amendments have been adequately reviewed and analyzed. An Addendum to the Final Environmental Impact Report (FEIR) for the Milpitas 2040 General Plan (State Clearinghouse No: 2020070348) and Subsequent Final Environmental Impact Report (SFEIR) for the Milpitas Metro Specific Plan (State Clearinghouse No: 2006032091) was published on April 26, 2024. The Addendum finds that the impacts of the proposed project remain consistent with the impacts previously analyzed in the certified General Plan FEIR and Metro Specific Plan SFEIR. The Addendum further concludes that proposed project does not require any substantial revisions to the General Plan FEIR or Metro Specific Plan SFEIR, that no new significant information or changes in circumstances surrounding the proposed project have occurred since the certification of the General Plan FEIR or Metro Specific Plan SFEIR, and that the previous analysis completed for the General Plan Update FEIR and Metro Specific Plan SFEIR remains adequate under CEQA. The City Council therefore finds that its actions are consistent with CEQA and State CEQA guidelines and that no additional environmental review is required. The City Council approves and adopts this Addendum as if fully set forth herein.

SECTION 3. ZONING TEXT AND MAP AMENDMENT FINDINGS (XI-10-57.02)

The City Council finds based upon the full record before it that all findings and prerequisites required for the Zoning Text and Zoning Map amendments proposed have been met, including those set forth in the Government Code, including Sections 65850 et seq., and the Milpitas Municipal Code, including Section XI-10-57.02.The City Council makes the following further and specific findings based on the evidence in the public record in support of Zoning Amendment No. ZA24-0002:

A. The proposed amendment is consistent with the General Plan.

The fundamental purpose of the proposed Zoning Ordinance and zoning map amendments is to achieve consistency with the General Plan, as required by state law. This detailed set of Zoning Ordinance and zoning map amendments follows the adoption of the comprehensive update to the City's general plan, titled the Milpitas 2040 General Plan, as well as the adoption of the Metro Specific Plan. The creation of the new Business Park Research and Development Zone and the new Metro Area Zones, along with updates to the zoning classifications of certain parcels throughout the city, accomplish the important objective of bringing the Zoning Ordinance and zoning map into consistency with the General Plan and Metro Specific Plan.

B. The proposed amendment will not adversely affect the public health, safety and welfare.

The proposed zoning changes serve to implement several of the City's adopted land use and economic development policies that promote the public interest. They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. They would also provide clear and user-friendly regulatory requirements and standards for new development, improving outcomes for property owners and adjacent residents and businesses. In summary, the proposed zoning amendments would support overall community health and well-being in Milpitas.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 2

Title XI, Chapter 10, Section 2 (Definitions), of the Milpitas Municipal Code is hereby amended to read as follows:

Section 2 - Definitions

XI-10-2.01 Purpose and Intent

The purpose of this chapter is to ensure precision in interpretation of this title. This section provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this chapter, or other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

XI-10-2.02 General Definitions

A. The word "shall" is mandatory and not discretionary. The word "may" is permissive and discretionary.

B. The word "should" indicates a guideline that must be followed in the absence of compelling considerations to the contrary.

C. In the case of any difference of meaning or implication between the text of any provision and any caption or illustration, the text shall control.

D. Unless the context clearly indicates to the contrary, words in the present and the future tense are interchangeable, and words in the singular and plural are interchangeable.

E. Unless the context clearly indicates to the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions shall apply;
2. "Or" indicates the connected items or provisions apply singly; and
3. "And/or" indicates the connected items or provisions may apply singly or in any combination; and

4. "Either…or" indicates that the connected items or provisions shall apply singly but not in combination.

F. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied, or intended to be utilized.

G. The words "Planning Director" shall mean the Planning Director of the City or designee.

H. The words "Planning Division" shall mean staff representing the City in implementing this chapter, the General Plan, and other regulations affecting land use.

I. The words "City Engineer" shall mean the City Engineer of the City or designee.

J. The words "Building Official" shall mean the Building Official of the City or designee charged with the administration and enforcement of the Building Code of the City of Milpitas.

K. The words "City Manager" shall mean the City Manager of the City or designee.

L. The words "Planning Commission" or "Commission" shall mean the City Planning Commission.

M. The word "Council" shall mean the City Council, the governing body of the City.

N. The word "City" shall mean the City of Milpitas.

O. The word "County" shall mean the County of Santa Clara.

P. The word "State" shall mean the State of California.

Q. The words "Zoning Ordinance" or "this Chapter" or "Zoning Code" shall mean Title XI, Chapter 10 of the Municipal Code of the City.

R. The words "General Plan" shall mean the General Plan of the City.

S. The word "code" shall mean the municipal code of the City.

T. Unless otherwise indicated, reference in this Chapter to whole numbers of sections includes all of the decimal-numbered paragraphs listed under such whole number section; i.e., a reference to Section 1.00 includes Subsections 1.01, 1.01-1 where the same are applicable.

U. The word "lot" includes "plot".

V. The word "building" includes "structure" except as specified.

W. The words "Enforcement Officer" mean that person or persons specifically designated by the City Manager to enforce the provisions of this Chapter.

X. The words "Zoning Administrator" shall mean the City Zoning Administrator.

XI-10-2.03 Definitions

A

"Abate" shall mean to repair, replace, remove, destroy or otherwise remedy the condition in violation of this Chapter.

"Accessory Building or Use" means a subordinate building or use, whose purpose is clearly incidental to that of the main building or the use of the land, and which shall not contain living or sleeping quarters or storage for commercial vehicles in excess of three-quarter (¾) ton size. Accessory dwelling units, as defined in subsection XI-10-13.08 "Accessory Dwelling Units," are exempted from the prohibition against living and sleeping quarters. An accessory building shall be considered attached to the main building if:

1. It shares a common wall with the main building; or

2. It shares an integral roof structure having the same framing system and roof covering as the main building and is separated from the main structure by no more than ten (10) feet at any given point.

"Accessory Structure" means a structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. An accessory structure is that which an accessory building is not, by definition. Examples include, but are not limited to fences, trellises, covered patios, and porte cocheres.

"Active Use" means a use that attracts walk-in visitors and has a high degree of transparency from the street. Active uses include but are not limited to retail, restaurants, bars, markets, theaters, salons, yoga studios, art studios/galleries, banks, offices, and clinics. Active uses also include ground floor residential shared amenities, such as a lobby, gym, or conference room.

"Adjacent" means having a common border with, or being separated from such a common border by a right-of-way, alley or easement. Properties separated by a street, alley, intersection, or other public right-of-way (other than an elevated interstate freeway), shall be considered abutting when their property lines would touch in any way if drawn to the center line of such street, alleyway, intersection, or other public right-of-way.

"Advanced Manufacturing" means the use of innovative technologies to create existing and new products or to improve products and processes. Advanced manufacturing focuses on the rapid transfer of science and technology into production activities and may incorporate high technology elements such as information, automation, computation, software, sensing, and networking. Advanced manufacturing may include storage space for raw materials and/or finished goods that actively supports the primary use.

"Airport" means any area of land or water designed, used, or intended to be used or set aside for the landing and taking off of aircraft. The term "Airport" includes all necessary taxi-ways, aircraft storage and tie-down area, hangars and other necessary buildings and open spaces.

"Alley" means any public thoroughfare which affords only a secondary means of access to abutting property.

"Alteration, Structural" means any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

"Amateur Radio Facility" means a wireless communication facility operated by an FCC licensed amateur radio operator within the Amateur Radio Service (USC Title 47, Part 97).

"Amateur Radio Operator" means a person holding written authorization to be the control operator of an Amateur Radio facility. This authorization may be in the form of a license or permit issued by the Federal Communications Commission or a foreign national or multi-national license or permit recognized by treaty as valid in the United States.

"Antenna" means any system of towers, poles, panels, rods, wires, drums, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves. See also "Satellite dish or satellite antenna."

Apartment House. See "Dwelling, Multiple-Family."

Apartment, Efficiency. Efficiency apartment means a dwelling unit in a multi-family building consisting of not more than one (1) habitable room, together with kitchen or kitchenette and sanitary facilities.

"Assembly" see "Places of Assembly."

"Assembly from pre-processed materials" means assembling, packaging, or distributing from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, electric or electronic instruments and devices such as television, radios, and pharmaceutical products. Assembly in the

context of industrial manufacturing is distinct from and unrelated to the definition of "Places of Assembly" involving groups of people.

"Auto" means any motor vehicle requiring a license pursuant to the California Vehicle Code.

"Auto Repair shop" means any shop, building, room, place or space wherein, for compensation, any automobile, other motor vehicle, or any parts thereof, are repaired, remodeled, overhauled, reconditioned, or painted.

"Automobile and Trailer Sales Area" means an open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed or sold on the premises.

"Automobile Wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

B

"Bar or nightclub" means a commercial establishment serving alcoholic beverages for consumption on the premises where the service of food is only incidental to the consumption of such beverages. Dancing and live entertainment may also be conducted within the establishment.

"Basement" means a story, partly or wholly, underground. For purposes of height measurements, a basement shall be counted as a story where more than one-half (½) of its height is above the average level of the adjoining ground.

"Bay Window" means a window or set of windows jutting out from the wall of a building, rising from the ground and forming an alcove which may or may not add additional floor area or a sitting area within.

"Bedroom" means any room which meets the minimum requirements of both the Zoning Ordinance and the Building Code for a Habitable Room, which is constructed in such a manner that less than fifty (50) percent of one (1) wall is open to an adjacent room or hallway and which can be readily used for private sleeping purposes, shall be counted as a bedroom in order to determine parking or other requirements. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a "bedroom": one (1) kitchen, one (1) living room; one (1) family or recreation room; one (1) dining room; and the customary sanitary facilities. Planning staff shall determine whether or not a room qualifies as one of the above exceptions.

"Billiard Center" means a place for the public to view and participate in cuesports, such as, but not limited to, billiards, pocket billiards (e.g., pool), snooker, and the various forms of carom billiards.

"Billiards" means a "Recreation and Entertainment facility" for the public to view and participate in cue sports, such as but not limited to billiards, pocket billiards (e.g., pool), snooker, and the various forms of carom billiards.

"Block" means that property so designated on an official map of the City, or part of the City, or bounded by streets, or by a street or streets, and railroad right-of-way, canal right-of-way, or unsubdivided acreage.

"Boarding House" means an establishment where lodging is provided for compensation, generally for stays of more than 30 days, for up to 8 persons. Boarding houses typically have individual rooms for guests, shared bathroom facilities and a single common kitchen. Meals may be served for guests and included as part of the cost of lodging.

"Breezeway" means a covered passageway between buildings which does not exceed ten (10) feet in width and which has at least one side open, except for necessary supporting columns.

"Building" means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels. Where a dwelling is separated by a division wall without openings, each portion of such dwelling shall be deemed a separate building.

Building, Height of. "Height of building" means the vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, then the height may be measured from the average elevation of the finished grade along the front of the building.

Building, Main. "Main building" means a building in which is conducted the principal use of the lot on which it is situated. The main building shall contain all area within the interior faces of the building, including enclosed areas that are attached. In any "M" district any dwelling shall be deemed to be the main building on the lot on which the same is situated.

Building, Unit Group. "Unit group building" means two (2) or more buildings (other than dwellings) grouped upon a lot and held under single ownership such as universities, hospitals, institutions and industrial plants.

Business, Retail. "Retail business" means retail sale of any article, substance, or commodity for profit or livelihood conducted within a building, but not including the sale of lumber or other building materials or the sale of used or second-hand goods or materials of any kind.

"Business Support Services" means establishments primarily within structures that provide other businesses with ancillary services that further or facilitate the other businesses' primary activity. This term does not include activities or uses that are specifically listed as a conditionally permitted or prohibited use in the applicable zone. Examples of business support services include but are not limited to:

1. Business equipment repair services (except vehicle repair);
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying and quick-printing services;
5. Equipment rental businesses within structures;
6. Heavy equipment repair services where repair occurs;
7. Janitorial services;
8. Mailbox rentals;
9. Mail advertising services (reproduction and shipping);
10. Other "heavy service" business services;
11. Outdoor advertising services;
12. Protective services (other than office related);
13. Rental, repairs and distribution of office or business equipment;
14. Window cleaning.

C

Camp, Trailer. "Trailer camp" means an area or tract of land used or designed to accommodate two (2) or more automobile or house trailers.

"Catering establishment" means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for serving and consumption.

"Candidate" means any person, party, referendum, initiative or other ballot measure.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

"Child Care Center" means any child care facility other than a family child care home, in which less than twenty-four (24) hour per day non-medical care and supervision are provided to children in a group setting. It includes infant centers, preschools, and extended child day care facilities, but does not include after school programs.

"Class A Office Space" means a high quality, modern building with large floor plates and amenities that typically attracts rents in the top twenty-five percent (25%) bracket.

"College and University, Private" means a privately owned and operated college, community college, or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

"Commercial Athletic Facility" means a building or site equipped for physical training or athletic type games and sports, such as but not limited to, health spas, tennis, gymnasiums, handball courts, racquetball courts; also including ancillary uses when incidental to the primary use, such as but not limited to, steam baths, weight training, aerobic classes, massage, saunas, and the retailing of athletic supplies to be used in the facility.

"Commercial Fueling Facility" means a fueling facility designed for commercial customers which dispenses gasoline, diesel, or similar vehicle fuels, and which is not open to the general public, has no cash sales and provides no personal services on-site, provided that said facility is located not closer than five hundred (500) feet from any residentially zoned district or any area designated on the General Plan as being "residential" or any mobile home park.

"Commercial Laboratory" means a facility for scientific research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, films and fibers.

"Commissary" means a fixed-location kitchen where food is stored and prepared for off-site vending from mobile food vehicles. Commissaries serving mobile food vendors may include shared-use commercial kitchens, private commercial kitchens, restaurant kitchens, and kitchens associated with civic and community organizations such as churches or social clubs; but do not include catering service establishments.

"Community Garden " means an area where neighbors and residents have the opportunity to contribute to and manage the cultivation of plants, herbs, vegetables, and fruits, generally on property under public or non-profit ownership. May consist of individually tended plots on a shared parcel or many be communal on a single plot.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either of the following:

1. An estate of inheritance or perpetual estate.
2. An estate of life.
3. An estate for years, such as leasehold or sub-leasehold.

"Condominium Conversion" means a change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, to that defined for a condominium project or a community apartment project regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.

"Conference Center" means a facility used for holding conventions, seminars, workshops or similar activities, including dining facilities and lounges for use by participants, as well as compatible accessory facilities such as offices and business centers.

"Continuing Violation" means a violation, infringement or breach of a provision of this chapter that is uninterrupted and lasts for a continuous period in excess of 24 hours.

"Contractor's Shop" means an establishment for specialized business activities related to building construction. This classification includes establishments for trades such as painting, carpentry, plumbing, glassworking, heating, air-conditioning, roofing, landscaping, cabinetmaking, and sign-making.

"Convenience Store" means a retail establishment selling food, beverages, and small convenience items such as personal hygiene products, cigarettes, magazines, etc. Food and beverage products sold primarily consist of packaged and canned goods, prepared foods and hot drinks for immediate consumption, fountain sodas, etc., with less than 10 percent of net retail floor area allocated for the sale of fresh fruits, fresh vegetables, fresh meat and dairy products, and other similar perishable items. Convenience stores are smaller in floor area than supermarkets/grocery stores (typically 4,000 square feet or less) and have long or late hours of operation (open before 7:00 am or after 10:00 pm).

"Court Dwellings" means a residential development in which there are several freestanding single-family or two-family dwellings with separate walls clustered on a single lot. Units are typically arranged to face around a common open space or drive aisle. If subdivided, a maintenance agreement or homeowners association may govern common areas like driveways or open space.

"Court" means an open unoccupied space, other than a yard, on the same lot with a building or buildings, and bounded on two (2) or more sides by a building, or buildings, including the open space in a dwelling group providing access to the units thereof.

"Court Apartment" means one (1), two (2) or three (3) multiple dwellings arranged around two (2) or three (3) sides of a court which opens onto a street, or a place approved by the Commission.

"Curb Grade" means the elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the City Engineer shall establish such curb grade or its equivalent for the purpose of this Chapter.

"Custom and Artisan Manufacturing" means an establishment primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include metalworking, pottery and ceramic studios, film processing, photo finishing, printmaking, lithography, glass furnace, or woodworking.

D

"Data Center" means a facility for the storage of computer systems and associated components.

"District" means a portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this Chapter.

"Drive Through Uses" means any component or part of a building or structure which attracts or invites persons in motor vehicles to drive their vehicles upon the premises, and which is used to conduct business or used for the purpose of selling merchandise from the inside of said building to the occupants of motor vehicles.

"Dry-Cleaning Plant" means an establishment providing onsite, high-volume laundry and garment cleaning services, typically with the use of volatile solvents, including dry cleaning and garment pressing, diaper services, commercial laundries, and linen supply services. These facilities may include incidental onsite customer pick-up services.

"Dwelling" means a building or portion thereof designed exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels.

Dwelling, Group. "Group dwelling" means one (1) or more dwellings, other than a tourist court, arranged around two (2) or three (3) sides of a court, which opens onto a street, or a place approved by the commission, including single-family, two-family or multiple-family dwellings and court apartments. Group dwelling include homeless shelters and transitional housing.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-Family. "Single-family dwelling" means a detached building designed exclusively for occupancy by one (1) family for living purposes and having only one (1) kitchen.

Dwelling, Two-Family. "Two-family dwelling" means a building designed exclusively for occupancy by two (2) families living independently of each other.

"Dwelling Unit" means a habitable room or group of habitable rooms (e.g., living room, bedroom, den, library, recreation, studio, etc.) designed for occupancy by one (1) or more persons living as a family or single household unit with common interior access to all living, kitchen and bathroom areas. No dwelling unit may have more than one (1) kitchen.

E

"EcoPass" means a program offered by the Valley Transportation Agency (VTA) in which employers or property owners purchase annual EcoPass stickers that allow their employees, tenants or residents to ride all VTA bus and light rail vehicles at no cost.

"Electronic Smoking Device" means an electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vaporizer or any other product name or descriptor.

"Elevation" means:

1. A scale drawing of the front, rear or side of a building or structure; or
2. A vertical distance above or below a fixed reference level.

Emergency Cache, Community. "Community emergency cache" means a collection of disaster response supplies approved by the City's Office of Emergency Services that would benefit the surrounding community.

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay as set forth in the California Health and Safety Code Section 50801(e), as may be amended.

"Erosion" means the wear and removal of the material in the earth's crust from one site and the deposition at another.

"Extended Stay Hotel" means a commercial establishment providing lodging for a fee for guests, generally marketed to long-term visitors on a temporary basis, which contain furnishings and facilities for sleeping,

bathing, food preparation and cooking, Kitchen facilities within individual units may include, but are not limited to, counters, refrigerators, stoves, and ovens.

F

"Family" means an individual, or two (2) or more persons related by blood or marriage or legal adoption or joined through a judicial or administrative order of placement or guardianship, or unrelated persons who function together as a single household unit.

"Family Child Care Homes" means a home in which care, protection, and supervision of fourteen (14) or fewer children is regularly provided, in the caregiver's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away. Such homes are licensed by the State of California and include the following:

1. **"Large family child care home"** means a home in which family child care is provided to nine (9) to fourteen (14) children, including children under the age of ten (10) who reside at the home.
2. **"Small family child care home"** means a home in which family day care is provided to eight (8) or fewer children, including children under the age of ten (10) who reside at the home.

"Farmers' Market" means an event offering for sale produce, food items, and related goods and merchandise by certified growers authorized to sell, directly to consumers, products that are produced on land the producer controls or taken in consignment from other producers. Excludes flea markets.

"Floor Area Ratio (FAR)" is defined for nonresidential Zoning Districts as the maximum permitted ratio of gross floor area to site area and is calculated as follows:

$$\text{FAR} = \frac{\text{Total of Gross Floor Area for All Structures on Site}}{\text{Site Area}}$$

"Frontage" means all the property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or city boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

G

Garage, Private. "Private garage" means a detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

Garage, Public. "Public garage" means a building, other than a private garage, used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

Game Machine, Mechanical or Electronic. "Mechanical or electronic game machine" means any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, token, or any other article or device, or by paying therefore either in advance or after use, involving in its use either skill or chance, including, but not limited to tape machine, card machine, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, basketball game machine, baseball game machine, football game machine, electronic video game or any other similar machine or device, exclusive of food, beverage and tobacco vending machine.

Grade, Finished. "Finished grade" means the final elevation of the ground surface after development, as shown on a precise Grading Plan.

"Grocery Store" means any premises wherein any of the following are exposed, offered for sale, or sold by retail: fresh fruits; fresh vegetables; bakery; meat; poultry, or fish products; frozen foods; and processed and pre-packaged food.

"Grocery Store, Small" means any premises less than 15,000 gross square feet in area wherein any of the following are exposed, offered for sale, or sold by retail: fresh fruits; fresh vegetables; bakery; meat; poultry, or fish products; frozen foods; and processed and pre-packaged food.

"Gross Acreage" means the total area within the boundaries of a legal lot or parcel, including any area proposed to be dedicated or reserved for public right-of-way. Adjacent lands already dedicated for public right-of-way, including public roadways, easements or other areas, shall not be included as part of the gross acreage.

"Gross Floor Area" means the total of all floors measured from the interior faces of the building, but not including areas for parking, basements, shaft enclosures, or unroofed inner courts unless any outdoor areas are used for retail purposes.

"Group Living Accommodations" means a building or portion of a building designed for or accommodating a residential use by persons not living together as a household. This use includes dormitories, convents and monasteries, and other types of organizational housing. This use does not include residential care facilities, nursing homes, hotels, single room occupancy residences, or boarding houses. Group living accommodations typically provide shared living quarters without separate kitchen or bathroom facilities for each room or unit.

"Guest House Accessory Building" means a one accessory structure, used for the accommodation of guests. Said guest house shall not contain any kitchen or cooking facilities but may contain one (1) bedroom, one (1) living area and one (1) bathroom, and shall be limited in floor area to a maximum of twenty (20%) percent of the total floor area of the main residence.

H

"Habitable Space" means a room designed for living, sleeping, eating or food preparation, including but not limited to a den, study, library, home office, sewing room or recreational room and excluding such areas as garages.

"Hazardous Material" means a material identified as hazardous by California Health and Safety Code Section 25502(n).

"Head/Smoke/Tobacco Shop" means a retail establishment primarily engaged in the selling of smoking and tobacco products and accessories, and other products, devices and components reasonably assumed to be used for smoking and/or the inhalation or ingestion of any substances. Tobacco products may include but are not limited to cigarettes, cigars, loose leaf tobacco, tobacco pipes, Electronic Smoking Devices and accessories, vaporizers and accessories and any other product, device or component used in the inhalation of tobacco, nicotine or other substance. For the purposes of this definition only, "primarily engaged" means when thirty percent (30%) or more of products sold at the retail establishment are smoking and tobacco products and accessories, and other products, devices and components reasonably assumed to be used for smoking and/or the inhalation or ingestion of any substance.

"Home Occupation" means a business enterprise conducted within a dwelling by the residents of the dwelling and which is incidental and secondary to the use the dwelling for residential purposes.

"Hospital" means an institution that maintains and operates facilities for primarily inpatient medical care, including x-ray, laboratory and surgical, for the diagnosis, care and treatment of human illness, injury and disease (physical or mental).

"Hotel" means a commercial establishment providing lodging accommodations for a fee for transient guests, generally for stays of 30 days or less, with access to rooms or units primarily from interior lobbies, courts

or halls. A hotel may include limited facilities for storage and preparation of food and beverages within individual rooms, such as coffee makers, mini refrigerators and microwave ovens.

I

"Individual Violation" means a noncontinuous condition or occurrence in violation, infringement or breach of a provision of this chapter that does not exceed twenty-four (24) hours in duration. An Individual Violation may be recurrent. Examples of "Individual Violations" for the purposes of this Chapter include, but are not limited to, the illegal outdoor storage of materials, entertainment events, or outdoor seating in violation of a use permit.

"Instruction, group and private" means the provision of instructional services, including but not limited to photography, fine arts, crafts, dance or music studios, driving schools, diet centers, yoga, martial arts studios, after school programs or similar uses. This definition does not include instruction received through trade or vocational schools nor a post-secondary school or child care centers. Private instruction includes fewer than six (6) students or clients at any one time and group instruction includes six (6) or more students or clients at any one time.

"Intensity" means the degree to which land is used, measured by a combination of the type of land used and the amount of land or floor area devoted to that use.

"Intensification of Use" means to alter the character of a use to the extent that the use generates new or different impacts on the health, safety, or welfare of the surrounding neighborhood, including but not limited to the level or amount of traffic, noise, light, smoke, odor, vibration, outdoor storage, or other similar conditions associated with the use.

J

"Junk Yard" means the use of more than one hundred (100) square feet of the area of any lot for the storage of junk, including scrap materials and metals, or wrecked vehicles and machinery, whether or not sale of such junk is made or proposed.

K

"Kennel" means any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept.

"Kitchen (for residential uses)" means a residential kitchen shall be enclosed and interior to the dwelling unit utilized for the preparation of food and include two (2) or more of each of the following:

1. A sink (typically larger than 14″ × 17″);
2. A full size refrigerator (typically larger than 24″ × 64″);
3. A 220-V electrical service outlet (typically used for major cooking appliances such as a stove, oven or cooking range).

L

"Laundromat" means a primarily self-service facility where customers wash and dry clothing and other textiles in on-site machines, and where ancillary full-service laundry services may also be offered.

"Live-Work Unit" means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be occupied by the same tenant. Live-work uses allow one non-residential employee, more customers, and a broader range of uses than permitted in Home Occupations. See XI-10-13.12 within Special Uses for Live-Work Unit purpose, intent, and regulations.

Uses permitted or conditionally permitted within the underlining zoning district apply unless otherwise prohibited in Section 10-13.12(E). Additional uses covered by this designation include, but are not limited to:

Art and craft work;

Offices, Business and Professional;

Artists and artisans;

Fashion.

"Loading Area" means an open area, other than a street or alley, used for the loading or unloading of vehicles.

"Loading Space" means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

"Lot" means land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by this Chapter and having its principal frontage upon a street or a place approved by the Commission.

1. **"Corner lot"** means a lot, or portion thereof, not greater than seventy-five (75) feet in width and situated at the intersection of two (2) or more streets.
2. **"Flag lot"** means a lot having access or an easement to a public or private street by a narrow, private right-of-way.
3. **"Interior lot"** means a lot other than a corner lot.
4. **"Key lot"** means a lot with a side line that abuts the rear line of any one (1) or more adjoining lots.
5. **"Reversed corner lot"** means a corner lot the street line of which is substantially a continuation of the front line of the lot to its rear.
6. **"Through lot"** means a lot having frontage on two (2) paralleled or approximately paralleled streets.

"Lot Dimensions."

1. **"Lot Area"** means the total horizontal area within the lot lines of a lot.
2. **"Lot Depth"** means the horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.
3. **"Lot Lines"** means the lines bounding a lot as defined herein.
    a. In the case of an irregular shaped lot or a lot with more than four (4) sides where there is question as to which are the front, side, and rear property lines in order to determine setbacks and required yards, there shall be at a minimum of one (1) front property line and one (1) rear property line. The rear property line shall be the lot line directly parallel to the front property line and of a width of at least thirty (30) feet in length. If no such lot line exists, the Director of Planning shall make the final determination as to the rear property line of such lot.
4. **"Lot Width"** means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

M

"Manufacturing" means the preparation, making, treatment, or processing of articles as merchandise.

"Massage Establishment" means any establishment having a fixed place of business where any person, firm, association, partnership, corporation or other entity engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any massage for compensation. For the purpose of this Chapter, the term

"massage establishment" shall also include, but not be limited to, any business providing off-premises massage services.

"Massage Establishment, Accessory" means an establishment that provides massage which is incidental to the primary business, where the owner of the primary business is responsible for the massage services and conduct of the massage technician(s) employed at the location.

"Medical and Dental Offices" means a building or place where (a) member(s) of the medical profession, dentists, chiropractors, osteopaths, acupuncturists, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation rooms, pharmacy and x-ray providing that all such uses have access only from the interior of the building or structure.

"Medical and Dental Clinics" means the same as Medical and Dental Offices, except they also include minor operating rooms and out-patient surgery with no overnight stay.

"Medical Support Laboratory" means a facility for scientific laboratory analysis of medical resources. The analysis is generally performed for an outside customer, to support the work of that customer.

"Micromobility Device" means a small, lightweight vehicle operating at a speed typically below 15 miles per hour and driven by the individual user, such as bicycles, e-bikes, and electric scooters.

"Mixed Use Development" means a development that consists of vertical or horizontal combination of residential and commercial uses within a single building or site.

“Mobile Fueling” means a commercial service that offers on-demand fueling of motor vehicles at a specified location instead of at a service station. Mobile fueling may be provided to individual customers via the use of a mobile app, with fuel delivered to a home, office, or other location requested by the customer. Mobile fueling may also be provided for operators of fleet vehicles at a fixed, semi-permanent or permanent location.

"Mobile Home" means a transportable structure designed to be used as a dwelling unit when connected to required utilities.

"Mobile Home Accessory Building or Structure" means any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobile home.

"Mobile Home Lot" means a portion of mobile home park designated or used for the occupancy of one mobile home.

"Mobile Home Park" means any areas or tract of land where mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

"Mobile Home Stand" means the area on which the mobile home is placed when it is stationed on the lot, including the land lying under the mobile home.

"Mobile Recycling Unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles or bins, boxes or containers transported by a truck, van or trailer, and used for the collection of recyclable materials.

"Motel" means a building or group of attached or detached buildings providing lodging accommodations for a fee for transient guests, generally for stays of 30 days or less, with access to each room or unit through an exterior door. Motels are distinguished from hotels primarily in that the former provide direct independent access to, and adjoining parking for, guest rooms and do not provide 24-hour guest services.

N

"Natural Land Slope" means the average slope of the lot in percent, determined by observation on simple slopes, or more precisely by the formula:

S = 100 I L A

Where:

I is the contour interval in feet;

L is the combined length of the contour lines in scale feet; and

A is the net area of the lot in square feet.

"Nonconforming Building" means a building or structure or portion thereof lawfully existing at the time this Chapter became effective, which was designed, erected or structurally altered, for a use that does not conform to the use regulations of the district in which it is located. A nonconforming building shall also mean any building or structure built in compliance with all city land use and zoning laws in existence at the time and which does not comply with current development standards, including but not limited to height, setbacks, floor area ratio, maximum lot coverage, maximum size of residence, front yard paving and impervious surface coverage.

"Nonconforming Use" means a use which lawfully occupied a building or land at the time this Chapter became effective and which does not conform to the use regulations of the district in which it is located.

O

"Occupation" means a principal business, profession or vocation in which one is regularly and habitually engaged for the purpose of compensation for a livelihood.

"Offices, Business and Professional" means offices of firms or organizations providing professional, management, or administrative services, including but not limited to accounting, architectural, business and management consulting, computer and technology, engineering, insurance, interior design, graphic design, real estate, title companies, and legal services. This classification includes co-working spaces designed to accommodate different organizations that provide such services. Does not include medical and dental offices or financial institutions such as retail and commercial banks.

"Open-Air Business" means drive-in business where persons are served in automobiles.

"Outdoor Music" means live music, both acoustic and amplified, including live individual musicians, bands, and disc jockeys (DJs), but not including karaoke, that takes place on a patio or other outdoor space. Outdoor music as defined and regulated in this Chapter shall also include recorded background music played outdoors at a public establishment such as a restaurant, bar, retail store, or other business.

"Owner/Occupant" means any person owning property, as shown on the last equalized assessment roll for City taxes, or the lessee tenant, or other person having control or possession of the property.

P

"Parcel" shall mean a legal lot of record.

"Parcel Hub" means a “last mile” warehouse or similar establishment for the processing and/or redistribution of parcels or products to end-user customers. A Parcel hub’s primary function is moving a shipment from one mode of transport to vehicles with rated capacities less than 10,000 pounds, for delivery directly to consumers or end-users primarily within a ten-mile radius.

Parking Area, Private. "Private parking area" means an open area, other than a street or alley, used for the parking of the automobiles of occupants of a building.

Parking Area, Public. "Public parking area" means an open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

Parking Space, Automobile. "Automobile parking space" means a space within a building or a private or public parking area for the parking of one (1) automobile.

"Parking Structure" means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

"Patio Cover" means a one-story structure, not exceeding twelve (12) feet in height and open on one (1) or more sides (provided, however, that the open sides may be closed with insect or plastic screening that is permeable material and not in any manner that would obstruct the free passage of light or air) used for recreational, outdoor living purposes only and not as carports, storage rooms or habitable rooms.

"Person" means a natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

"Personal Services" means a commercial establishment which provides services of a personal or aesthetic nature directly to consumers, including but not limited to:

1. Beauty salons and barber shops;
2. Nail salons;
3. Tanning salons;
4. Hair removal salons;
5. Tattoo studios;
6. Body piercing studios.

"Place" means an open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

"Places of Assembly" means an institution or facility that offers or hosts activities for assembled groups of participants, including but not limited to private and nonprofit clubs; social or fraternal organizations; and churches, temples, synagogues, and other places of worship. This use is distinct from and unrelated to the industrial use "Assembly from pre-processed materials."

"Private Recreational Areas" means any usable open space or recreational facility available for use by all of the site's residents.

"Property" means all real property and fixtures, including, but not limited to, parking lots, sidewalks, gutters, driveways, walkways and any building and structure located on such property.

"Public Right-of-Way" as defined in Section V-500-1.13 of the Milpitas Municipal Code, shall mean the full width of the right-of-way of any street or bicycle pathway, as defined in the California Vehicle Code used by the general public, whether or not such street or path has been accepted as and declared to be part of the City system of streets and paths, including streets forming a part of the State Highway System. "Public right-of-way" also includes easements where the City is the grantee of the easement and property owned by the City of Milpitas or the Milpitas Redevelopment Agency and any public park, trail, or right-of-way within the City of Milpitas.

"Public Safety Use" means facilities for public safety or emergency services, including police and fire protection.

"Public Service Use" means facilities owned and operated by governmental agencies that provide services to the general public, including but not limited to federal, state and municipal administration buildings, courthouses, and post offices.

"Public Use" means a use intended to serve the whole city and/or region and operated by a public institution or entity. Such uses have the purpose primarily of serving the general public and include public schools, recreational facilities, government housing, government clinics, and the like.

"Public Utilities" means facilities for the production, storage, treatment, transmission and/or distribution of electricity, natural gas, water, wastewater, and telecommunications and other similar essential services. Also includes service facilities, electric transmission and distribution substations and public utility service centers.

Q

"Quasi-Public Use" means a use intended to serve the whole city and/or region and are operated by a private, nonprofit, educational, religious, recreational, or charitable, and having the purpose primarily of serving the general public. Such uses include religious facilities, private schools, community theaters, community and club organizations, private hospitals, places of assembly and the like.

R

"Recreation or Entertainment Facility" means a commercial establishment (indoors or outdoors) where patrons can actively participate in entertainment or recreation activities either independently or in conjunction with other uses.

"Recyclable Material" means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code.

"Recyclable Processing Facility" means a building or space used for the collection and processing of recyclable materials. Processing means the preparation of material for shipment by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, cleaning and remanufacturing.

"Repair and Cleaning, Small Items" means a commercial establishment that performs cleaning, repair, and alteration of small consumer and household items, such as laundromats (self-service laundries), dry cleaning pick-up stores (where cleaning is done off-site), tailors, shoe repair shops, jewelry and watch repair shops, and locksmiths. Excludes dry-cleaning plants, business equipment and computer repair, heavy equipment and machinery repair, repair and servicing of large and bulky household items such as appliances and furniture, or vehicle repair.

"Research and Development (R and D) Uses" means industrial or scientific research for the design, development, engineering and testing of high technology, clean technology, industrial, or scientific products. Research and development uses may include limited manufacturing as necessary for the production of prototypes, but exclude the full-scale manufacturing of final products. Research and development uses may also include storage space for raw materials and/or finished goods that actively supports the primary use.

"Residential Care Facility" means a facility licensed by the State of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance for sustaining the activities of daily living for more than six individuals. Living accommodations are group homes or shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions.

"Restaurant" means an establishment in which the principal use is the preparation and sale of food and non-alcoholic beverages. If approved, the service of alcoholic beverages is incidental to the principal use.

1. **"Drive-in"** means a restaurant that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.
2. **"Drive-thru"** means a restaurant which includes one (1) or more drive-through lanes for the ordering and receipt of foods and/or beverages by patrons remaining in their vehicles.

3. **"Fast-food"** means a restaurant that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared. Orders are generally not taken at the customer's table, and food is generally served for consumption either on or off the premises. For the purposes of parking requirements, the ordering or take-out area is defined as the counter and the area between the counter and the main entry to the establishment.
4. **"Take-out"** means a restaurant where foods and/or beverages are sold directly to the customer in a ready-to-consume state for consumption off site with no seats onsite. For the purposes of parking requirements, the ordering or take-out area is defined as the counter and the area between the counter and the main entry to the establishment.

"Retail, Limited" means an establishment which offers the sale of a limited line of merchandise that is generally necessary or desirable for everyday living or everyday business activities. Examples include small grocery stores offering primarily prepared or pre-packaged food and beverage items, small drugstores and variety stores, small stationery, office supply stores, shops selling other small household goods, and walk-out retail stores. This classification excludes convenience stores.

"Retail Stores, General Merchandise" means retail trade establishments selling lines of merchandise. This classification excludes convenience stores. Examples of general retail stores and lines of merchandise include but are not limited to:

1. Art supply;
2. Antiques;
3. Bakeries (retail only);
4. Bicycles;
5. Books;
6. Candy stores;
7. Clothing and accessories;
8. Collectables;
9. Fabrics and sewing supplies;
10. Floral;
11. Gifts (novelties and souvenirs);
12. Hobby materials;
13. Jewelry;
14. Luggage and leather goods;
15. Music stores;
16. Office supplies and stationery;
17. Sporting goods and equipment;
18. Toys and games;
19. Tuxedo and formalwear rental;
20. Variety stores;
21. Video rentals and sales.

"Reverse Vending Machine" means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic containers, and issues a cash refund or a redeemable credit slip. A reverse vending machine sorts, and processes containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reserve vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

S

"Satellite Dish Antenna or Satellite Antenna" means any device incorporating a reflective surface that is solid, open mesh or bar configured to form a shallow dish, cone, horn or cornucopia used to transmit and/or receive electromagnetic signals. This definition includes antennas that are sometimes called "SES," "TVRO," "TVBS," and "DBS."

"School: Elementary, Middle, or High" means an institution which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California.

"School, trade and vocational" means an establishment where training is received to learn a particular trade or craft that involves skilled labor. Trades and crafts include but are not limited to the various construction trades, auto mechanics, machining, HVAC installation/repair/maintenance and similar trades and crafts.

"Service Station" means any premises used for supplying gasoline and oil at retail, direct to the customer, including minor accessories and services for automobiles, but not including automobile repairs.

Setback. See "Yard."

"Self-Storage or Mini-Storage" means the storage, generally of furniture and/or other household items, in small individual units (typically 400 square feet or less) that are available for rental by the general public.

"Short-Term Rental Unit" or **"Short-Term Rental"** or **"STR"** means the use of a dwelling unit, including, without limitation, a single-family, two-family, or multiple-family dwelling unit, mobile home, or any portion of such dwellings, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of 30 or fewer calendar days, counting portions of days as full calendar days.

Signs. For purposes of Section XI-10-24, Sign Regulations, of this Chapter, the following definitions shall apply:

1. **"Abandoned Signs"** means any sign used for advertising or other purposes where the business it advertised or the use or event it supported has ceased operation for or occurred more than ninety (90) days prior to the sign's posting.
2. **"Abate"** means to repair, replace, remove, destroy, or otherwise remedy the condition in violation of this Chapter.
3. **"A-Frame Sign"** means and includes a sign that is portable, is capable of standing without support or attachment, and folds open in the form of an "A" or "sandwich-board".
4. **"Ancillary services sign"** means a sign displaying ancillary services such as smog services, lotto, or that represent trade affiliations, such as credit card services, or other similar services and not for the purpose of displaying products being sold.
5. **"Approved Plastics"** means those materials specified in the U.B.C. Standard No. 52-1 which have a flame spread rating of 225 or less and a smoke density not greater than that obtained from the burning of untreated wood under similar conditions when tested in accordance with U.B.C.

Standard No. 42-1 in the way intended for use. The products of combustion shall be no more toxic than the burning of untreated wood under similar conditions.

6. **"Architectural Sign"** means and includes a sign used for advertising purposes which constitutes an integral part of a roof or marquee and is designed with an intent and purpose to relate to the architectural style of the main building.
7. **"Area Identification Sign"** means and includes a permanent sign which serves to identify an area.
8. **"Awning sign"** means any sign or graphic attached to, painted on or applied to an awning or canopy.
9. **"Balloon Sign"** means and includes any large [over three (3) cubic feet in size] inflatable hot/cold air or helium balloon that is used as an advertising device for any business or promotional event.
10. **"Banner Sign"** means and includes a temporary sign composed of lightweight, flexible, non-rigid material either enclosed or not enclosed in a rigid frame.
11. **"Blade Sign"** means a pedestrian oriented sign, adjacent to a pedestrian walkway or sidewalk, attached to a building wall, marquee, awning, or arcade with the exposed face of the sign in a plane that is perpendicular to the plane of the building wall.
12. **"Building Perimeter"** means the total exterior wall length for any and all buildings intended for human occupancy, as measured at the ground elevation. No second story or subsequent upper story areas shall be considered as a part of this calculation.
13. **Canopy Sign.** See awning sign.
14. **"City Identification Sign"** means and includes a sign placed at the point of entry to the City of Milpitas for the purpose of informing a person that they are entering the City of Milpitas.
15. **"Construction Sign"** means and includes a sign placed on the property where site work, building construction and/or a tenant improvement within an existing building is in progress. The sign may denote that a business will be opening soon, the opening date, names of the architect, engineer, contractor, future business and lending agency.
16. **"Directional Sign"** means a sign which guides and directs motorists to a specified destination in the most direct manner possible.
17. **"Display Surface"** means the area made available by the sign structure of building surface for the purpose of displaying the advertising message.
18. **"Electric Sign"** means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
19. **"Erect"** means to build, construct, attach, hang, place, suspend or affix.
20. **"Exposed raceway"** means an enclosure or conduit that is used to conceal wiring for a lighted sign and is visible from any elevation, typically located between the sign and the building to which the sign is attached.
21. **"Flag"** means a visual device with no commercial copy, usually rectangular in shape and made of a cloth material suspended by, or attached to, a pole or post and may be raised or lowered.
22. **"Flag sign"** means a visual display device with commercial copy, usually rectangular in shape and made of a cloth material suspended by, or attached to, a post, or pole and may be raised and lowered.
23. **"Freestanding Sign"** means a sign which is supported by one or more uprights, poles, or braces in or upon the ground, or partially supported and attached to any building, other structure, or foundation on the ground.

24. **"Garage Sale Sign"** means a sign used primarily for the purpose of advertising a "garage sale" and/or "yard sale" at a residence.

25. **"Grand Opening Sign"** means and includes banners, pennants, flags, balloons, and similar advertising devices when used only for bona fide grand-opening functions, new ownership, name change, or the reopening of a business that has completely closed for remodeling for at least two weeks.

26. **Graphic Panel, Freestanding.** Freestanding graphic panel means a freestanding sign located within five feet of the main building wall, which relates to the architecture of the building and depends primarily on a graphic image for delivering its advertising message. Graphic panels do not count as freestanding signs. The display area on graphic panels counts towards overall sign area.

27. **"Impact Resistive Plastic"** means any plastic material capable of resisting fifty (50) foot pounds of force as tested in accordance with ANSI/UL 972 Multiple Impact Test or any similar test procedure.

28. **"Information Sign"** means and includes signs providing courtesy information, or direction to the public without advertising the business products, or services such as hours, entrance, exit, self-serve, credit cards, restrooms, telephone drive-up, or which serves to direct motorist and pedestrians on private property.

29. **"Joint Use Sign"** means and includes a freestanding sign for a commercial district under multiple ownerships where freestanding signs for each parcel for which signage is desired is infeasible. The commercial district shall be characterized by close proximity of the businesses and small parcel size. A common parking field and common vehicular circulation are encouraged.

30. **"Logo"** means a trademark, or symbol of an organization which is registered with the federal or State government and consistently used in conducting the business activities of said organization.

31. **"Marquee"** means a permanent roofed structure, attached to, and support by the building and projecting beyond the main building.

32. **"Multi-use Structures"** means any commercial, industrial, quasi-public, or agricultural farm products sales use, containing five or more stores, or businesses on a single parcel of land.

33. **"Mural"** means a display, or illustration painted on a building, or wall within a public view not intended to advertise a product, service, or business, and therefore is not considered a sign.

34. **"Mural sign"** means a display, or illustration painted on a building, or wall intended to advertise a product, service, or business.

35. **"Noncombustible Material"** means any material which will not ignite at, or below a temperature of one thousand two hundred (1,200) degrees during an exposure of five (5) minutes, and which will not continue to burn or glow at that temperature. Tests shall be made as specified in U.B.C. Standard No. 4-1.

36. **"Nonstructural Trim"** means the molding, battens, capping, nailing strips, latticing, cutout, or letters and walkways which are attached to the sign structure.

37. **"Off-site Advertising Display"** means any sign that advertises, or informs about a business organization, event, goods, products, services, or uses not available on the property upon which the sign is located.

The term "Off-site Advertising Sign" does not include Joint Use Sign, Temporary Tract Advertising Signs for subdivisions under construction in the City, Open House Directional Signs, Garage Sale Signs, Off-site Public Information Signs, off-site directional signs for purposes of identifying regional shopping centers, and Temporary Tract Advertising Signs.

38. **"Off-site Directional Sign"** means any sign that provides direction to retail, community, and cultural events not available on the property upon which the sign is located.

The term "Off-site Directional Sign" does not include Garage Sale Signs, Joint Use Signs, Official City or City-sponsored signs, Off-site Directional Signs identifying regional shopping centers, Off-site Public Information Signs, Open House Directional Signs, and Temporary Tract Advertising Signs.

39. **"Off-site Public Information Sign"** means a sign that is placed proximate to a major city entry on privately owned property that is used to provide non-advertising information and/or identification symbols or plaques to the public for civic organizations, service clubs or other quasi-public uses and is erected within the public right-of-way.

40. **"Open House Directional Sign"** means a sign, no larger than six (6) square feet in sign area per side, used primarily for the purpose of directing traffic to a house being offered for sale or lease.

41. **"Other Advertising Structure"** means any device erected or used for the same purpose as a sign, whether erected, or used:

    a. Exclusively for advertising purposes, upon which any poster bill, printing, painting device, or other advertisement or identification of any kind whatsoever may be placed, posted, painted, fastened, or affixed.

    b. Exclusively for advertising purposes and including any spectacle, display or advertising statuary.

42. **"Permanent Sign"** means every sign except temporary sign as defined herein.

43. **"Political Sign"** means a sign which is designated to influence the action of the voters, and election, or defeat of a candidate for the nomination, or election to any public office, or a measure appearing on the ballot at any national, state, district, or local election.

44. **"Portable"** means an object that is capable of being borne or carried, easily transported, or conveyed without difficulty.

45. **"Portable Sign"** means and includes a sign that is portable and capable of being borne, or carried, easily transported, or conveyed without difficulty, is capable of standing without support or attachment, is unattached to any structure, and is used for advertising purposes.

46. **"Projection"** means the distance by which a sign extends over public property or beyond the building line.

47. **"Projecting Sign"** means a sign other than a wall sign which projects from, and is supported by a wall of a building or structure.

48. **"Public Information Sign"** means a sign erected for the sole purpose of displaying advertising for community activities and/or identification symbols or plaques for civic organizations or service clubs.

49. **"Public Street Frontage"** means a publicly owned street immediately adjacent to the parcel, for purposes of sign area and height calculations. Public streets for which the parcel does not have access rights are not included for purposes of any sign calculations.

50. **Raceway.** See "exposed raceway."

51. **"Regional Shopping Center"** means any commercial development on one (1) or more parcels of land which are contiguous, or across from a right-of-way which contains a gross land area of at least thirty (30) acres or a gross building area of at least 200,000 square feet. Current regional shopping centers are McCarthy Ranch Marketplace, the Town Center shopping center, and the Great Mall and its out-parcels zoned General Commercial.

52. **"Roof Sign"** means a sign erected upon or above a roof or a part of a parapet of a building or structure.

53. **"Scoreboard Sign"** means a sign located on scoreboard structures located in an adult or youth outdoor playing field on public property and shall be for products or businesses available to persons of all ages.

54. **"Shopping Center"** means any commercial development containing five (5) or more stores or businesses on one (1) or more parcels of land operating as an integrated use and having a gross parcel area of five (5) or more acres.

55. **"Shopping Center Identification Sign"** means a sign located on the site of a shopping center or regional shopping center that states the name of the shopping center or regional shopping center.

56. **"Sign"** means every announcement, declaration, demonstration, display, illustration insignia, surface, or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person.

57. **"Sign Area"** means the area of a sign to be calculated that includes all lettering, wording, and accompanying designs or symbols, together with any background of a different material or color than the remainder of the wall of the building to which is affixed or upon which it is painted. In the case of a freestanding sign, the supports or uprights on which any sign is supported should not be included in determining the sign area unless such supports or uprights are designed in a manner as to form an integral background of the sign.

Where the sign consists of individual letters or symbols, the area shall be considered to be that of the smallest rectangle, circle, square, or triangle which can be drawn to encompass all of the letters. Provided however, that where such individual type letters or symbols are separated more than thirty-six (36) inches from each other, those letters or symbols shall be calculated separately.

If the sign has more than one (1) advertising surface, the sum of all the areas of all such surfaces shall be the area of the advertising surface of such sign except that, if two (2) surfaces on the same face in opposite directions (i.e., the relative angles between the directions they face is one hundred eighty (180) degrees) and the distance between such two (2) surfaces is not more than twenty-four (24) inches, then the area of only one of the two surfaces (the largest if they are not equal) shall be included in the computation.

58. **"Sign Program"** means a specific set of design standards established for the purpose of unifying a variety of signs associated with a multitenant or multiuse project, building or complex of buildings.

59. **"Sign Surface"** means the surface of the sign upon, against or through which the message is displayed or illustrated.

60. **"Snipe sign"** means temporary or portable signs advertising events that are fastened to fences, trees, utility poles, or other structures or fixtures and also including signs on sticks stuck in the ground and usually found off-site. These do not include real estate, political or open house signs.

61. **"Statuary Sign"** means statuary used for advertising purposes or representing the logo of a business.

62. **"Temporary Sign"** means any sign, banner, flag, valance, pennant, streamer, whirligig or advertising display, constructed of cloth, canvas, fabric, cardboard, plywood or other light material with or without a frame, whether attached or portable, and designed or intended to be displayed for a short period of time.

63. **"Temporary Promotional Sign"** means any temporary Balloon Signs, banners, and similar advertising devices when used only for special promotional events.

64. **"Temporary Tract Advertising Sign"** means a uniformly designed sign which advertises a residential development.

65. **"Vehicle-Mounted Sign"** means a sign, used for the purpose of advertising, larger than three (3) feet by three (3) feet mounted on, attached to or capable of being borne or carried, easily transported or conveyed without difficulty by a vehicle, where that vehicle is parked on public or private property. This definition does not include signs on delivery vehicles in the act of making a delivery or signs on vehicles parked on residential driveways or public streets.

66. **"Wall Sign"** means any sign painted on, attached to or erected against the wall of a building or structure.

67. **"Window Sign"** means any sign painted, attached, glued or otherwise affixed to the interior or exterior surfaces of a window or suspended or located within three (3) feet of the window for the primary purpose of being visible from the exterior of the building.

"Single Household Unit" means the functional equivalent of a traditional family, whose members are a non-transient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas which are not compartmentalized, such locked cabinets or doors. A single housekeeping unit shall be limited to one (1) kitchen and shall have permanent internal access to all rooms within the dwelling unit, except as provided for Accessory Dwelling Units.

"Single Room Occupancy (SRO) Residence" means a multi-tenant building consisting of single room dwelling units that are the primary residence of its occupants, containing either individual or shared kitchen and bathroom facilities. These units are small (generally less than 350 square feet), and provide a valuable source of affordable housing for individuals and can serve as an entry point into the housing market for formerly homeless people.

Slope. Same as "Natural Land Slope."

"Specific plan" means a detailed plan for the development of a specific area. Specific plans are a significant tool to implement the General Plan. A specific plan documents the proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks and other essential facilities proposed to be located within or needed to support the land uses described in the plan, as well as implementation and financing methods and added benefits to the City as a whole.

Stable, Private. "Private stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, Public. "Public stable" means a stable other than a private stable.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

Story, Half. "Half story" means a story under a gable, hip or gambrel roof, the wall plates on which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

"Street" means a permanently reserved thoroughfare which affords principal means of access to abutting property.

"Structure" means anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground.

"Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population as defined in Section 11302 of Title 42 of the United States Code, as may be amended, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community as defined in the California Health and Safety Code Section 50801(e), as may be amended.

T

"Thrift Store" means any profit or nonprofit business, organization, group or otherwise that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose goods and merchandise are donated or primarily donated. A specialty retail store that sells used goods or merchandise not donated for sale, including but not limited to used record stores, used book stores, used furniture stores, and sports trading card stores, shall not be considered a thrift store for the purpose of this Chapter.

"Townhouses" means dwelling units that are attached at their sides in groups of three or more and are sited on individual lots with vehicular access from driveways. Private rear yards or patios and common open space may be part of a townhouse development.

Trailer, Automobile. "Automobile trailer" means a vehicle without motive power designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

"Transitional Housing" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months as defined in the California Health and Safety Code Section 50801(e), as may be amended.

"Tri-laminate Asphalt Composition" means an asphalt composition roof material that is comprised of three layers of tile adhered together to create one shingle and when installed overlap with another row of three-layered tile for a total minimum thickness of ⅞ inches.

"Tutoring Centers" means facilities offering academic instruction to individuals or groups in a classroom setting.

"Two-unit Project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot.

U

"Unreasonable Period of Time" means not less than thirty (30) calendar days following notification by the City to the owner/occupant pursuant to this Chapter that the property is in violation of this Chapter. The City Manager, upon a finding that the violation in question constitutes a threat to the health and safety of any person may designate a time period of thirty (30) calendar days or less upon notice to the owner/occupant to abate the nuisance. Prior notice shall not be required for summary abatement pursuant to this Chapter.

"Urban Lot Split" means the subdivision of an existing, legally subdivided lot into two lots.

"Usable Open Space" means any open space, the smallest dimension of which is at least six (6) feet and which is not used as storage or for movement of motor vehicles. Yards abutting a public street, which are not adequately screened for privacy, in the opinion of the Planning Commission, shall not qualify as usable open space.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

V

"Video Sales and Rental Store" means any place of business which includes the sale or rental of prerecorded video tapes, laser discs, compact discs, or any other medium which projects pictures on a screen.

W

“Warehousing and Distribution” means a facility, primarily within an enclosed building, for the storage of commercial or industrial goods, products and materials and the associated on-site sorting, packing, staging,

shipping, receiving, and distributing of goods to wholesale and retail outlets, including ancillary truck parking and dispatching. Also includes long-term, passive storage of furniture, household goods, or other commercial goods; and of industrial equipment, products, and materials. Warehousing and distribution facilities may include, but are not limited to, wholesale distribution, distribution centers, moving and transfer storage, cross-dock facilities, package handling centers, order fulfilment centers, and logistics centers. Excludes storage of raw materials and/or finished products as part of an active primary use such as General Manufacturing, Advanced Manufacturing, or Research and Development. Excludes Parcel Hubs.

Wireless Communications Facilities Definitions. For the purposes of wireless communications facilities, the following definitions shall apply:

1. **"Commercial Wireless Communication Facility"** means a wireless communication facility operated by a for-profit business or for-profit purposes. See by contrast, "Noncommercial wireless communication facility."
2. **"Noncommercial Wireless Communication Facility"** means a wireless communication facility operated by a government agency, a nonprofit organization, a for-profit business for nonprofit purposes or a private citizen for personal use. It includes all amateur radio facilities. See by contrast, "Commercial wireless communication facility."
3. **"Stealth Wireless Communications Facility"** means any antenna designed to be architecturally integrated into a building that is architecturally consistent with the building design. Examples include a steeple, cupola or tower element on a building and do not include flag poles, monopoles or other structures designed to house antenna and resemble natural features.
4. **"Wireless Communication Facility"** means the equipment and associated structures needed to transmit and/or receive electromagnetic signals. A wireless communication facility typically includes antennas, supporting structures (including, but not limited to, monopoles, utility structures, buildings and accessory structures), enclosures and/or cabinets housing associated equipment, cable, access roads and other accessory development.

"Wholesale Sales" means the selling and/or distributing of merchandise to retailers; industrial, commercial, or institutional buyers; or other wholesalers; or acting as agents or brokers in the buying and selling of merchandise to or for such entities.

Y

"Yard" means an open space, other than a court, on a lot, unoccupied and unobstructed, except by eaves, from the ground upward, except as otherwise provided in this Chapter. Where applicable, yards shall be measured perpendicularly from the property line to the face of the nearest exterior wall of any main building, except as otherwise provided in this Chapter (See Subsection XI-10-55.04-11). Setback shall be synonymous with yard.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the most rear main building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest exterior wall of the main building.

Yard, Side. "Side yard" means a yard between the main building and the side lot line extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest exterior wall of the main building.

Z

Zone. See "district."

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 3

Title XI, Chapter 10, Section 3 (Zoning Districts) of the Milpitas Municipal Code is hereby amended to read as follows:

Section 3 - Zoning Districts

XI-10-3.01 Districts

In order to carry out the purpose and provisions of this Chapter, the City is hereby divided into districts known as:

Full Name	Short Name
"R1" Single-Family District	"R1" District
"R2" One and Two-Family District	"R2" District
"R3" Multiple-Family District	"R3" District
“R3-Metro” Metro Multi-Family High Density Residential District	“R3-Metro” District
"R4" Multiple Family Very High Density District	"R4" District
“R4-Metro” Metro Multi-Family Very High Density Residential District	“R4-Metro” District
"R5" Urban Residential District	"R5" District
“R5-Metro” Metro Urban Residential District	“R5-Metro” District
"AR" Agricultural Residence District	"AR" District
"CO" Administrative and Professional Office District	"CO" District
"C1" Neighborhood Commercial District	"C1" District
"C2" General Commercial District	"C2" District
"HS" Highway Service District	"HS" District
"TC" Town Center District	"TC" District
"MXD" Mixed Use District	"MXD" District
"MXD2" High Density Mixed Use District	"MXD2" District
“MXD2-Metro” Metro High Density Mixed Use District	“MXD2-Metro” District
"MXD3" Very High Density Mixed Use District	"MXD3" District
"MXD3-Metro" Metro Very High Density Mixed Use District	“MXD3-Metro” District
"M1" Light Industrial District	"M1" District
"M2" Heavy Industrial District	"M2" District
"MP" Industrial Park District	"MP" District
“BPRD” Business Park Research and Development District	“BPRD” District
“BPRD-Metro” Metro Business Park Research and Development District	“BPRD-Metro” District
“BPRD-R-Metro” Metro Business Park Research and Development, Limited Residential District	“BPRD-R-Metro” District
"A" Agricultural District	"A" District
“I” Institutional District	“I” District
"POS" Park and Open Space District	"POS" District

"PD" Planned Development District	"PD" District

XI-10-3.02 Combining Regulations

In addition to the foregoing district certain combining regulations are established as set forth in this Chapter, said combining regulations being as follows:

Full Name	Short Name
"HR" High Rise Overlay District	"HR" District
"H" Hillside Combining District	"H" District
"MHP" Mobile Home Park Overlay District	"MHP" District
"OO" Gateway Office Overlay District	"OO" District
"RE" Recreation & Entertainment Overlay District	"RE" District
"S" Site and Architectural Overlay District	"S" District
"TOD" Transit Oriented Development Overlay District	"TOD" District
“FC” Freeway Corridor Overlay District	“FC” District

XI-10-3.03 Zoning Map

The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this Chapter, being designated as the "Zoning Map of the City of Milpitas," together with "Sectional District Map of the City of Milpitas" supplementary thereto, consisting of an "Index Map" to sectional district maps numbered consecutively, and said map and all notations, references and other information shown thereon shall be as much a part of this Chapter as if the matters and information set forth by said map were all fully described herein.

XI-10-3.04 Letter Designation Includes All Aspects of the Zone

Whenever the terms "R" District, "C" District or "M" District are used herein, they shall be deemed to refer to all districts containing the same letter in their names; for example, the term "C" District shall include the "C1" and "C2" District.

XI-10-3.05 Most Restrictive and Least Restrictive Zones

The "R1" District is the most restrictive and the "M2" District is the least restricted.

XI-10-3.06 Reference to General Provisions and Exceptions

For "General Provisions" and "Exceptions" pertaining to the following district regulations, see Sections 54 and 55 inclusive.

SECTION 6. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 7

Title XI, Chapter 10, Section 7 (Industrial Zones and Standards) of the Milpitas Municipal Code is hereby amended to read as follows:

Section 7 - Industrial Zones and Standards

XI-10-7.01 Purpose and Intent

A. Light Industrial (M1) Zone. The M1 Light Industrial District is reserved for the construction, use and occupancy of buildings and facilities for office, research, limited and light manufacturing, and other uses compatible with the district.

B. Heavy Industrial (M2) Zone. The M2 Heavy Industrial District is reserved for the construction, use, and occupancy of buildings and facilities for office, research, general manufacturing, warehousing and distribution and other uses compatible with the district.

C. Industrial Park (MP) Zone. The MP District is intended to accommodate, in a park-like setting, a limited group of research, professional, packaging and distribution facilities and uses which may have unusual requirements for space, light, and air, and the operation of which are clean and quiet and which meet the standards set herein.

D. Business Park Research and Development (BPRD) Zone. The purpose of the BPRD District is to designate specific areas of the city as important employment centers, especially for jobs in the high-tech industry. The BPRD zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses, and to enable the integration and growth of research and development, office, small warehouse, and light manufacturing uses on consolidated sites with supportive ancillary uses such as restaurants, health/fitness centers, limited retail, and child care facilities.

XI-10-7.02 Industrial Use Regulations

A. Permitted and Conditionally Permitted Uses.

1. Primary uses. The uses identified in Table XI-10-7.02-1, Industrial 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 XI-10-7.02-1 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 XI-10-57.04, Conditional Use Permits and Minor 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 XI-10-57.04, 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 by the Zoning Administrator, in accordance with Subsection XI-10-57.04, 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. In the BPRD zone, all uses and activities must take place within an enclosed building.

3. Accessory Uses. The following accessory uses are allowed when incidental to the primary use:

   a. In M1 and MP zones, incidental services, such as restaurants and recreation facilities for employee use only and when conducted in and entered from within the building or campus.

   b. Cafeterias may be permitted when ancillary to a primary use and associated with business or industrial uses.

   c. Banquet halls may be permitted with a Conditional Use Permit, in accordance with Section XI-10-57.04, when ancillary to convention centers, hotels or motels.

   d. In the BPRD, business support services, convenience retail, commercial athletic facilities, child care centers, and restaurants with or without on-site service of alcohol.

B. Prohibited Uses. The following uses are prohibited:

1. Uses where the symbol "NP" appears within Table XI-10-7.02-1.

2. Uses that have been excluded from Table XI-10-7.02-1, unless they are found by the City to be similar to permitted or conditionally permitted uses in accordance with C below.

C. Other Uses. Any other uses may be considered by the Planning Commission that are similar in accordance with the procedure prescribed in Subsection 10-54.02, Other Uses Permitted by Commission, of this Chapter.

Table XI-10-7.02-1
Industrial Zone Uses

Use	M1	M2	MP	BPRD
1. Commercial Uses				
Alcoholic beverage sales	NP	NP	NP	C[1]
Adult businesses[2]	P	NP	NP	NP
Business support services	P	NP	P	MCS[1]
Convenience store	C	NP	C	NP
Furniture repair and reupholstery	P	NP	NP	NP
Grocery store	NP	NP	NP	NP
Personal services	C	NP	C	C
Printing (newspaper, blueprint, publishing)	P	NP	C	MC
Repair and cleaning, small items	P	NP	NP	NP
Retail, limited	C	NP	C	MCS[1]
Retail stores, general merchandise	C	NP	C	NP
2. Entertainment and Recreation Uses				
Billiards	C	NP	C	NP
Commercial athletic facilities	C	NP	C	MCS[1, 3]
3. Health and Veterinarian Uses				
Hospitals	NP	NP	C	NP

Kennel	P	NP	NP	NP
Medical support laboratories	P	NP	P	MC
Medical and dental offices and clinics	P	NP	P	MC
Veterinarian hospital	P	NP	P	NP
4. Industrial Uses				
Use	M1	M2	MP	BPRD
Advanced manufacturing	P	P	P	P
Assembly from pre-processed materials[4]	P	P	P	P
Auto assembly facility	NP	P	NP	MCS[5]/NP
Bottling facility	P	P	NP	NP
Building material sales (equipment rental)[6]	NP	C	NP	NP
Commercial fueling facility	C	C	NP	NP
Commercial laboratory	P	P	P	P
Contractor's shop[6]	NP	P	NP	C
Custom and artisan manufacturing	P	MCS	P	MCS
Data centers	P	NP	P	P
Dry-cleaning plant	P	P	NP	NP
Film processing, photo finishing and printing, etching, lithography, printmaking, and other similar creative industries	P	MCS	P	MCS
Freight and trucking yard[6]	NP	P	NP	NP
Mini-storage or self storage	C	C	NP	NP
Parcel hub	P	MCS	P	C
Plumbing, metalworking, glassworking or woodworking	P	P	NP	C
Plant or facility (assembly of goods, manufacturing, packaging, processing, repairing, etc. or materials, merchandise or products)	P	P	P	MC
Pottery or tile manufacturing	P	P	NP	C
Recycling processing facility	C	C	NP	NP
Research and development	P	MCS	P	P
Soils and materials testing laboratories	P	P	P	P
Warehousing and distribution	P	P	P	P/C[7]
Wholesale sales	P	P	P	P
5. Lodging Uses				
Hotels/motels	C	NP	C	NP
6. Professional Office Uses				
Offices, business and professional	P	NP	P	P
Financial institutions (banks, savings and loans, etc.)	C	NP	P	NP
7. Public, Quasi-Public and Assembly Uses				

Auditorium[8]	NP	NP	C	NP
Child care center	NP	NP	C[1]	MCS[1]
Conference center[8]	NP	NP	C	MCS
College and university, public or private[9]	NP	NP	NP	C
Vocational school	C	NP	C	C
Farmer's market [10]	NP	NP	C	MC
Use	M1	M2	MP	BPRD
Public utilities[11]	P	P	P	NP
Transportation facility (taxi, parcel service, armored car, etc.)[6]	NP	P	NP	NP
Temporary Public Safety Uses[12]	C	C	C	NP
Places of assembly[13]	C	NP	C	NP
8. Residential Uses				
Caretaker's residence	C	C	NP	NP
9. Restaurants or Food Service Uses				
Catering establishment	P	NP	P	MC
Restaurants				
With on-site service of alcohol	C	NP	C	C[1]
Without on-site service of alcohol	C	NP	C	MCS[1]
With live entertainment/dancing	NP	NP	NP	NP
Drive-in or drive-thru	C	NP	C	NP
Mobile Food Vending (individual vehicle)[14]	P	P	P	P
Mobile Food Park	NP	NP	NP	NP
Commissary	P	NP	P	MC
10. Vehicle Related Uses				
Auto junk yard[6]	NP	C	NP	NP
Auto repair (tire, oil change, smog check, etc.)[15]	C	P	C[16]	NP
Mobile Fueling[17]	P/C	P/C	P/C	P/C
Service stations (with or without repair or retail)[15]	C	C	C	NP
With car wash	NP	C	C	NP
Vehicle sales and rental (auto, RV and truck-new and used in operable condition)[18]	C	C	C[16]	NP
Auto broker (wholesale, no vehicles on site)[13]	MCS	MCS	MCS	NP

Notes:

[1] Limited to accessory uses that support primary employment-generating uses on the same site. Accessory commercial uses such as restaurants and convenience retail shall be located on the ground floor and in an area of the development where they can be directly accessed by the public.

[2] In accordance with the Title III, Chapter 4, Adult Business Ordinance and Subsection XI-10-13.04, Adult Businesses, of this Chapter.

[3] Maximum 8,000 gross square feet in size.

[4] Assembling, packaging, or distribution from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, electric or electronic instruments and devices such as television, radios, and pharmaceutical products.

[5] Consistent with the intent and purpose of the BPRD Zone to support emerging industries within the high-tech sector, manufacturing and assembling of electric vehicles and other zero-emission vehicles, and/or component parts for such vehicles, may be permitted in this zone through approval of a Minor Conditional Use Permit in accordance with Subsection 57.04 of this Chapter. Manufacturing and assembling of conventional and hybrid vehicles with internal combustion engines, as a higher-intensity industrial use, is not permitted in the BPRD Zone.

[6] When conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence (e.g., chain link with slats) not less than eight feet in height.

[7] Warehousing and distribution facilities up to 150,000 square feet are permitted in the BPRD Zone. Warehousing and distribution facilities that exceed 150,000 square feet may be allowed through the approval of a Conditional Use Permit, in accordance with Subsection 57.04 of this Chapter. In addition to the general required findings for a Conditional Use Permit, the following special finding must be made for approval to be granted for a warehousing and distribution facility greater than 150,000 square feet: That the proposed use will support the continued operations and/or growth of business in the high-tech sector, contributing to economic activity and employment opportunities in the Business Park Research and Development Zone.

[8] Shall be ancillary to the primary use or associated with business or industrial uses.

[9] State has authority over permitting process regarding public facilities.

[10] Refer to Subsection XI-10-13.10, Farmers Markets, of this Chapter.

[11] Includes service facilities, electric transmission and distribution substations and public utility service centers.

[12] See Subsection XI-10-13.11(I), Temporary Public Safety Uses.

[13] See Subsection XI-10-7.04(A)(1), Industrial Zone Special Development and Performance Standards.

[14] Refer to Subsection XI-10-13.18, Mobile Food Vending, of this Chapter.

[15] Entrances to the services bays shall not be open to the street, but shall be so designed to face the rear or interior side property line.

[16] Within MP zones, rental and repair may be considered only when ancillary to new auto dealerships.

[17] Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles may be permitted subject to approval of a Conditional Use Permit. Refer also to the California Fire Code as amended by the City of Milpitas Municipal Code, Title V, Chapter 300.

[18] Within MP zones, boat and camper sales are prohibited. Dealerships shall be on property at least three acres or greater in area.

XI-10.7.03 Industrial Zone General Development Standards

A. The following minimum or maximum requirements shall be observed.

Table XI-10-7.03-1
Industrial Zone Development Standards

Standard	M1	M2	MP	BPRD
Lot Area, minimum	None	None	Individual sites shall be of such size to that all space requirements in this table are satisfied.	25,000 sq. ft.

Standard	M1	M2	MP	BPRD
Lot Width, minimum	None	None	100 ft.	100 ft.
Front Yard Setback, minimum	Along major street: 35 ft. from face of curb. Along non-major street: 25 ft. from face of curb.	Along major street: 35 ft. from face of curb. Along non-major street: 25 ft. from face of curb.	35 ft.	10 ft.
Side Yard Setback (interior), minimum	None	None	10 ft.	None; 20 ft where abutting an R zone
Street Side Yard Setback, minimum	Same as front yard setback	Same as front yard setback	Same as front yard setback	Same as front yard setback
Rear Yard Setback, minimum	None	None	20 ft.	None; 20 ft where abutting an R zone
Building Height, maximum	None. However, prior to construction of any structure that exceeds three (3) stories or thirty-five (35) feet in height, the Planning Commission must make the following finding: That any such excess height will not be detrimental to the light, air or privacy of any other structure or use currently existing or anticipated.			80 ft/5 stories
Parking Setback from street-facing property line, minimum	None	None	None	Surface parking: 25 ft Truck or bus parking: 40 ft
Parking	Refer to Section 53, Off Street Parking, of this Chapter.			
Floor Area Ratio	0.40 Maximum	0.40 Maximum	0.50 Maximum	Minimum 0.35 Maximum 2.5
Landscaping	Refer to Subsection 7.03(B)			

B. Areas of Lot Required to be Landscaped. Landscaped areas shall mean any area planted with plant material (trees, shrubs, ground cover, etc.). Landscape areas shall be exclusive of parking and vehicular traffic area (direct driveways excepted) and this shall be shown on the site plan in detail for Planning Commission approval.

The following areas shall be landscaped:

1. Required front yard area.
2. Required street side yard area.

This may be adjusted, by the Planning Commission, if it is found that adequate landscaping adjacent to the building(s) is provided to compensate for a reduction.

C. Fences, Hedges and Walls. All planting, fencing and walls for new development, including but not restricted to fences and walls along rear and interior side property lines shall be approved by the Planning Commission. Modifications regarding landscaping, fencing and walls at existing developed sites shall be subject to the provisions of Subsection 54.10, Fences and Walls, of this Chapter.

D. Utilities. All wires, pipes, cables and utility connections shall be placed in underground or subsurface conduits. All above ground transformers and vaults for new development shall be adequately screened to the approval of the Planning Commission. Modifications regarding subsurface conduits or above ground transformers and vaults at existing developed sites shall be subject to the provisions of Subsection 54.16, Trash Enclosures, Equipment and their Screening, of this Chapter.

E. Areas for Collecting and Loading Recyclable Materials. There shall be provided areas for collecting and loading recyclable materials in accordance with the requirements of Subsection 54.12, Areas for collecting and loading recyclable materials, of this Chapter.

F. Legal Nonconforming projects. Existing developments lawful at the time of installation or improvements which have been approved and a building permit issued prior to June 17, 1982, and installed in conformance with said approval and permit are considered legal nonconforming projects.

XI-10-7.04 Industrial Zone Special Development and Performance Standards

A. Performance Standards. For uses requiring approval of a Minor Conditional Use Permit by staff, in accordance with Section XI-10-57.04, Conditional Use Permits and Minor Conditional Use Permits, of this Chapter, the following performance standards shall be met.

1. Auto Brokers. Auto Brokers may be permitted by right if the following standards are met:

a. Local Sales and Use Tax. In order to assist the City of Milpitas in its efforts to receive direct distribution of the local tax on materials associated with the project, the California Sales and Use Tax (the "Local Tax") shall be allocated to the project site, to the extent reasonably possible. Evidence of tax allocation or cause as to why such allocation cannot be made shall be submitted at the time of business license submittal.

B. Special Development Standards in All Industrial Zones.

1. Abutting any R District. Where any Industrial District abuts any R District, there shall be provided 100 feet between any building on an industrially zoned parcel and the nearest property line of any R District. Applicants are advised that mitigating improvements may be needed to eliminate any adverse impacts from the residences and that additional requirements may be imposed on the developer to remedy the situation.

2. Outdoor Storage. Outdoor storage for such things as trash and materials shall be permitted only when said storage areas are suitably screened with a solid wall or tight board fence and are located at least 100 feet from any R District and not within any required front or street side yard. Said location and screening of outdoor storage areas shall be to the approval

of the Planning Commission. Modifications regarding outdoor storage at existing developed sites shall be subject to the provisions of Subsection 54.16, Trash Enclosures, Equipment and their Screening, of this Chapter.

3. Places of Assembly. Places of Assembly are prohibited in the Heavy Industrial (M2) Zone and Business Park Research and Development (BPRD) Zone. When any place of assembly use is established in an M1 or MP zone after the effective date of this Ordinance, such use shall be subject to the following requirements:

    a. Applicant shall submit a review of potential hazardous site conditions and potential exposure of site users to these conditions. At a minimum, a Phase I Environmental Site Assessment (ESA) shall be performed for each proposed assembly use within the City's Light Industrial (M1), and Industrial Park (MP) zoning districts. Each individual project shall comply with the recommendations of the Phase I Environmental Site Assessment (which may include conducting Phase II sampling and implementing the recommendations of the Phase II ESA that may include cleanup of hazardous materials) and demonstrate that exposure of site users to hazardous materials conditions would be below established thresholds prior to approval of the Conditional Use Permit. In addition, an Accidental Release Assessment (ARA) shall be performed for each proposed assembly use within the City's Light Industrial (M1) and Industrial Park (MP) zoning districts to determine if unacceptable safety risks may result from the proposed change in use. The ARA shall review and evaluate any and all Risk Management Plans prepared for facilities in the vicinity under the California Accidental Release Prevention (CalARP) program. The environmental professional preparing the ARA shall determine, based on Alternative Release Scenarios, whether the proposed new assembly use would result in unacceptable safety risks due to proximity of uses handling or emitting acutely hazardous materials. If unacceptable risks are identified, the proposed use shall not be allowed.

    b. Applicant shall submit a further noise study. The noise study shall demonstrate that ambient noise conditions within the vicinity of the proposed assembly use do not exceed the City's "normally acceptable" Noise Compatibility Standard of 70 dBA Ldn. In the event that existing conditions exceed the "normally acceptable" standard the proposed assembly use may be required to install noise insulating materials to achieve the interior noise standard. Also as a condition of approval, proposed assembly uses shall be required to sign a disclosure of acknowledgment that they agree to operate within an existing industrial area and may be subject to noise levels that exceed the City of Milpitas's Noise Compatibility Standards for noise-sensitive uses.

    c. No assembly use shall install or otherwise use exterior public address systems or other noise generating equipment that exceeds the 70 dBA noise standard.

    d. No new structure shall be construed within the M1 or MP zoning district for use as a place of assembly and no more than 50% of the square footage of any existing structure within the M1 or MP zoning district shall be converted to use as a place of assembly.

    e. No exterior modifications to any existing structure within the M1 or MP zoning district shall be permitted if such modifications would materially alter the structure's appearance or future use as an industrial building.

C. Special Development Standards in the MP and BPRD zones.

1. Uses in the MP and BPRD zones shall:

a. Emit no obnoxious, toxic or corrosive fumes or gases.

b. Emit no odors perceptible at the property line.

c. Emit no smoke. This does not preclude the use of backup or emergency generators.

d. Discharge into the air no dust or other particular matter created by any industrial operations or emanating from any products stored prior or subsequent to processing.

e. Produce no heat or glare perceptible beyond the lot boundaries.

f. Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.

g. Produce no physical vibrations perceptible at or beyond the lot boundaries.

h. Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, except under controlled operations being conducted observing standards or methods or operation established by the Nuclear Regulatory Commission. Electromagnetic radiation or radioactive emissions shall not be of an intensity that interferes with the use of any other property.

i. Do not engage in the production or storage of any material designed for use as an explosive, or in the use of such material in production.

j. Indicate that all industrial uses shall use only gas, electricity, or preheated oil as a fuel; provided, however, that oil-burning equipment may be installed for stand-by emergency use only.

XI-10-7.05 Special Design Standards for the BPRD Zone

A. Building Entrances.

1. At least one building entrance must be provided along the primary street frontage.

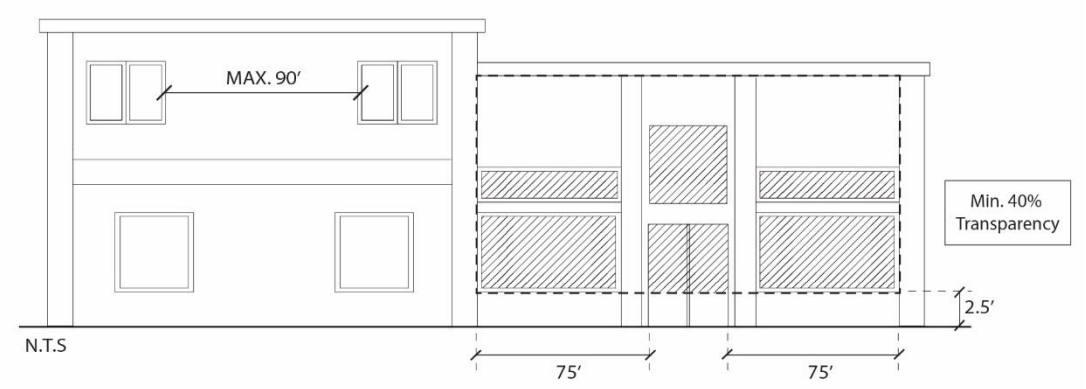
2. The primary building entrance must incorporate a projection, recess, or combination of projection and recess at least 40 square feet in area and with a minimum depth of five feet.

B. Façade Design and Articulation.

1. Facades within 20 feet of a front or street side property line shall include windows, doors, other openings, or glazed areas for at least 40 percent of the building wall area located between 2.5 feet above the level of the sidewalk and the underside of the roof structure for portions of the façade within 75 feet of the street-facing main entry.

2. No street-facing façade may run in a continuous plane for more than 90 feet without an opening.

Figure 7.05-1: Façade Design and Transparency

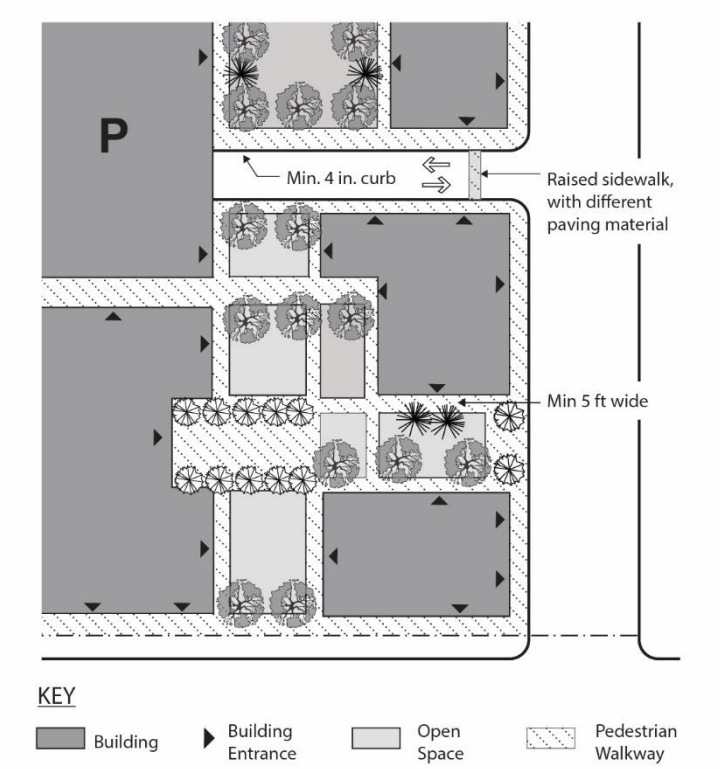


3. All building facades must incorporate window trim and/or window recesses, architectural features, changes in material, changes in texture, or similar design elements that add visual interest to the facade. This includes a varied palette of materials, textures, and colors that emphasize details and changes in plane.

C. Pedestrian and Bicycle Circulation.

1. A system of pedestrian walkways shall connect all primary building entrances on a site to each other, to on-site vehicle and bicycle parking areas, and to any on-site open space areas, pedestrian amenities, and transit stops. Walkways may be located within public utility easement areas provided they are publicly accessible.
2. Walkways between the primary building entrance and sidewalk shall be the shortest practical distance, generally no more than 125 percent of the straight-line distance.
3. Walkways shall be hard-surfaced and paved with materials that are visually distinct from vehicular access areas in terms of composition, texture, and/or color.
4. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identifiable through a raised crosswalk, a different paving appearance, material, or similar method.
5. Where a required walkway is parallel and adjacent to a vehicle travel area, it must be raised or separated from the vehicle travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

Figure 7.05-2: On-Site Circulation



D. Site Design for Large Projects. Projects over 80,000 gross square feet must provide the following:

1. Landscaped areas and usable outdoor common open space [see Subsection XI-10-7.05(D)(2)] equal to a cumulative 10 percent of the site area that:

   a. Provides gathering space or opportunities for active or passive recreation and benches or other seating.

   b. Provides amenities that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, water features, or public art.

   c. Is separated from on-site parking areas by a minimum of 6 feet.

   d. May include on-site stormwater treatment areas and landscaped areas.

2. A minimum of 400 square feet of outdoor eating facilities for the use of employees. Outdoor eating areas shall have a minimum dimension of 12 feet and shall include tables, seating and covering to provide protection from sun and weather conditions. Employee eating areas must be contiguous with required on-site public open space or provided in a separate area. This area may be included as part of the open space requirement.

3. Stormwater detention facilities incorporated into the site landscaping. Refer also to Subsection VIII-5-3, Provisions for New and Rehabilitated Landscapes.

4. A lighting, landscaping, and signage design concept for common areas. Refer also to Subsection XI-10-54.17 for general lighting standards and to Subsection XI-10-24 for general signs standards.

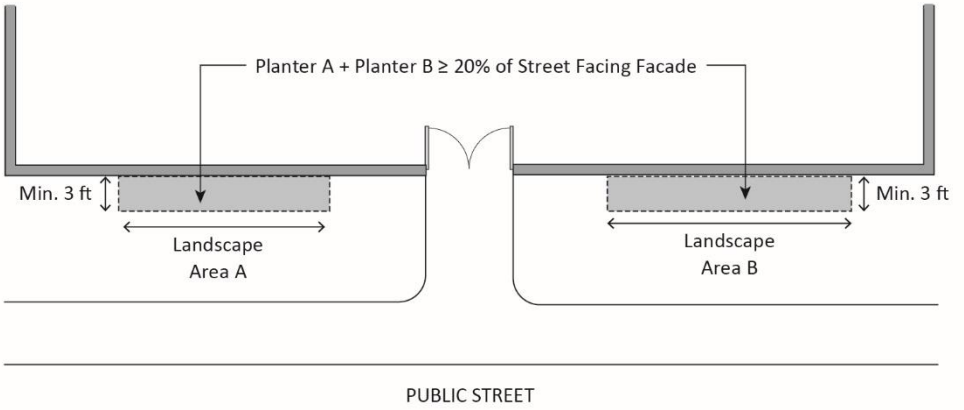
E. Landscaping.

1. The following areas shall be landscaped and may count toward the total area of site landscaping required by the zoning district standards.

   a. Street-Facing Setbacks, as required in Section 10-7.03.B of this Chapter.

   b. Interior Property Lines Abutting Residential Districts. A six-foot-wide landscape buffer yard planted with a mix of trees and shrubs shall be provided along interior property lines. At least one tree of at least 15-gallon size shall be planted per 20 linear feet or as appropriate based on canopy size at maturity to create a tree canopy over the buffer yard. In addition, at least three shrubs shall be planted per 20 lineal feet. At least 10 percent of the required trees shall be 24-inch box size.

   c. Building Perimeters. The portions of a building that face a public street or parking areas shall have one or more landscape planters, each a minimum of four feet in depth,



   installed along a minimum 20 percent of street-facing facades. This 20 percent may include landscape buffers located below windows and other transparent portions of the facade.

Figure 7.05-3: Landscape Planters

   d. Parking Areas. A minimum of 10 percent of any parking lot area shall be landscaped in the form of planted islands between rows of parking or between parking stalls. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.

   e. Unused Areas. All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or left in a natural state.

2. Landscaping Materials. In addition to the standards of Section VIII-5-3, Provisions for New and Rehabilitated Landscapes, the following landscape standards apply.

   a. General. Landscaping must consist of a combination of groundcovers, shrubs, vines, and trees. Landscaping may also include incidental features including stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed

within a landscaped setting. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than 10 percent of the area required to be landscaped.

b. Plant selection. Plants must be selected to control erosion and provide protection from wind and summer sun.

c. Ground Cover Materials. Ground cover shall be of live plant material. Groundcover may include grasses. Non-plant materials including gravel, colored rock, cinder, bark, and similar materials shall not be used to meet the minimum planting area requirements required by this section, except with approval by the Zoning Administrator. Mulch must be confined to areas underneath shrubs and trees and is not a substitute for ground cover plants.

d. Turf Allowance. The maximum amount of lawn in required landscape areas shall be 20 percent except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. The installation of turf on slopes greater than 25 percent is prohibited.

e. Size and Spacing. Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. Plants shall be of adequate size and spacing at the time of installation to provide ample vegetation coverage. Minimum requirements include:

   i. Ground Covers. Ground cover plants other than grasses must be at least the four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per 24 inches on center or less.

   ii. Shrubs. Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.

   iii. Trees. Tree canopies shall cover a minimum of 30 percent of the total required landscape area. Of the total number of trees provided on site, at least 20 percent shall be of the same species.

      (a) A minimum of 15 percent of the trees planted shall be 24 inch-box or greater in size. All other trees shall be a minimum of 15 gallons in size with a one-inch diameter at breast height (dbh).

      (b) Newly planted trees shall be supported with double stakes or guy wires and tree guards per International Society for Arboriculture and American National Standards Institute standards.

      (c) Any trees planted along a sidewalk shall be 15 gallon trees no more than 30 feet apart on center.

      (d) Any tree to be planted along a lot line or adjacent to a structure shall be no closer to said lot line or structure than one-half the diameter of the particular species' drip line at maturity, measured from the center of the tree. Any tree that cannot be planted in the ground shall be planted in a planter box at least twice the width and depth of the root ball plus one additional foot in container diameter for every four feet of mature tree height.

F. Parking and Loading.

1. Parking Location.

   a. Required parking spaces shall be located on the same lot as the use they serve.

   b. Parking areas shall be set back from adjacent buildings and streets as follows:

      i. From Streets. Where parking is located between a building and street, a landscaped setback at least 10 feet wide must be provided between the parking area and adjacent right-of-way.

      ii. From On-Site Buildings. Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways at least five feet in width.

   c. On-site parking shall not be located within a required setback.

2. Parking Design.

   a. Access. Driveways shall not exceed 35 feet in width, except that driveways providing large truck access to truck bays shall not exceed 40 feet in width. All driveways must be located a minimum of 50 feet from the boundary of an abutting residential or open space zone.

   b. Screening. Parking and loading areas shall be screened from view from public streets and properties in abutting residential, mixed-use, or commercial zones, according to the following standards.

      i. Height. Screening of parking lots from adjacent public streets shall be a minimum of three feet in height. Screening of parking lots along interior lot lines that abut residential or open space districts shall be a minimum of six feet in height.

      ii. Design. Screening should generally be opaque, but may have some degree of transparency depending on method used (e.g., plant material), and must consist of one or any combination of the methods listed below:

         (a) Walls. Low-profile walls consisting of brick, stone, stucco, or other quality durable material and including a decorative cap or top finish as well as edge detail at wall ends.

         (b) Fences. An open fence of wood, wrought iron or similar high-quality, durable material combined with plant materials. This option does not include the use of chain-link or vinyl fencing.

         (c) Planting. Plant materials consisting of compact evergreen plants. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation.

         (d) Berms. Berms planted with grass, ground cover, or other low-growing plant materials.

3. Loading Areas. Truck docks, loading areas, and service areas within 100 feet of a public street shall not be visible from the public street. The outermost point of the truck docks, loading, and service areas are not permitted within 50 feet of the boundary of a residential district.

G. Lighting.

1. Fixtures. All exterior lighting fixtures shall be oriented downward, fully shielded, and certified by the International Dark Sky Association to prevent light intrusion into adjacent building buildings and sensitive habitat such as riparian habitat, streams, and wetlands.
2. Controls. All exterior lighting must be capable of accepting controls that enable dimmers, timers motion sensors, or networking to avoid unnecessary lighting and energy use, especially in areas adjacent to sensitive habitat, such as riparian habitat, streams, and wetlands.
3. On-Site Lighting.
    a. Ground-floor building façades and other areas, including parking lots, driveways, pedestrian and bicycle circulation areas, and recesses, shall be illuminated with lighting fixtures that meet the following minimum standards:
        i. Open parking lots: One foot-candle at ground level.
        ii. Pedestrian paths/bike paths: One foot-candle at ground level.
        iii. Covered parking: Five foot-candles at ground level.
    b. Electrical elements for exterior building lighting such as wires, conduits, and panel boxes shall be concealed from public view or painted to match the background surface color.
    c. Parking lot lighting shall be designed and installed so that light and glare is not directed onto residential use areas, adjacent public rights-of-way, or sensitive habitat, such as riparian habitat, streams, and wetlands.
4. Prohibited Lighting. The following types of exterior lighting are prohibited:
    a. Mercury vapor luminaires;
    b. Searchlights;
    c. Sky beams;
    d. Upward-directed fixtures; and
    e. Aerial lasers.

XI-10-7.06 Conformance with Specific Plans

Properties located within Specific Plans shall conform to the underlying Specific Plan in accordance with Section XI-10-11.06, Conformance with Specific Plans, of this Chapter.

SECTION 7. ADOPTION OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 9

Title XI, Chapter 10, Section 9 (Metro Area Zones and Standards) of the Milpitas Municipal Code is hereby added as follows:

Section 9 - Metro Area Zones and Standards

XI-10-9.01 Purpose and Intent

A. Metro Multi-Family High Density Residential ("R3-Metro") Zoning District. The purpose of the R3-Metro zoning district is to create and enhance high-density residential areas (densities in the range of 30 to 40 dwelling units per acre) characterized by a mix of multi-family unit types and small-scale neighborhood businesses where appropriate. The R3-Metro zone implements the Multi-Family High Density Residential (MFH) land use designation as described in the Metro Specific Plan.

B. Metro Multi-Family Very High Density Residential ("R4-Metro") Zoning District. The purpose of the R4-Metro zoning district is to create and enhance very high-density residential areas (densities in the range of 40 to 85 dwelling units per acre) characterized by low- and mid-rise multi-family residential buildings and compatible commercial uses where appropriate. . The "R4" District is intended to provide for higher-density residential "villages" structured around transit stations, streets, creek side open spaces, trails and parks. The R4-Metro zone implements the Multi-Family Very High Density Residential (VHD) land use designation as described in the Metro Specific Plan.

C. Metro Urban Residential ("R5-Metro") Zoning District. The purpose of the R5-Metro zoning district is to create and enhance very high-density residential areas (densities in the range of 70-120 dwelling units per acre) characterized by high-rise residential buildings and compatible commercial uses structured around transit stations. The R5-Metro zone implements the Urban Residential (URR) land use designation as described in the Metro Specific Plan.

D. Metro High Density Mixed Use ("MXD2-Metro") Zoning District. The purpose of the MXD2-Metro zoning district is to create and enhance areas with a mix of retail, restaurant, entertainment, and commercial service uses on the ground floor and residential or office uses on upper stories, while maintaining a pedestrian-oriented streetscape (mixed-use FARs in the range of 1.0 to 2.5 and residential densities in the range of 40 to 85 dwelling units per acre). It is intended that the required active ground floor uses will ensure neighborhood-oriented retail and services are provided within walking distance of high-density residential development. The MXD2-Metro zone implements the Residential Retail Mixed Use (RRMU) land use designation as described in the Metro Specific Plan.

E. Metro Very High Density Mixed Use ("MXD3-Metro") Zoning District. The purpose of the MXD3-Metro zoning district is to create and enhance urban areas characterized by a mix of very-high density housing, retail and employment uses (mixed-use FARs in the range of 2.5 to 5.0 and residential densities in the range of 85 to 250 dwelling units per acre). The MXD3-Metro zone implements the Boulevard Very High Density Mixed Use (BVMU) land use designation as described in the Metro Specific Plan.

F. Metro Business Park Research and Development, Limited Residential; (BPRD-R-Metro) Zone. The purpose of the BPRD-R-Metro zoning district is to designate specific areas of the city as important employment centers, especially for jobs in the high-tech industry, with limited, integrated residential development (mixed-use FARs in the range of 1.0 to 5.0). The BPRD-R-Metro zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, other light industrial uses, and limited residential uses. It also enables the integration and growth of research

and development, office, and light manufacturing uses on consolidated sites with supportive ancillary uses, typically on the ground floor, such as restaurants, health/fitness centers, limited retail, and child care facilities. The BPRD-R-Metro zone implements the Business Park Research and Development, Limited Residential (BPRD-H) land use designations as described in the Metro Specific Plan.

G. Metro Business Park Research and Development (BPRD-Metro) Zone. The purpose of the BPRD-Metro zoning district is to designate specific areas of the city as important employment centers, especially for jobs in the high-tech industry (FARs in the range of 1.0 to 2.5, with additional FAR up to 4.0 for properties within 1,000 feet of the Milpitas Transit Center). The BPRD zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses, and to enable the integration and growth of research and development, office, and light manufacturing uses on consolidated sites with supportive ancillary uses, typically on the ground floor, such as restaurants, health/fitness centers, limited retail, and child care facilities. The BPRD-Metro zone implements the Business Park Research and Development (BPRD) land use designation as described in the Metro Specific Plan.

XI-10-9.02 Metro Area General Use Regulations

A. Permitted and Conditionally Permitted Uses.

1. Primary uses. The uses identified in Table XI-10-9.02-1, Metro Area 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 XI-10-9.02-1 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 XI-10-57.04, Conditional Use Permits and Minor 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 XI-10-57.04, 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 by the Zoning Administrator, in accordance with Subsection XI-10-57.04, 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.

B. Prohibited Uses. The following uses are prohibited:

1. Uses where the symbol "NP" appears within Table XI-10-9.02-1.
2. The following uses are not permitted in any Metro zone:
    a. Adult Businesses as defined in Subsection 13.04, Adult Businesses, of this Chapter.
    b. Disinfecting and extermination business.
    c. Outdoor storage of vehicles.

d. Private self-storage facilities.

g. Drive through uses (restaurants, pharmacies, etc.).

C. Mixed Use Development. Where a single parcel is proposed for development with two or more of the land uses listed in Table 9.02-1, Metro Area Zone Uses at the same time, the overall project will be subject to the permit with the highest level of review required by the Table for any individual use.

D. Residential uses on Activity Streets and Neighborhood Streets. Residential units are not allowed on the ground floor facing any right-of-way designated as an Activity Street or Neighborhood Street by the Metro Specific Plan Figure 4-6, unless allowed by Subsection 9-05.B. Other residential spaces such as lobbies and common areas are permitted on the ground floor facing an Activity Street in accordance with Table XI-10-9.02-1.

E. Other Uses. Any other uses may be considered by the Planning Commission that are similar in accordance with the procedure, prescribed in Subsection 10-54.02, Other Uses Permitted by Commission, of this Chapter.

Table XI-10-9.02-1
Metro Area Zone Uses

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Commercial								
Alcoholic Beverage Sales	C[1]	C[1]	C[1]	C	C	C	C[1]	
Business Support Services	NP	NP	NP	MCS	MCS	MCS[1]	MCS[1]	
Convenience store	MC	MC	MC	MCS	MCS	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
Grocery Store	NP	NP	NP	C	C	NP	NP	
Grocery Store, Small	P	P	P	P	P	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
Pawnshop	NP	NP	NP	C	C	NP	NP	Refer to Subsection XI-10-9.03(C), Special Uses

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Personal Services	MCS[2]	MCS[2]	MCS[2]	P[2]	P[2]	C	C	Refer to Subsection XI-10-9.03(A), Special Uses
Pet Shops	NP	NP	NP	MC	MC	NP	NP	
Repair and Cleaning, Small Items	NP	NP	MCS	P	P	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
Retail, Limited	C[3]	P	P	P	P	P[1]	P[1]	Refer to Subsection XI-10-9.03(A), Special Uses
Retail Stores, General Merchandise	C[3]	P	P	P	P	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
Thrift Shop								
Retail only	NP	NP	NP	P	P	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
With collections	NP	NP	NP	C	C	NP	NP	
Entertainment and Recreation								
Commercial Athletic Facilities	NP	NP	NP	P	P	MCS[1]	MCS[1]	
Golf Course	NP	NP	NP	NP	NP	NP	NP	
Recreation or Entertainment Facility	NP	NP	NP	C	C	NP	NP	
Health and Veterinarian Uses								
Animal Grooming (no boarding)	NP	NP	NP	MC	MC	NP	NP	

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Hospitals or Sanitariums	NP	NP	NP	C	C	NP	NP	Refer to Subsection XI-10-9.03(B), Quasi-Public Uses
Massage Establishment	NP	NP	NP	MC/MCS[4]	MC/MCS[4]	C[1]	C[1]	Refer to Title III, Chapter 6 of the Milpitas Municipal Code and to Subsection XI-10-13.16
Medical and Dental Offices and Clinics	NP	NP	NP	P	P	MC	MC	
Medical Support Laboratories	NP	NP	NP	P	P	MC	MC	
Optician and Optometrist Shop	NP	NP	NP	P	P	MC	MC	
Pharmacy or Drug Store	NP	MCS	MCS	P	P	MC	MC	
Veterinary Clinic	NP	NP	NP	P	P	NP	NP	
Industrial Uses								
Advanced Manufacturing	NP	NP	NP	NP	NP	P[5]	P[5]	
Agriculture	P[6]	NP	NP	NP	NP	NP	NP	
Art and Artisan Studio	NP	NP	NP	P	P	MCS	P	
Commercial Laboratory	NP	NP	NP	NP	NP	P	P	
Contractor's Shop	NP	NP	NP	NP	NP	NP	NP	
Custom and ArtisanManufacturing	NP	NP	NP	MCS	MCS	MCS	MCS	
Manufacturing, Assembling, Packaging, and	NP	NP	NP	NP	NP	MCS	MCS	

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Processing Facility								
Parcel hub	NP	NP	NP	NP	NP	NP	MC	
Printing (Newspaper, Blueprint, Publishing)	NP	NP	NP	NP	NP	NP	MC	
Research and Development	NP	NP	NP	NP	NP	P[5]	P[5]	
Soils and materials testing laboratories	NP	NP	NP	NP	NP	P	P	
Warehousing and Distribution	NP	NP	NP	NP	NP	NP	NP	
Wholesale Sales	NP	NP	NP	NP	NP	MC	MC	
Lodging Uses								
Bed and Breakfast	P	P	P	P	P	NP	NP	
Boarding Houses	C	C	C	C	C	NP	NP	
Hotels	NP	NP	NP	P	P	P	P	
Motels	NP	NP	NP	NP	NP	NP	NP	
Short-Term Rentals	P	P	P	P	P	NP	NP	Refer to Subsection XI-10-13.17, Short-Term Rentals
Professional Offices Uses								
Offices, Business and Professional	C	C	C	P	P	P	P	
Financial institutions (banks, savings and loans, etc.)	NP	MCS	MCS	P	P	MCS[1]	MCS[1]	
Public, Quasi-Public and Institutional/Assembly Uses								
College and university, private	NP	NP	NP	C	C	P	P	

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Conference Center	NP	NP	NP	NP	NP	C	C	
Community Garden	P	P	P	P	P	P	P	
Day Care Center	MC	MC	P	P	P	P[1]	P[1]	Refer to Subsection XI-10-13.06, Large Family Child Care and Child Care Centers
Farmer's Market	MC	MC	MC	MCS	MCS	MCS	MCS	Refer to Subsection XI-10-13.10, Farmers Markets
Instruction, Group	MC	MC	MC	MCS	MCS	NP	NP	
Instruction, Private	MCS	MCS	MCS	P	P	NP	NP	
Park, Playground or Community Center	O[7]	O[7]	O[7]	O[7]	O[7]	O[7]	O[7]	
Places of Assembly	MC	MC	MC	MCS	MCS	NP	NP	
Public Utilities	NP	NP	NP	NP	NP	NP	NP	
Schools, private (elementary, middle, high)	C	C	C	C	C	C	C	
Theater (indoor)	NP	NP	NP	C	C	NP	NP	
Trade and Vocational School	NP	NP	NP	C	C	C	C	
Transportation Facilities	C	C	C	C	C	NP	NP	
Residential Uses								
Court Dwellings	P	P	P	P	P	NP	NP	

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Duplex (two dwellings)	NP	NP	NP	NP	NP	NP	NP	
Group Living Accommodations	C	C	C	C	C	C	NP	
Live/Work	C[8]	C[8]	C[8]	MCS	MCS	MCS	NP	
Multi-Family Dwellings	P	P	P	P	P	P	NP	
Residential Care Facility	P	P	P	P	P	P	NP	
Single-Room Occupancy Residences	MC	MC	MC	MC	MC	NP	NP	Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences
Transitional and Supportive Housing	P	P	P	P	P	P	NP	Refer to CA Government Code Sec. 65582
Restaurants or Food Service								
Bar or Nightclub	NP	NP	NP	C[9]	C[9]	NP	NP	
Brewery/ Eateries	NP	NP	NP	MCS[9]	MCS[9]	NP	NP	
Catering Establishment	NP	NP	NP	C	C	NP	NP	
Commissary	NP	NP	NP	NP	MC	NP	NP	
Mobile Food Park	NP	NP	NP	MC	MC	NP	NP	Refer to Subsection XI-10-13.18, Mobile Food Vending
Mobile Food Vending (individual vehicle)	P	P	P	P	P	P	P	Refer to Subsection XI-10-13.18, Mobile Food Vending
Restaurants								

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
With on-site service of alcohol	C[3]	C	C	P/C[10]	P/C[10]	C[1]	C[1]	Refer to Subsection (XI-10-9.03(C)(5)
Without on-site service of alcohol	MCS[3]	P	P	P/C[10]	P/C[10]	P[1]	P[1]	Refer to Subsection (XI-10-9.03(C)(5)
With music (indoor/outdoor)	NP	NP	NP	P[9]	P[9]	NP	NP	Refer to Subsection (XI-10-9.03(C)(5)
With other live entertainment	NP	NP	NP	C[11]	C[11]	NP	NP	Refer to Subsection (XI-10-9.03(C)(5)
Vehicle Related Uses								
Auto Broker (wholesale, no vehicles on site)	NP	NP	NP	MCS	MCS	NP	NP	
Auto Rental	NP	NP	NP	MC[12]	MC[12]	NP	NP	
Auto Sales	NP	NP	NP	NP	NP	NP	NP	
Mobile Fueling[13]	P/NP	P/NP	P/NP	P/NP	P/NP	P/NP	P/NP	Refer to the California Fire Code as amended by the City of Milpitas Municipal Code, Title V, Chapter 300.
Service Stations	NP	NP	NP	NP	NP	NP	NP	
Auto Repair Shop	NP	NP	NP	NP	NP	NP	NP	
Accessory and Temporary Uses								
Accessory Dwelling Unit	P	P	P	P	P	P	NP	Refer to Subsection XI-10-13.08, Accessory

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
								Dwelling Units
Model home complex	P	P	P	P	P	NP	NP	Refer to Subsection XI-10-13.11(E), Model Home Complexes and Sales Offices
Large family child care home	P	P	P	P	P	P	NP	Refer to Subsection XI-10-13.06, Large Family Child Care and Child Care Centers
Small family child care home	P	P	P	P	P	P	NP	
Temporary seasonal sales	NP	NP	NP	P	P	NP	NP	Refer to Section 13.11, Temporary Uses and Structures

1. Limited to accessory use that supports primary employment-generating uses on the same site. Accessory commercial uses such as restaurants and limited retail shall be located on the ground floor and in an area of the development where they can be directly accessed by the public.
2. When located on the ground floor, retail sales of products related to the Personal Services provided shall be offered at the front of the premises near the pedestrian entrance and shall comprise at least 10 percent of the floor area of the business establishment.
3. No exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building.
4. Allowed with an MCS when an accessory use to any permitted or conditionally permitted medical office, medical clinic, chiropractor practice, acupuncture practice, physical therapist, fitness and athletic facility, health care facility (such as hospitals, nursing homes and sanitariums), and accredited school, college, and university. Massage services, limited to massage of the head, neck, shoulders, hands and feet may be allowed with an MCS when an accessory use to any permitted or conditionally permitted beauty salon, barbershop, and healing art practices. This section shall not exempt any person or business from complying with all the provisions of Title III, Chapter 6.
5. A Conditional Use Permit is required for storage space that exceeds 25,000 square feet, and in no case may storage space exceed 300,000 square feet.
6. The raising of animals or fowl for commercial purposes and the sale of any products at retail on the premises is not allowed.
7. For uses owned and operated by a government agency. The approval process will require that the site be re-zoned to POS.
8. Allowed non-residential uses to be specified through the Conditional Use Permit process.

9. Indoor or outdoor music is permitted as an accessory use on the same parcel in conjunction with a restaurant or bar that is a principal permitted use or approved conditional use. See also Subsection XI-10-9.03(E)(6) for additional regulations.
10. Permitted when located on the ground floor facing a public street designated as an Activity Street. Requires a Conditional Use Permit when located elsewhere.
11. "Other live entertainment" Includes but is not limited to dancing, stand-up comedy, theatrical shows, magic shows, and karaoke.
12. Bicycle and auto rental agency, excluding commercial vehicles, trucks, buses, vans, boats and RV rentals, must be fully enclosed within a building.
13. Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles is not permitted.

XI-10-9.03 Metro Area Special Use Regulations

A. Personal services, convenience stores, grocery stores, retail, repair and cleaning services, private and group instruction, and financial institutions within R3-Metro, R4-Metro and R5-Metro zones may be permitted provided they are:

1. Less than or equal to 10,000 square feet in gross floor area;
2. Not open past 10:00 p.m.;
3. Conducted wholly within a building, except for approved outdoor seating areas;
4. Not specifically noted in Table XI-10-9.02-1, Metro Zone Uses, of this Chapter, requiring Conditional Use Permit approval; and
5. Not listed as a prohibited use in Section XI-10-9.02(B), Prohibited Uses, of this Chapter.

If items (1) through (3), above, are not met, then approval of a Conditional Use Permit is required in accordance with Section 10-57.04 of this Chapter.

B. Quasi-Public Uses. The following uses may be permitted within the MXD2-Metro and MXD3-Metro zones provided their location is first approved by the Planning staff, the Zoning Administrator, or the Planning Commission (as applicable), in accordance with Subsection 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this Chapter, and they are not located within 1,000 feet of the parcel boundary of another quasi-public use listed below. This distance shall be measured from the property line of the parcel where such use is located.

1. Places of meeting or assembly, such as auditoriums, banquet halls, and fraternal or union halls. Churches and religious institutions are exempt from this spatial requirement.
2. Private elementary, middle or high schools.
3. Vocational schools, if not found objectionable due to noise, odor, vibration or other similar health, safety and welfare basis.

C. Performance Standards for Certain Uses. For uses requiring approval of a Minor Conditional Use Permit by staff, in accordance with Section 10-57.04, Conditional Use Permits and Minor Conditional Use Permits, of this Chapter, the following performance standards below shall be met.

1. The following uses may not be located within 1,000 feet of another same use listed below. This distance shall be measured from the property line of the parcel where such use is located.
    a. Vehicle Related Uses.
    b. Transportation facilities without outdoor storage of vehicles.

c. Pawnshops.

2. Auto Brokers. Auto Brokers are subject to the following standards:

a. Local Sales and Use Tax. In order to assist the City of Milpitas in its efforts to receive direct distribution of the local tax on materials associated with the project, the California Sales and Use Tax (the "Local Tax") shall be allocated to the project site, to the extent reasonably possible. Evidence of tax allocation or cause as to why such allocation cannot be made shall be submitted at the time of business license submittal. 3. Art and Artisans Studios shall comply with the following standards:

a. All operations shall be conducted completely within an enclosed building.

b. There shall be no dust, fume, or odor either emitted from the premise.

c. The operations shall not create excessive vibrations.

d. The operations shall be consistent with the City's noise standards.

4. Outdoor Music in the MXD2-Metro and MXD3-Metro zones:

1. Outdoor music as an accessory use in conjunction with a restaurant or bar shall be permitted for the entertainment and enjoyment of customers at the restaurant or bar during regular operating hours. Outdoor music as an accessory use shall be limited to the hours of 9:00 a.m. to 11:00 p.m.

2. Recorded background music may be permitted outdoors on public sidewalks and other public areas subject to the standards of this Chapter and Title V - Public Health, Safety and Welfare, Chapter 213 - Noise Abatement.

3. Noise levels for outdoor music, when permitted as an accessory use to a restaurant or bar, shall not exceed a maximum range of 70 to 90 decibels (dB). See also Title V - Public Health, Safety and Welfare, Subsections V-213-2 and V-213-3, for additional regulations.

4. Larger outdoor music events, both live and recorded music, which are intended for the entertainment and enjoyment of the general public shall not be considered accessory uses and shall require a Special Event Permit pursuant to Section 15, Special Events and Activities, of this Chapter.

5. Minor outdoor music events, both live and recorded music, which are hosted onsite by a business with nine or fewer employees shall be exempt from applicable permit and fee requirements.

5. Restaurant Performance Standards. Restaurants shall comply with the following performance standards:

a. Outdoor seating is allowed if it has been approved as part of the facility's Minor Site Development Permit or Site Development Permit and is operated in conformance with any conditions of that approval.

b. Outdoor dining shall comply with the standards of Section 10-13.19 – Outdoor Dining.

c. The restaurant shall comply with the City Council's Guidelines for Recycling Enclosures (Resolution No. 6296).

d. The restaurant shall incorporate measures to reduce odors to acceptable levels, including, but not limited to, installation of a scrubber, carbon filter or similar equipment, on the roof vent to control odors.

e. All the facility's floor drains, trash compactors and indoor mat and equipment washing areas shall be drained to the sanitary sewer.

f. Where applicable, the restaurant shall maintain an active account with a tallow hauling company.

g. The restaurant shall prepare and implement a program assigning restaurant staff responsibility for complying with the following guidelines which shall be adhered to while the restaurant is in operation:

i. Wash all containers and equipment in the kitchen areas so that wash water may drain into the sanitary sewer.
ii. Keep garbage dumpsters clean inside and out; replace very dirty dumpsters with new, clean ones.
iii. Double bag waste to prevent leaking.
iv. Place, do not drop or throw, waste-filled bags, to prevent leaking.
v. Keep the ground under and around the garbage dumpsters swept.
vi. Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.
vii. Hold training sessions to instruct employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all State and local health and sanitation standards. A record of such training must be kept to prove compliance with this requirement.
viii. Post signs (in English and multi-lingual) inside the premises for all employees identifying procedures for food delivery and garbage disposal.
ix. All garbage bins shall be stored in the garbage enclosure except for the 12 hours immediately before and after garbage collection.

XI-10-9.04 Metro Area General Development Standards

A. Standards within the Metro Specific Plan area. For all Metro Area properties, refer to the Metro Specific Plan for development standards. When a standard is not listed within the Metro Specific Plan, the standards listed within the zoning ordinance shall govern.

B. General Standards. The following requirements shall be observed.

Table XI-10-9.04-1
Metro Zones Development Standards

Standard	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro
Min. Lot Area	8,000 sq ft	none	none	none	none	none	none
Residential Density[1]	30-40 units/ac	40-85 units/ac	70-120 du/ac	40-85 units/ac	85-250 units/ac	No min. or max.	N/A

Standard	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro
FAR	n/a	n/a	n/a	Mixed Use: 1.0-2.5 FAR	Mixed Use: 2.5-5.0 FAR	Mixed-use: 1.0-5.0 FAR; min. 1.0 FAR non-residential uses	Min. 1.0; Max. 2.5-4.0[2]
Active Use	none	none	none	Ground floor retail and active uses required on 80% of frontages on any one blockface along any Activity Street as identified on the Metro Specific Plan Figure 4-6: Circulation Network.			none
Front Setback	20 ft min.	8 ft min., 20 ft max. from back of sidewalk	12 ft min., 20 ft max. from back of sidewalk	Min. 0 ft, Max. 20 ft	Min. 12 ft, Max. 20 ft	Min. 10 ft, Max. - 20 ft	Min. 0 ft.
Interior Side Setback	*1 story:* Each side 5 ft min, total of 12 ft both sides *2-2.5 story:* Each side 10 ft min, total 25 ft both sides *3-3.5 story:* Each side 12 ft min, total 30 ft both sides	10 ft min.	15 ft; 20 feet for buildings over 3 stories abutting residential uses	0 ft; 10 ft when abutting residential use and for portions of buildings over 60 ft or 4 stories tall	10 ft; 15 ft when abutting residential; 20 ft for portions of buildings over 60 ft or 4 stories tall	10 ft min.	10 ft min.
Street Side Setback	10 ft	8 ft min., 15 ft max. from back of sidewalk	12 ft min., 20 ft max. from back of sidewalk	0 ft	12-20 ft	10-15 ft	0 ft min.
Rear Setback	*1 story:* 30 ft	10 ft min.	15 ft; 20 feet for	10 ft; 15 ft when	15 ft; 20 ft when	10 ft min.	10 ft min.

Standard	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro
	2-2.5 story: 35 ft *3-3.5 story:* 40 ft		buildings over 3 stories abutting residential uses	abutting an R Zone; 20 ft for portions of building over 60 ft or 4 stories tall	abutting an R zone; 30 ft for portions of building over 60 ft or 4 stories tall		
Creek/ Drainage Channel Setback	25 ft from top of bank or from any maintenance road or required setback, whichever is greater.						
Max. Primary Building Height	75 ft	35 ft min.,75 ft max.	75 ft and 6 stories	85 ft[3]	275 ft[4]	275 ft or 18 stories	8 stories
Accessory Building Height	Max. 25 ft or 2.5 stories						
On-Site Open Space	Residential and mixed-use projects: Min. 100 sq ft per residential unit, may be private or common Non-residential projects: Min. 10% of site area						Min. 15% of site area
Private Open Space Dimensions	Min. 4 ft x 6 ft						n/a
Common Open Space	Residential and mixed-use projects: Min. 30% of the total open space provided on-site; Min. dimension 10 ft						Min. dimension 10 ft
Publicly Accessible Open Space	Mixed-use projects: Min. 5% of the total open space provided on-site[5] Non-residential projects: Min. 25 contiguous sq ft per 10,000 sq ft non-residential floor area.						Min. 25 contiguous sq ft per 10,000 sq ft non-residential floor area excluding retail, restaurant, or service areas

1. When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.

2. Maximum allowed FAR is based on the following sliding scale:
    - 2.5 for properties farther than 3,000 ft from the Milpitas Transit Center;
    - 3.0 for properties within 3,000 ft from the Milpitas Transit Center;
    - 3.5 for properties within 2,000 ft from the Milpitas Transit Center;
    - 4.0 for properties within 1,000 ft from the Milpitas Transit Center.
3. Within 60 feet of adjacent existing residentially zoned parcels, building height shall be stepped down to a maximum of 10 feet higher than the maximum allowed height of the adjacent parcel.
4. A maximum 50% of base footprint may reach 85 feet in height and a maximum 25% of base footprint may reach 275 feet in height.
5. Required publicly accessible open space may include one or more of the following types of public open spaces: park, plaza, garden, public sitting area.

XI-10-9.05 Metro Area Special Development Standards

A. R3-Metro Zone.

1. On-Site Utilities Requirements.

    a. Where the allowable dwelling units exceed six for a single parcel or the total area to be subdivided exceeds three acres, all on-site utilities are to be placed underground.

    b. Television antennas are to be centralized for structures of four or more units.

2. Trash and Storage Areas and Areas for Collecting and Loading Recyclable Materials.

    a. There shall be provided areas for collecting and loading recyclable materials in accordance with the requirements of Section 10-54.12 of this Chapter.

    b. All outdoor storage and trash areas shall be within a completely enclosed building or behind a solid wall or tight board fence a minimum of six feet in height.

B. 2023-2031 Housing Element Rezone Sites. Rezone sites are listed in the City of Milpitas 2023-2031 Housing Element, Appendix E, Table E-14. Rezone sites within the Metro Specific Plan are sites R-11 to R-29, which all provide lower-income housing capacity (see City of Milpitas 2023-2031 Housing Element Table E-14 and Figures E-4 and E-5). On these rezone sites (sites R-11 to R-29), the following shall apply:

1. Owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.

2. 100 percent residential use is allowed.

3. A minimum of 50 percent of the floor area in mixed-use projects must be occupied by residential use(s).

C. BPRD-Metro and BPRD-R-Metro zones.

1. Fences, Hedges and Walls.

    a. All planting, fencing and walls for new development, including but not restricted to fences and walls along rear and interior side property lines shall be approved by the review authority. Modifications regarding landscaping, fencing and walls at existing developed sites shall be subject to the provisions of Subsection 54.10, Fences and Walls, of this Chapter.

b. Temporary buffers must be installed when residential uses are developed adjacent to existing industrial uses. The buffers, which may be fences, walls, or vegetation, are subject to the provisions of Subsection 54.10, Fences and Walls, of this Chapter and must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.

2. Utilities. All wires, pipes, cables and utility connections shall be placed in underground or subsurface conduits. All above ground transformers and vaults for new development shall be adequately screened to the approval of the review authority. Modifications regarding subsurface conduits or above ground transformers and vaults at existing developed sites shall be subject to the provisions of Subsection 54.16, Trash Enclosures, Equipment and their Screening, of this Chapter.

3. Loading dock/doors. A maximum of two loading docks are allowed for any single project and must be located out of view from the primary abutting right-of-way.

4. Areas for Collecting and Loading Recyclable Materials. There shall be provided areas for collecting and loading recyclable materials in accordance with the requirements of Subsection 54.12, Areas for collecting and loading recyclable materials, of this Chapter.

4. Legal Nonconforming projects. Existing developments lawful at the time of installation or improvements which have been approved and a building permit issued prior to June 17, 1982, and installed in conformance with said approval and permit are considered legal nonconforming projects.

5. Uses in the BPRD-Metro and BPRD-R-Metro zones shall:

   a. Emit no obnoxious, toxic or corrosive fumes or gases.

   b. Emit no odors perceptible at the property line.

   c. Emit no smoke.

   d. Discharge into the air no dust or other particulate matter created by any industrial operations or emanating from any products stored prior or subsequent to processing.

   e. Produce no heat or glare perceptible beyond the lot boundaries.

   f. Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.

   g. Produce no physical vibrations perceptible at or beyond the lot boundaries.

   h. Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, except under controlled operations being conducted observing standards or methods or operation established by the Nuclear Regulatory Commission. Electromagnetic radiation or radioactive emissions shall not be of an intensity that interferes with the use of any other property.

   i. Do not engage in the production or storage of any material designed for use as an explosive, or in the use of such material in production.

j. Indicate that all industrial uses shall use only gas, electricity, or preheated oil as a fuel; provided, however, that oil-burning equipment may be installed for stand-by emergency use only.

D. Equipment and Screening in all Metro Zones.

1. Trash enclosures and utility equipment (mechanical, electrical, and plumbing) may not be located within the front setback. Public utilities are excluded from this requirement.

2. All exterior equipment and enclosures shall be screened or incorporated into the design of buildings so as not to be visible from public rights of way or public spaces.

3. See also Subsection 54.16 – Trash Enclosures, Equipment and their Screening for standards related to equipment and screening.

XI-10-9.06 Metro Area Special Design Standards

A. All residential and residential mixed-use development must comply with the Milpitas Residential and Mixed-Use Objective Design Standards in addition to the standards of this subsection 10-9-.06. Where standards of this subsection conflict with those of the Objective Design Standards, this section supersedes.

B. All non-residential development in the BPRD-R-Metro, BPRD- Metro zones must comply with the standards of Section 10-7.05, Special Design Standards for the BPRD Zone in addition to the standards of this Subsection 10-9-.06. Where standards of this subsection conflict with those of Section 10-7.05, the more restrictive standard applies.

C. Block Length.

1. Blocks may not exceed 700 feet in length.

2. Blocks more than 500 feet in length must incorporate a mid-block pedestrian and bicycle through connection.

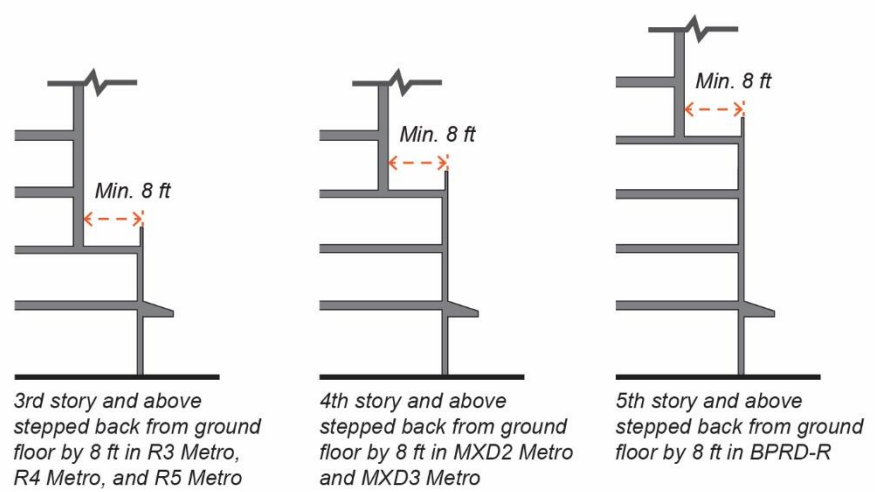
D. Building Articulation.

1. In the R3-Metro, R4-Metro and R5-Metro zones, the third floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of 8 feet.

2. In the MXD2-Metro and MXD3-Metro zones, the fourth floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of 8 feet.

3. In the BPRD-R zone, the fifth floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of 8 feet.

Figure 9.06-1: Building Step-Back



4. Non-residential building façades over 80 feet in length shall break up long street walls through at least two of the following features: recesses a minimum six feet in depth; awnings; colonnades; projections a minimum four feet in depth; step-backs a minimum six feet in depth; window reveals; cornice treatment; and changes in color and material.

5. Non-residential building height must vary such that the building has at least one change in height of at least one story. This may be achieved through changes in pitch, plane, orientation, a change in the number of stories, differentiated forms, projections and recesses and/or special architectural features such as towers.

E. Ground Floor Commercial Design Standards. On retail mixed use streets, and in any other areas with ground floor retail, restaurant, and commercial service uses, the following standards apply:

1. Ground floor spaces shall be a minimum of 60 feet in depth for a minimum of 50 percent of the space, and a minimum of 40 feet in depth for any remaining space.

2. Floor to Ceiling Height.

   a. Retail: Minimum 18 feet floor-to-floor and a minimum 14 feet clear.

   b. Office: Minimum 14 feet.

3. Building Entrances. There shall be at least one entrance per 100 feet of building frontage and the main entrance may not face a parking lot.

4. Wall Plane Articulation. Windows, doors, columns, and other features shall be recessed or project forward, such that there is a six-inch difference between wall and window surfaces and a total of at least eighteen inches from the window to the outermost plane of a wall or column.

5. Floor Elevation. Ground floor elevation shall be no more than two feet above or below the sidewalk level.

F. Building Materials.

1. Ground Floor Materials. All ground floor exterior materials shall be durable, quality materials, such as glass, concrete, precast concrete, aluminum and high quality metal panels, composite panels, stone, and stucco.
2. Non-residential Building Materials. Primary building materials in all non-residential construction shall store carbon (e.g., wood, calcium carbonate-based cementitious substances, synthetic limestone).
3. Glass Materials. Glass types shall be clear glass, frit glass, sandblasted glass, spandrel glass, or channel glass. Glazing should provide a high degree of light transmittance and be non-reflective.
4. Roofing Materials. Roof design and materials shall include vegetated roofs, high-albedo built-up roofs, high albedo single-ply roofing, metal, terracotta tile, concrete tile, composite concrete tile, skylights, solar collectors, and photovoltaics.
4. Window Materials. Vinyl-frame windows and doors are prohibited. Wood-framed windows must have metal or fiberglass cladding on the exterior. Metal-frame windows must be thermally broken.

G. Unit Design.

1. A minimum of 10 percent of units in any single residential project shall be designed to be accessible to all users using the principles of Universal Design.
2. Public plazas shall be constructed with ADA-compliant ramps and tactile warning strips at the crosswalks. Equipment and facilities such as tables, trash cans, restrooms, and drinking fountains should allow for universal access, including people of all ages and ability levels.

H. Landscaping and Site Design.

1. All development projects shall include on-site vegetated stormwater treatment and landscaping and shade trees at a rate of one tree per 5,000 square feet of the residential building footprint and one tree for every 10,000 square feet of developed lot area for non-residential or mixed-use development.
2. Where a creek runs under a site, the applicant must coordinate with the City Planning Department to daylight the waterway as part of the site design.
3. All applicants shall also reference the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook.

I. Parks and Publicly Accessible Open Spaces.

1. All development projects shall dedicate land for parks if a park is shown on the subject property on Figure 2-16: Existing and Proposed Parks, of the Metro Specific Plan.
2. Privately-owned public open space must remain accessible and open to the public during business hours. Private single-access gates are prohibited.
2. The Recreational Value System as described in the Metro Specific Plan Section 2.8, Parks and Public Spaces Framework, shall be used to ensure park improvements provide a diversity of active, contemplative, and social gathering experiences.

3. Parks must be bordered by a public right-of-way such as a street, trail or railroad, on at least three sides, and must be clearly visible and accessible from all abutting rights-of-way.

4. Small neighborhood-serving parks less than one-quarter acre must be located a minimum 500 feet from Montague Expressway, the Great Mall Parkway, or any rail line.

5. Seating shall be provided in all publicly-accessible open spaces. Seating may include both moveable and fixed seating as well as seat walls, steps, boulders, and other multi-use objects and must be placed along pathways and within or near gathering spaces.

J. Common and Private Open Spaces.

1. Private open spaces may take the form of balconies, patios, gardens, porches, decks, or roof decks.

2. Usable open space surfaces may be any combination of lawn, garden, flagstone, wood planking, concrete, or other dust-free surfacing, and may not exceed 10 percent slope.

2. Universal access shall be provided to all rooftop amenities. An accessible path to a publicly accessible restroom on an adjacent floor or at the rooftop level shall be provided for any common outdoor open space on the rooftop.

3. A minimum of 10 percent of common rooftop open spaces shall be landscaped using green roofs or planters.

K. Parking Design. Where parking is required or proposed, it must comply with the following:

1. Parking location. Off-street parking must be located in:

a. Ground-floor “tuck-under” individually secured garages;

b. Shared garages (podium or underground); or

c. Above-ground structures “wrapped” with habitable uses.

2. Tandem Parking. Tandem parking may be provided in accordance with the following:

a. No more than two vehicles may be placed one behind the other.

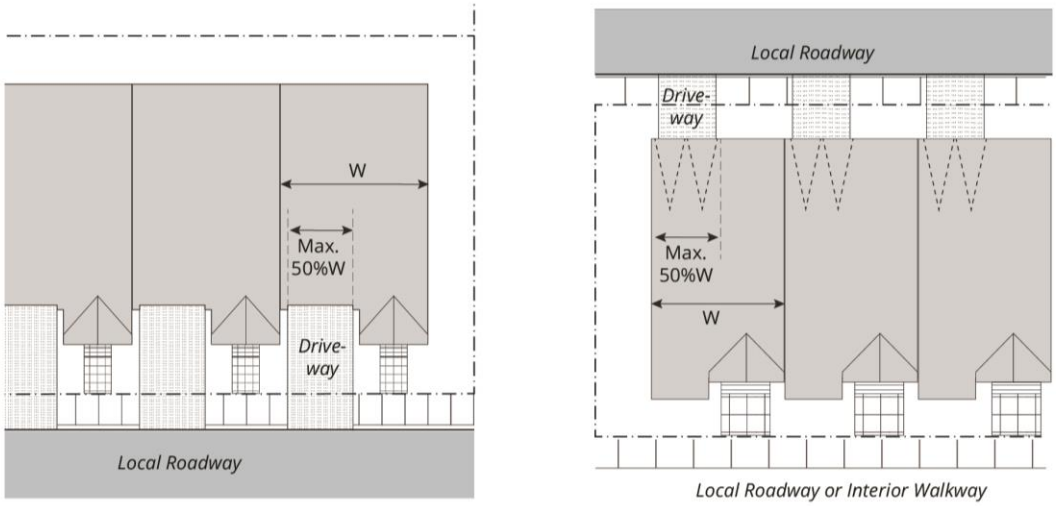
b. Both spaces shall be assigned to a single dwelling unit or to employees of the same non-residential establishment.

c. Each tandem parking bay must be a minimum 40 feet in length by 10 feet in width.

3. Ground-level visibility.

a. Individually secured garages. Individually secured garages shall be accessed from a shared rear or side drive aisle where such abuts the property. Where individual garages are accessed from the right-of-way, garages shall occupy no more than 50 percent of the frontage of each unit.

Figure 9.06-2: Individual Garages

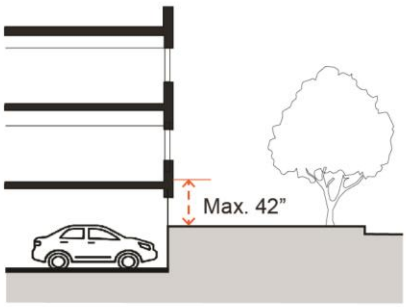


b. Structured parking. Structured parking may not be located along the ground-level building frontage unless the parking is:

i. Recessed a minimum of four feet from the rest of the building façade and screened with a living wall or textured or decorative screening; or

ii. Designed such that the parking area is located in a basement, where the vertical distance from grade to the finished floor directly above the parking area is a maximum of 42 inches.

Figure 9.06-3: Structured Parking Ground Level



4. Upper-level visibility. All upper-level street-facing structured parking must be screened from view from the right-of-way by at least one of the following features:

a. Regular openings designed to resemble windows of habitable spaces that do not reflect the sloping floor lines of interior parking ramps on the facade;

b. A trellis or living wall; or

c. Textured or decorative screening.

5. Vehicle access. Parking must comply with the following standards:

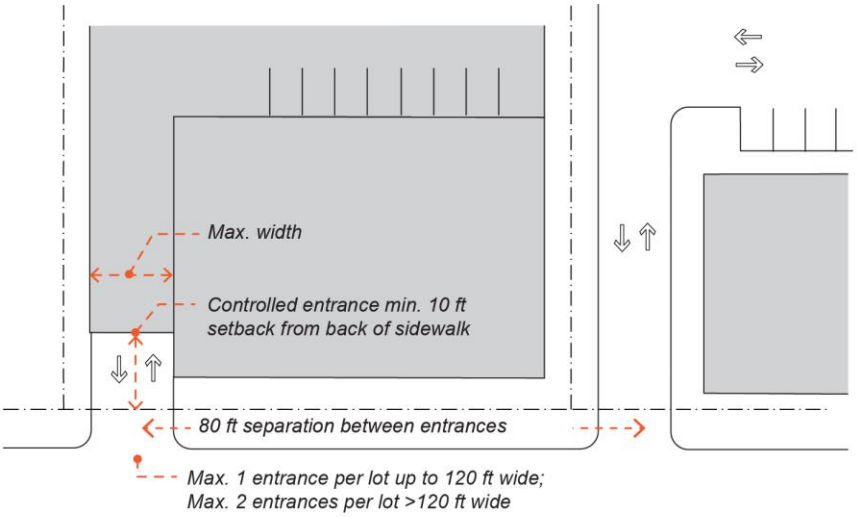
a. A maximum of one driveway to shared parking is permitted on street frontages up to 120 feet in length; a maximum of two shared driveways are permitted on street frontages exceeding 120 feet in length.

b. Controlled entrances to shared parking facilities (i.e., gates, doors, etc.) shall be located a minimum of 10 feet from the back of sidewalk.

c. Vehicular entrances to parking areas shall be a minimum of 80 horizontal feet from vehicular entrances to parking areas on adjacent properties.

d. Mechanical parking lifts are allowed in all structured parking configurations.

Figure 9.06-4: Parking Access



6. Parking separation. Parking for residential units shall be physically separated from parking for non-residential uses through a controlled fence, gate, or other barrier.

L. Pedestrian and Bicycle Circulation.

1. A system of pedestrian walkways shall connect all primary buildings entrances on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas, pedestrian amenities, and transit stops.

2. Walkways shall be the shortest practical distance between the primary building entrance and sidewalk, generally no more than 125 percent of the straight-line distance.

3. Walkways must link the entrances with on-site open spaces, on-site services, and other internal facilities.

4. Walkways shall be a minimum of five feet wide, hard-surfaced, and paved with permeable materials.

5. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identifiable through a raised crosswalk, a different paving material, or similar method.

6. Where a required walkway is parallel and adjacent to a vehicle travel area, it must be raised or separated from the vehicle travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

M. Utilities.

1. Utilities shall be placed in underground or subsurface conduits.
2. All mechanical equipment, ground transformers and meters shall be located and screened to minimize visual impacts.
3. Rooftop mechanical equipment shall be concealed from street level views through roof designs that area architecturally integrated with the building, such as equipment wells and parapets.
4. Public utility distribution meters, vaults and similar installations shall be consolidated in a single area whenever possible and located away from highly visible areas such as street corners and public open spaces.
5. Backflow preventors shall be located within landscaped setback areas and painted black or dark green to minimize visual impact. Where no landscaped setback areas exist the backflow preventors shall be incorporated into the front of the building to minimize visual obtrusiveness.
6. Refuse and recycling containers shall not be visible from a public or private street. Such containers shall be stored either within the parking facility of the building or within a vehicular accessway with screening designed to meet the requirements of this section.
7. Trash enclosure walls shall incorporate building materials and colors that match the architecture of the building and be well landscaped.
8. All telecommunications antennas shall be building facade or roof mounted and screened appropriately.
9. On Main Street only telecommunication facilities that are disguised to appear as a part of the building architecture (i.e., "stealth" antennas) may be used.

XI-10-9.07 Affordable Housing

Affordable housing units should be provided in all new housing projects consistent with Title XII, Chapter 1 (Affordable Housing Ordinance).

XI-10-9.08 Exceptions to Standards

1. Exceptions to all but the use, floor area ratio, density, and park land requirement regulations of this Section may be approved by the Planning Commission through approval of a Conditional Use Permit in accordance with the requirements of Section 57, Conditional Uses Permitted by Commission, of this Chapter.
2. In addition to the required findings under Chapter 57, the Planning Commission must be able to make the following two additional findings for such exceptions:
    a. The exceptions meet the design intent identified within the Zoning District and/or Specific Plan and do not detract from the overall architectural, landscaping and site planning integrity of the proposed development.
    b. The exceptions allow for a public benefit not otherwise obtainable through the strict application of the specified standard.

c. The project design in its totality does not adversely impact adjoining properties to a greater degree than a project that complies with all development standards. Impacts to be considered include: access to sunlight, views, shadows on parks and open space, privacy, and noise.

SECTION 8. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 53

Title XI, Chapter 10, Section 53 (Off-Street Parking Regulations) of the Milpitas Municipal Code is hereby amended to read as follows:

Section 53 - Off-Street Parking Regulations

XI-10-53.01 Purpose and Intent

The following off-street parking requirements are regulations which are established in order to achieve, among others, the following purposes:

1. To establish minimum requirements for the off-street parking of motor vehicles in accordance with the use established on the property;
2. To relieve congestion on streets, and to provide more fully for movement of traffic, maneuvering of emergency vehicles or street maintenance equipment;
3. To protect neighborhoods from vehicular traffic congestion generated by the adjacent nonresidential uses of land; and
4. To promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities.

XI-10-53.03 Applicability

Off-street parking spaces shall be provided in accordance with the schedule in Table 53.09-3, Number of Parking Spaces Required, of this Section and improved as per Section 54.03 as a condition precedent to the occupancy of an institutional, commercial or manufacturing use and in conformance with other provisions of this Chapter:

1. Whenever a building is constructed; or
2. Whenever an existing building or use is altered, resulting in an increase in floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities; or
3. Whenever the use of an existing building is changed to a use requiring fifty percent (50%) or more off-street parking spaces, as determined by the provisions of Table 53.09-3, Number of Parking Spaces Required, of this Section.

XI-10-53.05 Maintenance of Off-Street Parking

A. Continuation of Off-Street Parking. All off-street parking spaces shall continue unobstructed in operation, shall not be used for vehicle repair work of any kind unless within a building, and shall not be reduced below the required size as long as the primary use remains, unless an equivalent number of spaces is provided for said use in another approved location. This does not apply to those parking spaces which are established on a voluntary basis which are in excess of the requirements of this Chapter.

B. Temporary Sales, Storage and Advertising. The sale or storage of merchandise in permissive parking areas may be allowed by the Zoning Administrator through the approval of a Minor Site

Development Permit and subject to such reasonable conditions as may be deemed necessary by the Planning Commission to ensure adequate parking, access and circulation.

In no event shall any off-street parking space (permissive or otherwise) or lot be used for the stopping, standing or parking of any vehicle(s) for either the purpose of selling such vehicle (excluding an approved car sales lot), or advertising any other property, services or products on said vehicle.

C. Maintenance. All parking areas shall be kept clean and free of dirt, oil, mud or trash; pavement and striping shall be maintained in a continuous state of good repair.

D. Acknowledgment of Parking Spaces in Residential Projects. For new residential tract, multi-family or condominium projects, the amount and type of parking available to each dwelling unit shall be clearly stated within the CC&Rs in large font and bold lettering to the approval of the City Attorney or designee.

XI-10-53.07 Types of Parking Allowed

A. Standard Parking Spaces. The number of parking spaces required for various land uses shall be as required in Table 53.09-3, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Chapter.

B. Compact Parking Spaces. For parking areas and garages containing ten (10) or more stalls serving the following uses in Subsection 53.07(B)(1), up to forty percent (40%) of the required and non-required stalls may be designed as compact stalls to accommodate compact cars.

1. Applicable uses.

a. Commercial uses (CO, C1, C2, HS, TC zones).

i. Standards. Compact stalls shall be dispersed throughout the parking lot.

b. Industrial uses.

i. Research and Development (R and D) facilities.
ii. Manufacturing facilities.
iii. Warehouse/distribution facilities.
iv. Other industrial uses deemed appropriate by the Planning Commission.

c. Multi-Family Residential uses.

i. Projects within R3, R4, and R5 zones.

2. Design Standards. See Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Section.

C. Disabled Accessible Parking Spaces. Parking spaces for the disabled shall comply in all respects with the requirements of the California Code of Regulations (State Building Code) or Federal law, where such prevails over State law.

D. Tandem Parking Spaces.

1. Applicability. Tandem parking may be allowed with the approval of a Conditional Use Permit, in accordance with Section 57.04, Conditional Use Permits, of this Chapter.

2. Standards.

    a. Maximum allowed.

    i. A maximum of seventy-five percent (75%) of parking required for residential uses may be tandem parking in projects with open structured parking facilities (e.g. single level or multi-level parking structures).

    ii. A maximum of fifty percent (50%) of parking required for residential uses may be tandem parking in projects with private individual garages.

    b. Tandem parking spaces shall be a maximum of two (2) parking spaces deep.

    c. When tandem parking spaces are used in private garages or other parking facilities with more than two (2) parking spaces, they shall be assigned and marked for resident use.

E. Bicycle or Motorcycle Parking Spaces. The number of parking spaces required for various land uses shall be as required in Table 53.09-3, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Chapter.

XI-10-53.09 Off-Street Parking Required by Land Use

A. Enforcement and Interpretation of Parking Requirements.

1. Number of Off-Street Parking Spaces Required. The number of off-street parking spaces required for the land uses identified in the Permitted and Conditional Use Tables of this Chapter are listed in Table 53.09-3, Number of Parking Spaces Required, except where parking requirements are established in Section 13, Special Uses, of this Chapter, or exceptions to these requirements are granted in accordance with this Section.

2. Uses not specified. In the case of a use not specifically mentioned in Table 53.09-3, Number of Parking Spaces Required, or elsewhere in this Chapter, the requirements for off-street parking facilities shall be determined by the Planning Commission through the Interpretation process, in accordance with Section 61, Interpretation, of this Chapter, based on uses which create similar demands for off-street parking spaces. The Planning Commission may draw upon the experience of other local cities to make their decision.

3. New Buildings Without Tenants. If the type of tenants that will occupy a nonresidential building, or the nonresidential portion of a mixed-use building, is not known at the time the new building is being proposed, the number of parking spaces required for the nonresidential uses will be determined through the discretionary review process.

4. Mixed occupancies and uses. When two or more uses are located in the same lot or parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with the provisions of this Section and Section 13, Special Uses, when applicable.

Exception: For alternative parking computation in accordance with Subsection 53.11, Shared Parking, of this Chapter.

5. Measurement Standards and Definitions. For the purpose of determining off-street parking requirements, the following definitions and standards shall apply:

    a. Gross Floor Area: The total of all the floors measured from the interior faces of the building, and outdoor areas used for retail purposes.

    b. Net Floor Area (NFA): Net Floor Area shall mean the Gross Floor Areas less twenty percent (20%).

    c. Seat: The number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs. For places of meeting or assembly that do not include fixed seating, seven (7) square feet shall equal one (1) seat.

    d. Employees/students: The maximum number of employees/students on the principal shift or period.

    e. Fractional Measurements: When units or measurements determining the number of required off-street parking spaces result in a requirement of fractional space, any fraction up to and including (.49) shall be rounded down to the nearest whole number and fractions including and over (.50) shall be rounded up to the nearest whole number. For example, 7.41 would be rounded to 7 and 7.61 would be rounded to 8.

6. More than One Parking Ratio. Where more than one (1) parking ratio is shown for a particular use, the required number of spaces shall be the total of all ratios shown. For example, the parking requirement for hotel is "1 per unit, 2 for the manager's unit." The total parking requirement for a hotel is the sum of the required parking for the units and two (2) spaces for the manager's unit.

B. Permissive Parking Facilities. Nothing in this Section shall prevent the voluntary establishment of off-street parking facilities in excess of the requirements of this Section to serve any existing use of land or buildings, provided that all regulations herein governing the location, size and access design, improvement and operation of such facilities are adhered to.

C. Number of Parking Spaces Required. The number of off-street parking spaces required for various land uses shall be as listed in Table 53.09-3, Number of Parking Spaces Required, except for those listed specifically elsewhere in this Chapter. Unless otherwise indicated, the parking requirements are for square feet of gross floor area occupied by the use and, in the case of nonresidential uses, include the parking required for customers and employees.

Exceptions:

1. Where a portion of a structure is used for automobile parking, that portion shall not be counted in calculating the required parking for the structure. If parking is eliminated and the space is occupied by another use, parking shall be required for the use as indicated for the use in this Chapter.

2. Metro Specific Plan Area. Off-street parking requirements and bicycle parking requirements for all uses in the Metro Specific Plan area are as follows:

Table 53.09-1
Vehicle Parking Requirements in the Metro Zones

Use	Minimum	Maximum[1]
Residential and lodging uses	None	1.5 spaces per unit
Industrial uses	None	2 spaces per 1,000 square feet
All other non-residential uses	None	1 space per 1,000 square feet

[1] Valet, tandem spaces, and mechanical lift stalls are counted as individual spaces.

Table 53.09-2
Bicycle Parking Requirements in the Metro Zones

Use	Minimum, Long-Term Spaces	Minimum, Short-Term Spaces
Multi-family residential uses	0.5 spaces per bedroom	0.1 spaces per bedroom
Retail uses	1 space per 10,000 square feet	1 space per 5,000 square feet
Offices, Business and Professional	1.5 spaces per 10,000 square feet	1 space per 20,000 square feet
All other uses	None	None

Table 53.09-3
Number of Parking Spaces Required

Use	Minimum Parking Spaces Required
A. Commercial Uses	
Business Support Services	1 per 350 sq. ft.
Furniture and appliance stores and other bulky item retail; Furniture Repair and Reupholstery	1 per 350 sq. ft.
Retail, Grocery and Convenience uses; Check Cashing	1 per 200 sq. ft.
Mortuary, funeral parlor	1 per 4 seats and 1 per employee
Personal Services	1 per 200 sq. ft.
Plant nursery	1 per 200 sq. ft.
Repair and Cleaning, Small Items	1 per 200 sq. ft.
B. Entertainment and Recreation	
Arcade and amusement	1 per 200 sq. ft.
Billiards	1 per 200 sq. ft.
Bowling Alleys including incidental accessory uses (eating and drinking, billiards, etc.)	6 per alley or lane
Clubs and Lodges	1 per 200 sq. ft.

Commercial Athletic Facility (indoor)	1 per 150 sq. ft.
With outdoor or indoor sports courts	
Small courts (tennis, badminton)	2 per court plus required parking for other uses on site.
Large courts (basketball, volleyball)	5 per court plus required parking for other uses on site.
Golf Course	6 per hole plus parking for ancillary uses
Miniature Golf	1.25 per tee, plus 1 per employee
Motion Picture Theater (indoor)	1 per 3.5 seats
Nightclub	1 per 30 sq. ft.
C. Health and Veterinarian Uses	
Convalescent Homes	1 per 2 beds or 1 per 1,000 sq. ft, whichever is greater
Hospital	1 per bed or 1 per 220 sq. ft., whichever is greater
Kennel, indoor	1 per 1,000
Massage Establishments	Two per treatment room or if no treatment room, one per 2 chairs or 2 tables
Medical and dental Clinic and Office	1 per 225 sq. ft.
Veterinary Clinic and Animal Grooming	1 per 250 sq. ft.
D. Industrial Uses	
Custom and artisan manufacturing, Contractor's shop	1 per 500 sq. ft
Data Centers Manufacturing Processing/Plant (Dry-cleaning plant, photo finishing/printing, etc.) Warehousing and Distribution	1 per 1,500 sq. ft.
Mini Storage	1 per 5,000 sq. ft., plus 1 per resident manager
Parcel hub	1 per 2,000 sq ft plus 1 truck parking space for each delivery vehicle on-site during the peak time. The requirement for delivery truck parking is not intended to accommodate semi trucks delivering products to the site.
Wholesale Sales	1 per 500 sq. ft.
Research and Development Medical Laboratories Soils and Materials Testing Laboratories High employee demand uses	1 per 300 sq. ft.
Office space within an industrial building (to be combined with categories above)	1 per 350 sq. ft.
E. Lodging	

Extended Stay Hotels	0.7 per guest room or unit[5]
Hotels	0.7 per guest room[5]
Motels	0.7 per guest room[5]
F. Professional Offices, Financial Institutions and Related Uses	
Automated Teller Machine (free standing)	2 per machine
Financial institutions (banks, savings and loans, etc.)	1 per 180 sq. ft.
Offices, business and professional	1 per 240 sq. ft.
G. Public, Quasi-Public and Assembly Uses	
Adult Day Care	1 per 500 sq. ft.
Auditoriums and theaters and places of meeting and assembly	1 per 4 seats
Child Care Uses[2, 3]:	
Day Care School	1 per classroom or 1 per 500 sq. ft., whichever is greater.
Small family child care home	Same as required for underlying residential use
Large Family Child Care Home and Child Care Centers	1 per 1.5 employees
Community Center	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes
Community Garden	Determined by Planning Director
Museums	1 per 400 sq. ft.
Public Utilities	1 per 400 sq. ft.
Religious Institutions	1 per 5 seats in the main area of assembly plus parking for classrooms and offices in this table. Where there are no seats, then 1 seat equals 7 sq. ft.
Educational Institutions:	
School-elementary (K-8 Private)	1 per classroom, plus 1 per 240 sq. ft. of office
School-secondary (9-12 Private)	1 per classroom, plus 1 per 240 sq. ft. of office, plus 1 per 5 students
Vocational School, including business, professional, technical and trade	1 per 200 sq. ft.
Instructional Studios (Dance, Yoga)	1 per 150 sq. ft.
Private instruction, personal enrichment (tutoring)	1 per instructional area or classroom, whichever is greater. No fewer than 3 spaces.
Stadiums and arenas	1 per 4 seats

H. Restaurants or Food Service	
Banquet facilities	See restaurants below
Bars, Drinking Establishments	1 per 30 sq. ft.
Catering and Commissary	1 per 300 sq. ft. floor area
Drive thru	See "Vehicle Related Uses" section.
Restaurants:	
Sit down:	
Indoor and outdoor:	1 per 39 square feet of dining area.
Take out:	1 per 2.5 seats (indoor/outdoor) plus 1 per 60 sq. ft. GFA for the ordering or take out area.
Mobile food parks	1 per 2.5 seats provide for on-site dining, plus 1 per 60 sq. ft. of lot area dedicated to mobile food vending.
I. Residential Uses	
Single Family and Duplexes:	
3 bedrooms or fewer	2 per unit[4]
4 or more bedrooms	3 per unit, plus 1 per each additional bedroom[4]
Multi-Family (R3—R5 zones):	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
2—3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered).[4]
Guest parking	
Projects with Parking structures	15% of the total required, may be uncovered
Projects with Private garages	20% of the total required, may be uncovered
Bicycle parking	5% of the total required
Boarding houses, dormitories, sororities and fraternities, group living accommodations	1 per each room rented
Live-Work Units	*Single family and duplexes* parking requirements shall apply, plus 1.5 for the commercial component
Mixed Use buildings or sites	
Residential use	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
2—3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered).[4]
Guest parking	
Projects with Parking structures	15% of the total required, may be uncovered
Projects with Private garages	20% of the total required, may be uncovered
Bicycle parking	5% of total required

Commercial use	
Ground Floor Retail	1 per 250 sq. ft.
Office	If building is 1,000 sq. ft. or smaller: 1 per 250 sq. ft. If building is larger than 1,000 sq. ft.: 3.3 per 1,000 sq. ft.
Short-Term Rentals	1 per unit
Other uses	Refer to specific uses within this table
Bicycle parking	5% of total required
Mobile Homes	Refer to Section 13.07, Mobile Homes
Residential Care Facility	1 for every three beds
Senior Housing	1 per unit plus 2 per manager's unit
Single Room Occupancy (SRO)	1 per unit
J. Vehicle Related Uses	
Auto rental agency	1 per 400 sq. ft. plus 1 per rental vehicle
Auto repair (tire, oil change, smog check, etc.)	3 per service bay
Car Wash	1 per 200 sq. ft. of building area and reservoir space outside of building equal to two (2) times the maximum capacity of facility
Gas & Service Stations:	
With Retail	1 per 200 sq. ft.
With Auto Repair	3 per service bay
Auto dealerships:	
Sale or lease of vehicle	1 per 200 sq. ft. of showroom
Office	1 per 200 sq. ft.
With Service Bays	3 per service bay
Window service or drive-thru in conjunction with any other use	The required parking for primary use (restaurant, or other use providing window service) plus queuing of 5 vehicles which do not interfere with any on-site parking spaces

[1] Refer to Subsection 2.03, Definitions, of this Chapter for a full description of "Commercial Services."

[2] For loading and unloading: One (1) parking space per six (6) children up to five (5) spaces and thereafter one (1) space per ten (10) children. Driveways, garage aprons and street frontage may be counted if appropriate permits are first received when calculating spaces for child care homes. Tandem spaces are prohibited.

[3] Exceptions for Child Care Requirements: The parking and loading/unloading requirements for child care facilities may in the Planning Commission's discretion be reduced, based on an empirical study (provided by the applicant) which establishes no adverse effects will occur as a result. The required number of loading/unloading spaces may be reduced without a study by one (1) space for each employee permanently assigned to load and unload children from vehicles.

[4] Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after April 7, 2009. Existing projects or projects either entitled or submitted active planning applications prior to April 7, 2009 shall use the parking regulations in effect at the time of entitlement or application submittal. For R4, R5, MXD/MXD2/MXD3 zones, 15% guest parking is legal and conforming for projects entitled or active planning applications submitted prior to April 7, 2009.

[5] Refer to Subsection XI-10-53.15, Parking Standards for Hotels and Motels, of this Chapter for allowed reductions to minimum parking requirements.

XI-10-53.11 Shared Parking

A. Purpose and Intent. Dedicated parking areas for individual uses, especially when provided in new developments, can result in less efficient land usage, lower floor area ratios, and more environmental/water quality impacts.

Shared parking is typically applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately.

B. Applicability. Shared parking may be applied in the following situations:

1. In mixed-use developments, which include one or more businesses that are complementary, ancillary, or support other activities. A typical mix of uses includes, but is not limited to: residential, office, restaurants, retail, colleges, churches, cinemas, and special event situations if they can demonstrate that demand patterns vary among uses.

2. In shopping centers, when more than twenty percent (20%) of gross leasable area is occupied by dining and entertainment uses, (not including pad restaurants, unless they are located within 300 feet of the main shopping center building) shared parking may be applied.

C. Required Review. Shared parking proposals may be allowed with the approval of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.

D. Calculation of Parking Spaces Required with Shared Parking. The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures. A formal study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys may be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

E. Location of Shared Parking Spaces. Shared spaces shall be located within three hundred (300) feet of the use entrances they serve. Up to fifty percent (50%) of nonresidential spaces may be provided at greater distances if dedicated shuttle bus or van service is provided. Clear, safe pedestrian connections must be provided.

F. Captive Market Parking Requirements. For uses that are considered ancillary to a larger business, no additional parking may be required. Examples of this case include a coffee or snack shop within an office or hotel development, a copy/package store within a business park or redevelopment of small retail uses in a large business district. Parking requirements for similar ancillary uses may be reduced to account for the likely cross patronage among the adjacent uses located within a maximum

walking distance of three hundred (300) feet. Parking requirements may be reduced up to ninety percent (90%) as appropriate.

G. Agreement Between Sharing Property Owners. If a parking facility is to serve two (2) or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces shall be executed to the satisfaction of the City.

H. Shared Parking Plan. A shared parking plan shall be submitted to the Planning Division with the following information:

1. Site plan and required parking calculations of parking spaces intended for shared parking and their proximity to land uses that they will serve.

2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).

3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible.

XI-10-53.13 Design Standards

A. Location of Parking.

1. Location of Parking in Relationship to a Use.

a. Residential Uses: Parking required for all residential uses shall conform with all of the following: (i) be located within the same project site as the use; (ii) be less than 300 feet away from the residential unit it serves; and (iii) shall not be located on any public street, public right-of-way or in any other public area.

b. Commercial Services and Retail Stores in the Metro or Midtown Specific Plan Areas: Commercial service and retail uses may meet its parking requirements with on-street parking if the project satisfies all of the following conditions: (i) the project site is located within the Metro or Midtown Specific Plan Areas; (ii) the on-street parking space is located along the project site frontage directly serving and adjacent to the use; (iii) no more than 50 percent of the required parking spaces shall be allocated on-street unless the commercial or retail use requires ten or less parking spaces; (iv) the on-street parking space is located less than 300 feet away from the use it serves; and (v) the on-street parking space shall be designated as limited time parking in accordance with the California Vehicle Code.

c. Other Uses: Required parking for all other uses shall conform with all of the following: (i) be located within the same project site as the use; (ii) be less than 300 feet away from the use for which the parking is required, as provided for in Table 53.09-3 Number of Parking Spaces Required or Section 13, Special Uses, of this Chapter; and, (iii) shall not be located on any public street, public right-of-way or in any other public area.

2. Location of Residential Parking, Permitted. Vehicles on private property used for residential purposes shall be parked only in paved parking spaces or in driveways which comply with the following standards:

a. The driveway provides access to required parking spaces; and

b. The vehicle is not blocking access to parking for other residential units.

3. Each automobile parking stall shall be so located that no automobile is required to back onto any public street or sidewalk to leave the parking stall, parking bay or driveway except from a lot in an "R2" or more restrictive zone containing not more than two (2) dwelling units.

4. Parking Location for R5, MXD2 and MXD3 projects.

   a. No parking spaces area allowed within the front or street side setback areas.

   b. Parking must be located behind buildings to minimize visibility from public streets.

   c. At least seventy percent (70%) of the street facing perimeter of above-ground parking shall be wrapped with habitable space.

      Exception: Exceptions may be allowed through the approval of a Conditional Use Permit, if the design quality of the structure is equivalent to habitable space.

   d. Parking may be partially above grade along the street, provided that no more than four (4) feet of the structure is above grade. The above-grade area must be wrapped with continuous landscaping that screens parking garage openings.

5. Parking Structure access for R5, MXD2 and MXD3 projects.

   a. No more than one curb cut per street frontage is allowed.

   b. Parking structure entrances shall be no greater than twenty-two (22) feet wide.

   c. Parking structure access points shall be set back from the curb so that a car can pull up to the entry gate or ticket machine without blocking the sidewalk.

B. Parking Space Size.

1. Individual garage.

   a. Each parking space with a minimum width of ten (10) feet and a minimum length of twenty (20) feet shall be required in residential garages meeting both of the following criteria:

   i. The individual garage contains four (4) or fewer parking spaces;
   ii. The individual garage does not include circulation elements such as driveway aisles, but consists primarily of parking spaces.

2. Compact Spaces

   a. Each stall shall be legibly marked "compact stall" or "small car" on the stall surface. Compact stalls may be used only for the above-listed buildings and uses and only within the Industrial zoning district.

   b. Parking stalls shall be dispersed throughout the parking lot and not concentrated to discourage oversized vehicles from using the stalls.

3. Tandem Spaces

   a. Each residential garage tandem (two parking spaces) shall have a minimum width of ten (10) feet and a minimum length of thirty-eight (38) feet.

4. Bicycle or Motorcycle Spaces. Any existing or proposed parking facility may utilize, on a substitution basis, on-site parking spaces for bicycle or motorcycle spaces.

    a. Said bicycle spaces shall be raised a minimum of six (6) inches from grade of the adjacent parking facility.

    b. One parking space may be omitted for each eight (8) bicycle spaces provided.

    c. One parking space may be omitted for each two (2) motorcycle spaces provided.

    d. Bicycle spaces shall measure at least two (2) feet by seven (7) feet and shall be located in groups of four (4) and shall be of the following three types:

    i. A rack which secures the frame, or
    ii. An enclosed bike locker, or
    iii. A fenced, covered, locked or guarded bike storage area.

    e. Motorcycle spaces shall measure four (4) feet by eight (8) feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.

    f. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent (5%) of the total required parking spaces.

C. Required Improvements. All parking areas and access driveways shall have a smoothly graded, stabilized and dustless surface with adequate drainage so that injury will not be caused to adjacent properties. Bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas.

Also refer to Section 54.03 of this Chapter for Improvement of Parking Areas.

D. Screening and Landscaping. All open automobile parking areas which abut upon a public street right-of-way shall provide landscaping to a depth of at least ten (10) feet of said street right-of-way and of any adopted plan line, with openings for walkway or drive purposes. Each landscaped planter in said parking facility shall be contained with a six (6) inch raised concrete curb (extruded curbing not permitted). Installation of an irrigation system shall be provided for in each planter area.

E. Lighting. .All lights used to illuminate a parking area shall be designed, located and arranged so as to reflect the light away from any street and any adjacent premises.

F. Signs. Directional signs are permitted in parking areas in accordance with the adopted Sign Ordinance.

G. Fencing. A solid masonry wall a minimum height of six (6) feet shall be required on all common property lines when any parking area is established abutting residentially zoned property or property shown on the adopted General Plan as being Residential. The architectural design of said wall shall be to the approval of the Planning Commission through the Site Development Permit process in accordance with Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

H. Angles and Dimensions

1. Vehicle Overhang. Vehicles may overhang two (2) feet into any landscape area or private walkway if the walkway is a minimum six (6) feet in width, but in no event shall the overhang be permitted within any public right-of-way.

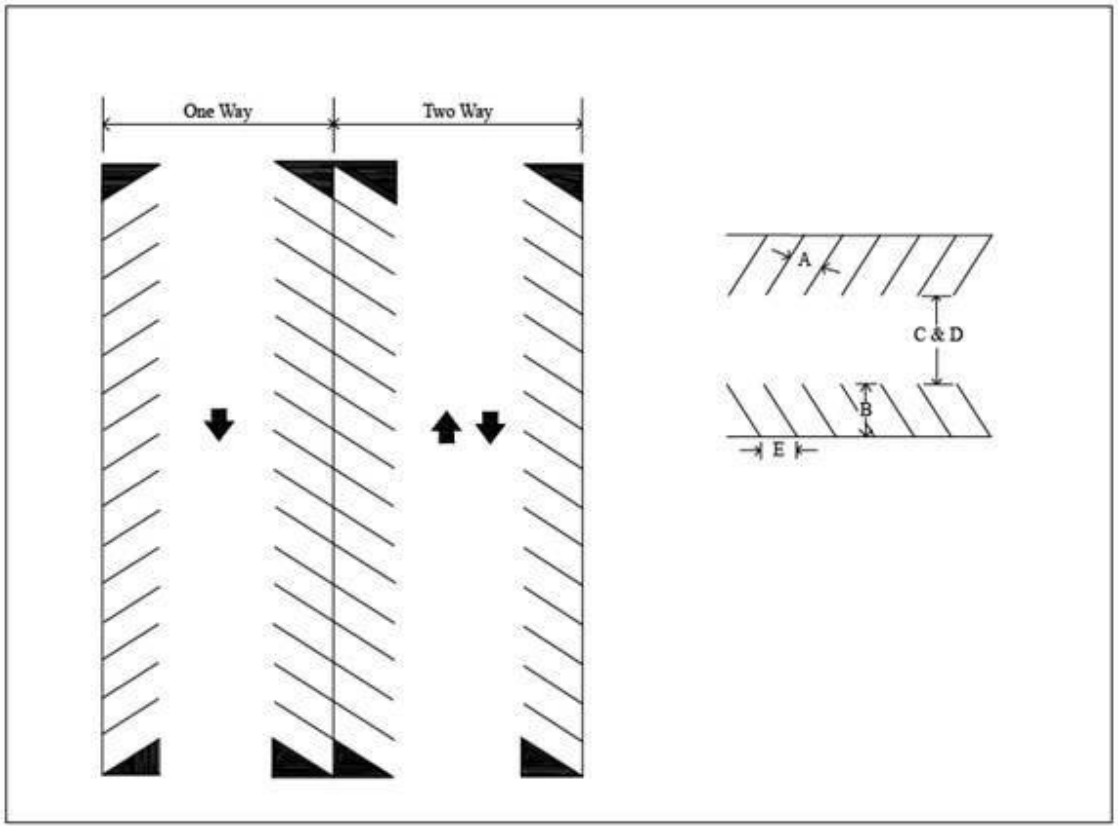
2. Stall and drive aisle dimensions. The stall and drive aisle dimensions shall be as follows:

Table 53.13-1
Parking Stall and Drive Aisle Dimensions

Angle	A[1] Stall Width	B[1] Stall Depth	C[1] Aisle Width 1 Way	D[1] Aisle Width 2 Way	E[1] Curb Length per Car
Standard size:					
0°	9′	9′	12′	16′	22′
45°	9′	19.5′	12′	22′	12′
60°	9′	21′	18′	22′	10.5′
90°	9′	18′	24′	24′	9′
Compact size: [See Subsection 53.07(B)]					
0°	7.5′	7.5′	12′	15′	17′
45°	7.5′	16′	13′	20′	8.5′
60°	7.5′	17′	15′	20′	8.5′
90°	7.5′	15′	20′	20′	7.5′

[1] Reference to Figure 53.13-1, Parking Stall and Drive Aisle Dimensions

Figure 53.13-1
Parking Stall and Drive Aisle Dimensions



3. Backing Space in Residential Projects. A minimum unobstructed vehicular maneuvering distance of 25 feet measured from the opening of the garage or carport shall be provided, except as otherwise permitted in this section.

4. Parking Structures. The parking stall and drive aisle dimensions for Parking Structures, as defined in this Chapter, may be modified with the approval of a Conditional Use Permit in accordance with Section 57 of this Chapter.

(Ord. No. 38.815, § 2, 9-2-14; Ord. No. 38.785, § 7, 4-7-09)

XI-10-53.15 Allowed Reductions to Required Parking for Lodging Uses

A. Allowed Reductions to Minimum Required Parking. The required parking for lodging uses, including hotels, motels, and extended stay hotels, may be reduced by up to 30 percent at the discretion of the decision-making authority based on a demonstrated program to reduce demand for on-site parking and maximize the efficient use of parking areas. A reduction in required parking shall be granted based on a point system as described in Subsection XI-10-53.15.C.

B. An applicant requesting a reduction to the minimum required parking for a lodging use shall submit a written description of all proposed parking demand reduction and site design measures and a written justification of the anticipated reduction in parking demand that would result from implementation of such measures.

C. Point System for Calculation of Parking Reduction. The decision-making authority may grant a reduction in the required number of parking spaces for lodging uses, as outlined in Table 53.15-1, according to the total number of points scored for implementation of parking demand reduction and site design measures.

Table 53.15-1
Point System for Parking Reduction for Lodging Uses

Total Points	Allowed Parking Reduction
60 points or more	30 percent
40 points or more	20 percent
20 points or more	10 percent

1. Parking Reduction for Lodging Near Fixed Guideway Transit. A parking reduction may be granted for a lodging establishment within one-half (0.5) mile of a fixed guideway transit station. Fixed guideway transit means a public transit facility that uses and occupies a separate right-of-way or rail line for the exclusive use of public transit vehicles (15 points).

2. On-Site Parking Demand Reduction and Site Design Measures for Lodging Uses. Any combination of the following measures may be incorporated into the site plan and operational plan for a hotel, motel, or extended stay hotel to support a reduction in the minimum required on-site parking:

    a. Shared parking agreement with owners of other property or properties in the vicinity of the lodging establishment pursuant to Subsection XI-10-53.11, Shared Parking, of this Chapter. The shared parking spaces must be located within 0.25 mile of the lodging use (10 points for a number of shared parking spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 15 points for a number of shared parking spaces totaling more than 20 percent of the base parking space requirement for the lodging use).

    b. Providing free monthly transit passes for employees. To qualify for this measure a lodging use must be located within 0.5 mile of a transit route (bus or rail) with service frequency of every 15 minutes or less between the hours of 7:00 a.m. and 7:00 p.m. (10 points).

    c. Providing free 24-hour airport guest shuttle service (10 points).

    d. Providing free guest shuttle service to other key destinations (including but not limited to BART and VTA light rail stations, San Jose Diridon Caltrain Station, Levi's Stadium, and major commercial centers) (5 points for shuttle service serving one or two destinations, 10 points for shuttle service serving three or more destinations).

    e. Providing free shared cars for guest use with dedicated, permanent on-site parking spaces for the shared cars . To qualify for this measure the lodging use must provide at least one shared car for every 50 guest rooms (when applying this calculation, any fractional number of required shared cars shall be rounded up to the nearest whole number) (10 points).

    f. Providing on-site, free micromobility devices for guest use. To qualify for this measure the lodging use must provide at least one shared micromobility device for every 50

guest rooms (when applying this calculation, any fractional number of required shared micromobility devices shall be rounded up to the nearest whole number). The operator of the lodging establishment shall obtain approval from the Planning Director or designee for the proposed placement and use of micromobility devices prior to commencing operations. The operator of the lodging establishment shall maintain micromobility devices in good working order at all times (5 points).

g. Providing valet parking (on-site or at an off-site shared parking location) (5 points for a number of valet parking spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 10 points for a number of valet parking spaces totaling more than 20 percent of the base parking space requirement for the lodging use).

h. Mechanical lifts for vehicles (if provided, lifts must be operated by staff of the lodging establishment) (5 points for a number of mechanical lift spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 10 points for a number of mechanical lift spaces totaling more than 20 percent of the base parking space requirement for the lodging use).

i. Charging a daily fee of $25 or more for on-site parking of guest vehicles (10 points).

j. Offering prepaid transit cards (Clipper) to guests (5 points).

k. Featuring public transportation information and links on lodging establishment's website (schedules and route maps for Valley Transportation Authority [VTA] bus and light rail and/or Bay Area Rapid Transit [BART] regional rail) (3 points).

l. Providing dedicated on-site passenger pickup/dropoff zones (3 points).

m. Active marketing of guest shuttle services, on-site shared cars, and/or on-site shared micromobility devices, via the lodging establishment's website and other electronic and/or print advertising materials (3 points).

n. Other measures as proposed by lodging establishment operator (points to be determined by the decision-making authority based on the potential for parking demand reduction of the proposed measure).

SECTION 9. ADOPTION OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SUBSECTION 54.18

Title XI, Chapter 10, Section 54 (General Provisions), Subsection XI-10-54.18 (2023-2031 Housing Element Sites) of the Milpitas Municipal Code is hereby added as follows:

XI-10-54.18 - 2023-2031 Housing Element Sites

A. Reused Sites. Reused sites are opportunity and rezone sites listed in the City of Milpitas 2023-2031 Housing Element, Appendix E, Tables E-13 and E-14 that are identified for lower-income housing capacity and as a 5th Cycle Housing Element site. On these reused sites, owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.

B. Rezone Sites**.** Rezone sites are listed in the City of Milpitas 2023-2031 Housing Element, Appendix E, Table E-14 that are identified for lower-income housing capacity. On these rezone sites, the following shall apply:

1. Owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.
2. 100 percent residential use is allowed.
3. A minimum of 50 percent of the floor area in mixed-use projects must be occupied by residential use.

SECTION 10. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 56

Title XI, Chapter 10, Section 56 (Nonconforming Buildings and Uses) of the Milpitas Municipal Code is hereby amended to read as follows:

Section 56 - Nonconforming Buildings, Uses, and Parcels*

XI-10-56.01 Purpose and Intent

The purpose of this chapter is to establish regulations for nonconforming buildings, structures and uses. It is the intent of these regulations to result in the conversion of nonconforming buildings, structures, and uses to conforming buildings, structures and uses. However, the City recognizes that until nonconforming buildings, structures, and uses are converted, improvements to them which promote their compatibility with their neighborhoods, enhance the quality of development, and do not increase nonconformity should be encouraged and allowed.

XI-10-56.02 Repair, Maintenance and Improvements to Nonconforming Buildings and Structures

A nonconforming building or structure may be maintained, except as otherwise provided in this section.

A. Repair, Maintenance, Aesthetic Improvements. Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made except those required by law or ordinance.

B. Energy Efficiency and Sustainability Upgrades. Improvements may be made to a nonconforming building or structure related to improving the energy efficiency, reducing the energy usage, and reducing the greenhouse gas emissions impact of the building or structure.

C. Restoration of Damaged Buildings. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to the extent of not more than seventy-five (75%) percent of its true value at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided the total cost of such restoration does not exceed seventy-five (75%) percent of the true value of the building or structure at the time of such damage and that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

In the event such damage or destruction exceeds seventy-five (75%) percent of the true value of such nonconforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the district in which it is located.

Provided, however, that any multistory single-family residence, which is subject to the provisions of the hillside section of this Title (Section XI-10-45), may be rebuilt to its approved height and setbacks and is not subject to the single-story height restrictions or other restrictions in the Zoning Title currently in effect, but shall conform to those regulations in effect at the time the structure was built.

D. Additions to, Enlargements and Moving of Nonconforming Buildings and Structures.

1. In the R1, R2 and R1-H Districts, a legal nonconforming building or structure shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all development standards and regulations of the district in which it resides, including, but not limited to height, yard setbacks, maximum lot coverage, impervious surface coverage, and maximum size of residence regulations of said district. In addition, a legal nonconforming building or structure shall not be added to or enlarged unless existing front yard paving is brought into conformance.

2. In all districts other than the R1, R2, and R1-H, a legal nonconforming building or structure may be added to or enlarged in a manner consistent with the criteria established in Table XI-10-57.04-1 and if a Conditional Use Permit is obtained.

3. A building or structure lacking adequate automobile parking space in connection therewith may be altered or enlarged provided the required additional automobile parking space is supplied as per Section XI-10-53 for the entire building or use, including the addition or enlargement.

4. A nonconforming building or structure shall not be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all regulations of the district in which it is located.

XI-10-56.03 Nonconforming Use of Buildings and Structures

A. The continuation or change of a nonconforming use of a building or structure shall meet the requirements provided below.

1. Continuation of Existing Nonconforming Use. A legally established use that is no longer permitted in a particular zoning district because of a modification of this Chapter shall be allowed to continue indefinitely, absent discontinuation of the use for a year or more and failure to comply with the re-establishment provisions of Section XI-10-56.03(B) below.

2. Discontinuation of Nonconforming Use. The nonconforming use of a building, structure or portion thereof, which is discontinued for a continuous period of one (1) year or more, may be replaced only with a conforming use, absent an approved nonconforming use reestablishment set forth in Section XI-10-56.03(B) below. Nonconforming uses which have been discontinued for a period of less than one (1) year may be replaced, if (1) with a nonconforming use of the same use classification as a matter of right or (2) a nonconforming use of a different use classification, subject to compliance with the findings and procedures set forth Section XI-10-56.03(B).

3. Changes of Use Within the Same Use Classification. An existing, ongoing nonconforming use may be changed to a different use within the same use classification. For example, a nonconforming auto repair shop use may be changed to a tire shop use, since both uses fall within the same use classification (auto service uses).

4. Change of Use to a Different Nonconforming Use Classification. An existing, ongoing nonconforming use may be changed to a nonconforming use of a different use classification only if it can be found that the proposed use is equivalent to or more appropriate than the existing nonconforming use at the project location. The proposed use may be allowed only by way of a conditional use permit and only if, in addition, all of the following findings can be made:

   a. The proposed nonconforming use would not cause a nuisance to the surrounding properties and district (e.g., excessive parking demand, traffic, noise, etc.).

   b. The proposed nonconforming use would be compatible with the general character of the surrounding neighborhood or district.

   c. The proposed nonconforming use is necessary to allow gainful economic use of structures or improvements until such structures or improvements can be permanently converted to conforming uses.

B. Re-establishment of Discontinued Nonconforming Uses Within the Milpitas Metro Specific Plan Area (Sunsetting Provision).

1. Once discontinued for a year or more, nonconforming uses only within the Milpitas Metro Specific Plan Area may be re-established if all of the following findings can be made:

a. The proposed re-establishment of a nonconforming use would not cause a nuisance to the surrounding properties and district (e.g., excessive parking demand, traffic, noise, etc.).

b. The proposed re-establishment of a nonconforming use would be compatible with the existing general character of the surrounding neighborhood or district.

c. The proposed re-establishment of a nonconforming use is necessary to allow gainful economic use of structures or improvements until such structures or improvements can be permanently converted to conforming uses.

In addition to the above findings, the re-establishment of a discontinued nonconforming use may only be approved by the Planning Commission by way of a conditional use permit, with the above additional findings, if (1) the proposed use lies within 1,000 feet of any residential use or (2) the proposed use would require conditional use permit review under current zoning requirements for the zoning district listed in the zoning map in existence at the time the use became nonconforming. The re-establishment of a discontinued nonconforming use may be approved administratively by Planning Division staff in all other circumstances, contingent on the existence of findings by Planning Division staff that the above listed grounds for re-establishment exist.

2. This Section XI-10-56.03(B) shall become inoperative July 1, 2026, and shall be considered repealed on that date, unless a later enacted ordinance that becomes effective on or before July 1, 2026, deletes or extends that date. All other provisions of Section XI-10-56.03 shall be unaffected by this sunset clause.

C. Expansion of Assembly Uses in the Heavy Industrial (M2) Zoning District.

1. Assembly uses approved after February 7, 2017, that are rendered legally non-conforming may expand in floor area up to 25 percent of existing floor area until December 31, 2020. Such expansions shall require approval of a Site Development Permit and Conditional Use Permit by the Planning Commission in accordance with the provisions of Section 57 "Applications."

XI-10-56.04 Nonconforming Use of Land

1. Continuation of Use. The nonconforming use of land (where no main building is involved), existing at the time the Ordinance codified in this section became effective, may be continued for a period of not more than five (5) years therefrom, provided:

a. That no such nonconforming use of land shall, in any way, be expanded or extended either on the same or adjoining property.

b. That, if such nonconforming use of land, or any portion thereof, is discontinued or changed, any future use of land shall be in conformity with the provisions of this Chapter.

c. That any sign, billboard, commercial advertising structure or statuary, which is lawfully existing and maintained prior to January 26, 1954, may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided, further, that all such nonconforming signs, billboards, commercial advertising structures and statuary, and their supporting members, shall be completely removed from the premises not later than five (5) years from the effective date of the Ordinance codified in this section.

2. Nonconforming Due to Reclassification. The foregoing provisions of this section shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassification of districts under this Chapter or any subsequent change in the regulations of this Chapter; provided, however, that where a period of years is specified in this section for the removal of nonconforming buildings, structures, or uses, said period shall be computed from the date of such reclassification or change.

XI-10-56.05 Nonconforming Parcels

A. Legal Building Site. A nonconforming parcel that does not comply with the applicable lot requirements for the zone (e.g., lot area, lot width, etc.) in which it is located shall be considered a legal building site if it meets at least one of the following:

1. The parcel was created by a recorded subdivision;
2. The parcel is under one ownership and of record, and was legally created by a recorded deed prior to the effective date of the zoning amendment that made the parcel nonconforming; or
3. The parcel was approved through a variance procedure or resulted from a lot line adjustment.

B. Development of Legal Building Sites. A legal building site may be developed provided that any structure or development compiles with the standards for the zone unless standards are specifically waived or altered through a variance or as otherwise allowed by the zoning ordinance.

C. Subdivision or Adjustment of a Nonconforming Parcel. No subdivision or lot line adjustment shall be approved that would increase the nonconformity of an existing parcel.

SECTION 11. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10, SECTION 3.03

The Zoning Map of the City of Milpitas, as amended, which was adopted as part of Ordinance No. 38, enacted as Title XI, Chapter 10, Section 3.03 of the Milpitas Municipal Code ("Zoning Map"), is hereby amended by rezoning the land use designation of only those parcels depicted within the depicted map as attached hereto in **Exhibit A**.

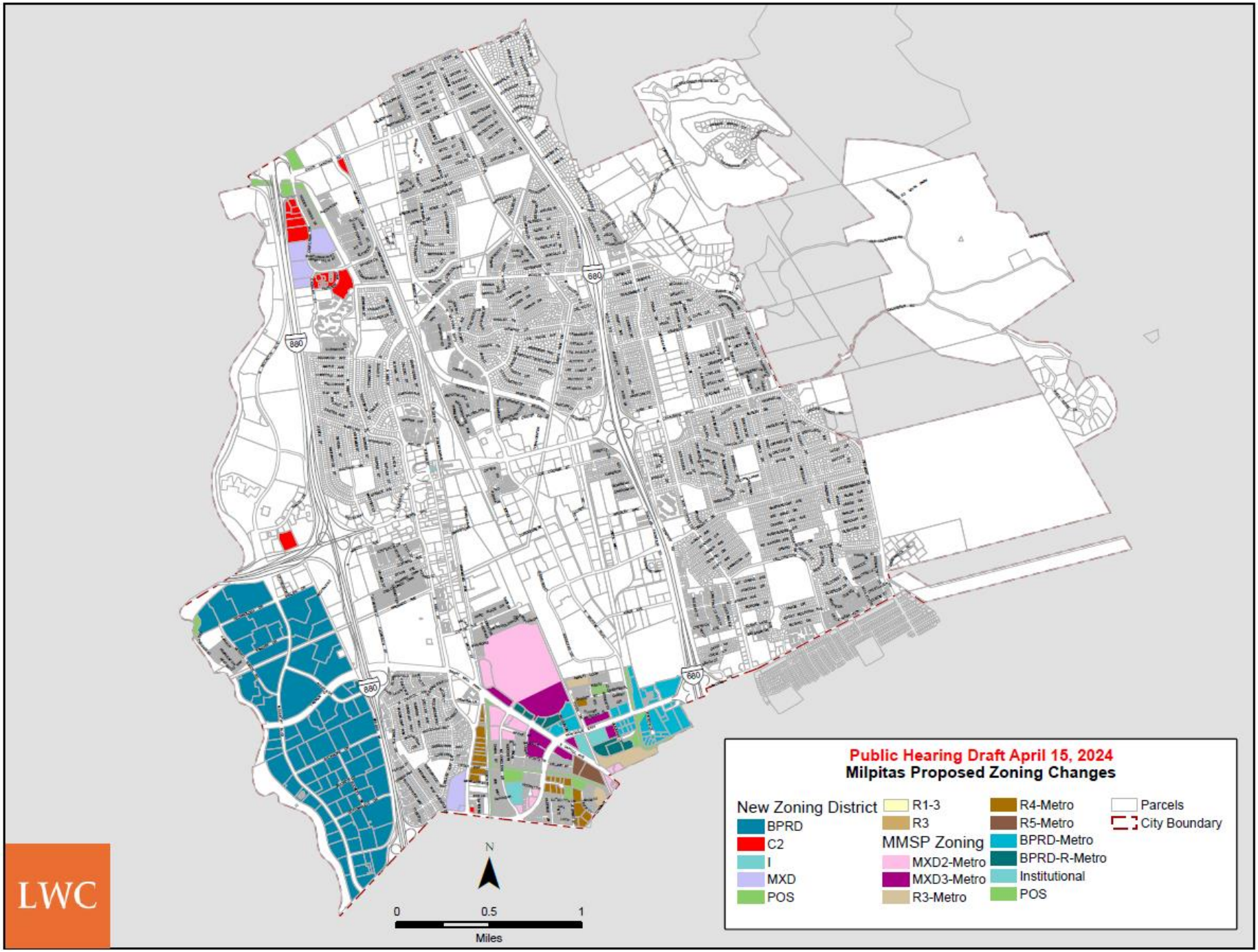
SECTION 12. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision, or part has no effect on the validity of the remainder.

SECTION 13. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The City Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

Exhibit A: Zoning Map Amendments



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CEQA Section 15164 Addendum to the City of Milpitas General Plan Update FEIR and the City of Milpitas Metro Specific Plan Subsequent FEIR To Establish Planning Document Consistency and Evaluate Minor Technical General Plan Amendments City of Milpitas, Santa Clara County, California

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ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACE	Altamont Commuter Express
AIA	Airport Influence Area
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	Best Management Practice
BPRD	Business Park Research and Development
BVMU	Boulevard Very High Density Mixed Use
CAAQS	California Ambient Air Quality Standards
Cal/OSHA	California Occupational Health and Safety Administration
CalEEMod	California Emissions Estimator Model
CAP	Climate Action Plan
CBC	California Building Standards Code
CBSC	California Building Standards Commission
CCA	Community Choice Aggregation
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFC	California Fire Code
CH_4	methane
CHRIS	California Historical Resources Information System
CIP	capital improvement project
CNDDB	California Natural Diversity Database
CO	carbon monoxide
CPUC	California Public Utilities Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
DTSC	California Department of Toxic Substances Control

EIR	Environmental Impact Report
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
FAR	floor area ratio
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
GHG	greenhouse gas
GNC	General Commercial
HRA	Health Risk Assessment
HS	Highway Service
HVAC	heating, ventilation, and air conditioning
IWMP	Integrated Waste Management Plan
LDR	Low Density Residential
LEED®	Leadership in Energy and Environmental Design
LID	Low Impact Development
LOS	Level of Service
LRA	Local Responsibility Area
LUST	Leaking Underground Storage Tank
mgd	million gallons per day
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
mph	miles per hour
MS4	Municipal Separate Storm Sewer System
MTC	Metropolitan Transportation Commission
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NC	Neighborhood Commercial
NCMU	Neighborhood Commercial Mixed Use
ND	Negative Declaration
NFIP	National Flood Insurance Program
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
PG&E	Pacific Gas and Electric Company
PM_{10}	particulate matter less than 10 micrometers in diameter

$PM_{2.5}$	particulate matter less than 2.5 micrometers in diameter
POS	Public Open Space
R&D	research and development
ROG	reactive organic gases
RRMU	Residential Retail High Density Mixed Use
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCFD	Santa Clara County Fire Department
SCH	State Clearinghouse
SCVURPP	Santa Clara Valley Urban Runoff Prevention Program
SFBAAB	San Francisco Bay Area Air Basin
SFEIR	Subsequent Final Environmental Impact Report
SIP	State Implementation Plan
SOI	Sphere of Influence
SR	State Route
SRA	State Responsibility Area
SSMP	Sewer System Management Plan
SVCE	Silicon Valley Clean Energy
SWPPP	Storm Water Pollution Prevention Plan
TAC	Toxic Air Contaminant
TASP	Transit Area Specific Plan
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
UGB	Urban Growth Boundary
URR	Metro Urban Residential
USA	Urban Service Area
USACE	United States Army Corps of Engineers
USGBC	United States Green Building Council
UWMP	Urban Water Management Plan
VHD	Very High Density
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
VTA	Valley Transportation Authority
WMPU	Water Master Plan Update
WPCP	Water Pollution Control Plant
WQMP	Water Quality Management Plan

WSA	Water Supply Assessment
WSCP	Water Shortage Contingency Plan

SECTION 1: INTRODUCTION

This Addendum and attached supporting documents have been prepared to determine whether and to what extent the certified City of Milpitas General Plan 2040 Final Environmental Impact Report (General Plan FEIR, State Clearinghouse Number 2020070348) and the certified City of Milpitas Metro Specific Plan Subsequent Final Environmental Impact Report (Metro Specific Plan SFEIR, SCH #2006032091) remain sufficient to address the potential impacts of proposed updates to zoning districts and the Zoning Map for specific parcels necessary to ensure consistency with the adopted General Plan and Milpitas Metro Specific Plan (Metro Specific Plan), as well as minor technical amendments to the General Plan to ensure cohesive implementation, or whether additional documentation is required under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, *et seq.*).

1.1 - Environmental Checklist

Pursuant to Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164, subd. (a), the following Addendum has been prepared to evaluate the project. This Addendum has been prepared to evaluate the potential environmental effects of the proposed project consistent with the significance thresholds and analysis methods contained in the previously certified EIRs. Accordingly, this Addendum uses the standard environmental checklist categories provided in Appendix G of the CEQA Guidelines but provides answer columns for evaluation consistent with the considerations listed under CEQA Guidelines Section 15162, subd. (a).

1.2 - Environmental Analysis and Conclusions

1.2.1 - CEQA Guidelines Section 15164

CEQA Guidelines Section 15164, subd. (a) provides that the lead agency or a responsible agency shall prepare an Addendum to a previously certified Environmental Impact Report (EIR) or adopted Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR or ND have occurred (CEQA Guidelines § 15164(a)).

An Addendum need not be circulated for public review but can be included in or attached to the FEIR (CEQA Guidelines Section 15164, subd. (c)). The decision-making body shall consider the Addendum and the FEIR prior to making a decision on the project (CEQA Guidelines Section 15164, subd. (d)). An agency must also include a brief explanation of the decision not to prepare a subsequent EIR or ND pursuant to Section 15162 (CEQA Guidelines Section 15164, subd. (e)).

Consequently, once an EIR or ND has been certified or adopted for a project, no subsequent EIR or ND is required under CEQA unless, based on substantial evidence:

1) Substantial changes are proposed in the project which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; [1]
2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR [or ND] . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR [or ND] was certified as complete. . . shows any of the following:
   a. The project will have one or more significant effects not discussed in the previous EIR [or ND];
   b. Significant effects previously examined will be substantially more severe than shown in the previous EIR [or ND];
   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
   d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR [or ND] would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines § 5162(a); see also Public Resources Code [PRC] § 21166).

This Addendum, checklist, and attached documents constitute substantial evidence supporting the conclusion that preparation of a supplemental or subsequent EIR or ND is not required prior to approval of the above-referenced project by responsible and trustee agencies and provides the required documentation under CEQA.

1.2.2 - Findings

There are no substantial changes contemplated by the proposed project, as described in Section 2.3.1, Project Summary, or under the circumstances in which the proposed project will be undertaken that require major revisions of the existing EIRs, or preparation of a new subsequent or supplemental EIR or ND, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the project is consistent with the General Plan FEIR and Metro Specific Plan SFEIR and would involve only minor updates and clarifications necessary to ensure consistency in planning documents.

1.2.3 - Conclusions

The Milpitas City Council may approve the proposed project, as described in Section 2.3.1, Project Summary, based on this Addendum. The impacts of the proposed project remain consistent with the

[1] CEQA Guidelines Section 15382 defines "significant effect on the environment" as " . . . a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance . . ." (see also Public Resources Code, Section 21068).

impacts previously analyzed in the certified General Plan FEIR and Metro Specific Plan SFEIR (CEQA Guidelines Section 15061, subd. (b)(3)).

The proposed project does not require any substantial revisions to the General Plan FEIR or Metro Specific Plan SFEIR. No new significant information or changes in circumstances surrounding the proposed project have occurred since the certification of the General Plan FEIR or Metro Specific Plan SFEIR. The previous analysis completed for the General Plan Update FEIR and Metro Specific Plan SFEIR remain adequate under CEQA.

1.3 - Mitigation Monitoring Program

The General Plan FEIR does not identify any significant unavoidable impacts. Accordingly, it does not contain any mitigation measures. Rather, the General Plan identifies policies that, when implemented, would avoid or minimize potential impacts. Therefore, preparation of a Mitigation Monitoring and Reporting Program (MMRP) was not required as part of the approval of the General Plan.

The Metro Specific Plan SFEIR contained several mitigation measures related to air quality, greenhouse gas (GHG) emissions, and noise that when implemented would avoid or minimize potential impacts. Therefore, an MMRP was prepared in conjunction with certification of the Metro Specific Plan SFEIR. Mitigation measures relevant to the proposed project are referenced throughout Section 3, CEQA Checklist.

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SECTION 2: PROJECT DESCRIPTION

The proposed project includes amendments to the Zoning Ordinance to ensure conformity with the City of Milpitas General Plan 2040 (General Plan) and Metro Specific Plan, which were recently updated. Additionally, the proposed project includes rezoning of certain parcels, revisions to zoning districts, and minor technical amendments to the General Plan Land Use Element and General Plan Land Use Map to ensure vertical consistency among the City's planning documents.

Government Code Section 65860 requires a city's zoning ordinance to be consistent with the general plan. When a Zoning Ordinance becomes inconsistent due to a general plan amendment, the City must enact a consistent Zoning Ordinance within a "reasonable time," pursuant to Government Code Section 65860(c). Accordingly, the proposed project identifies parcels that require rezoning to ensure conformity with the current General Plan land use designations.

2.1 - Location and Setting

The project site consists of a portion of the General Plan Planning Area (Planning Area) as well as the Metro Specific Plan Area (Exhibit 1). The Planning Area encompasses the city limits, Sphere of Influence (SOI), and Urban Growth Boundary (UGB), also known as the Urban Service Area (USA), and is approximately 12,327 acres or approximately 19.3 square miles (Exhibit 2). It is bounded by San Francisco Bay and Santa Clara County (west), the City of Fremont (north), unincorporated Santa Clara County (east), and the City of San Jose (south). In addition, there are mountain ranges and wilderness areas to the east. The Planning Area is located on the Milpitas, California United States Geological Survey 7.5-Minute topographic quadrangle map, Township 6 South, Range 1 East, Section 00 (Latitude 37° 25' 56" North; Longitude 121° 53' 58" West).

The proposed project involves lands that are generally urbanized, including industrial, commercial, and residential land uses. The proposed rezonings would involve lands primarily within the southwestern and northwestern portions of the Planning Area. Additionally, parcels within the Metro Specific Plan Area as well as certain individual parcels in the center of the Planning Area would be rezoned.

2.2 - Project Background

As noted, this Addendum evaluates whether the General Plan FEIR and the Metro Specific Plan SFEIR remain sufficient to address the potential impacts of the proposed project. This section provides background and context for these two foundational documents.

2.2.1 - City of Milpitas General Plan 2040

The General Plan, the City's current long-range planning document, was adopted by the Milpitas City Council on March 9, 2021.

The General Plan establishes goals, policies, and actions to guide the future growth and development of the City. The General Plan's key objectives include (1) protecting and enhancing the

unique character of the community, (2) promoting efficient use of limited land resources, (3) fostering strategic land use decisions, and (4) facilitating the use of alternative transportation options. It also establishes the City's current Land Use Designations (Exhibit 2).

The General Plan buildout numbers for population, dwelling units, and employment are summarized in Table 1.

Table 1: General Plan Buildout Estimates

Category	General Plan Buildout Estimate
Population	113,530
Dwelling Units	33,401
Employment[1]	84,333

Notes:
[1] Number of jobs in the City.
Source:
City of Milpitas. 2021. Milpitas 2040 General Plan Update FEIR. Website: https://www.milpitas.gov/DocumentCenter/View/1168/Draft-EIR-PDF?bidId=. Accessed August 9, 2023.

The General Plan established a new Business Park Research and Development (BPRD) land use designation. To ensure consistency, a corresponding zoning district—BPRD—is proposed as part of this project.

City of Milpitas General Plan 2040 Final Environmental Impact Report

In conjunction with the City's adoption of the General Plan, on March 9, 2021, the City Council certified the General Plan FEIR (State Clearinghouse No. 2020070348), which analyzed the potential environmental impacts associated with implementation of the General Plan.

2.2.2 - Milpitas Metro Specific Plan

The General Plan designates the Metro Specific Plan Area and mandates the maintenance and implementation of the Metro Specific Plan through Action LU-2a.

The Milpitas Transit Area Specific Plan (TASP) was adopted in 2008. The Metro Specific Plan was adopted by the Milpitas City Council on February 7, 2023, as an update to the TASP. The purpose of the Metro Specific Plan is to create consistency between the TASP and the General Plan.

The Metro Specific Plan increased the TASP area from approximately 437 acres to approximately 510 acres, through annexation of lands to the east and west. The long-term objective of the Metro Specific Plan is to continue to accelerate the transformation of the area to a vibrant, connected, and fully developed, transit-oriented neighborhood. The Metro Specific Plan encompasses land located in the southeastern portion of the City.

The Metro Specific Plan buildout numbers for dwelling units, office, retail, and hotel rooms are provided in Table 2.

Table 2: Metro Specific Plan Buildout Estimates

Category	General Plan Buildout Estimate
Dwelling Units	14,577
Office (Square Feet)	4,050,000
Retail (Square Feet)	2,540,000
Hotel (Rooms)	1,342
Sources: City of Milpitas. 2022. Milpitas Metro Specific Plan Draft Subsequent EIR. Website: https://www.milpitas.gov/DocumentCenter/View/1184. Accessed August 9, 2023.	

The City utilizes specific plans to implement the policies of the General Plan in defined areas. The proposed project is partially located in the Metro Specific Plan Area. Development within the Metro Specific Plan Area is required to follow the policies and actions of the General Plan. It also contains policies and actions specific to the Metro Specific Plan Area that do not apply to the remainder of the Planning Area. As such, there are policies, actions, and mitigation measures relevant to the proposed project which only apply to the Metro Specific Plan Area portion of the project site.

The Metro Specific Plan established seven land use classifications specific to the Metro Specific Plan Area (Exhibit 3):

1. Metro Residential Retail High Density Mixed Use (RRMU)
2. Metro Boulevard Very High Density Mixed Use (BVMU)
3. Metro Multi-Family High Density Residential (MFH)
4. Metro Multi-Family Very High Density Residential (VHD)
5. Metro Urban Residential (URR)
6. Metro Business Park Research and Development (BPRD)
7. Metro Business Park Research and Development, Limited Residential (BPRD-R)

Implementation of Metro Specific Plan requires updates to the City's Zoning Map (Exhibit 4) and the City of Milpitas Zoning Ordinance (Zoning Ordinance), which are undertaken as part of the proposed project.

City of Milpitas Metro Specific Plan Subsequent Final Environmental Impact Report

In conjunction with the City's adoption of the Metro Specific Plan on February 7, 2023, the City Council certified the Metro Specific Plan SFEIR (State Clearinghouse No. 2006032091), which analyzed the potential environmental impacts associated with implementation of the Metro Specific Plan.

The Metro Specific Plan SFEIR tiered from the TASP FEIR (State Clearinghouse No. 2006032091), which was certified in May 2008. The Metro Specific Plan SFEIR used analysis and information provided in the TASP FEIR to inform the analysis contained therein.

2.2.3 - Milpitas Zoning Ordinance

The current Zoning Ordinance was originally adopted in 1955 and was last updated in 2008. Accordingly, the Zoning Ordinance is not currently consistent with City-approved planning documents. The proposed project would ensure consistency with the General Plan and Metro Specific Plan by making amendments to the Zoning Ordinance, where needed, to conform to the current land use designations.

2.3 - Project Characteristics

2.3.1 - Project Summary

The proposed project would update the Zoning Ordinance and Zoning Map and would also implement minor technical amendments to the General Plan Land Use Element and General Plan Land Use Map to ensure vertical consistency among the City's planning documents.

Zoning Ordinance and Zoning Map Updates

The proposed project would include updates to the City's current Zoning Ordinance, zoning districts, and Zoning Map to ensure conformity with current General Plan and Metro Specific Plan land use designations.

The land use designations include a new BPRD General Plan land use designation, as well as seven Metro Specific Plan land use designations (RRMU; BVMU; MFH; VHD; URR; BPRD; and BPRD-R). All of these land use designations were thoroughly analyzed in the environmental documents certified by the City before approving the General Plan and Metro Specific Plan.

To ensure consistency with the approved General Plan and Metro Specific Plan, the proposed project would include updates to zoning districts along with specific development standards that would implement the purpose and goals of the General Plan and Metro Specific Plan land use designations, facilitating mixed-use, commercial, industrial, residential, and transit-oriented development in key opportunity areas within the General Plan Planning Area and Metro Specific Plan Area (as shown in Exhibits 5, 5a, 5b, 5c, and 5d).

As shown in Appendix A, the proposed project also includes minor technical clarifications to existing policies to facilitate implementation of the approved General Plan. None of these clarifications would result in impacts to the physical environment.

Proposed Zoning Districts Implementing the General Plan

The proposed conforming updates to the zoning districts and development standards for the Planning Area necessary to bring them into alignment with the General Plan are described below:

- **Business Park Research and Development (BPRD) Zone:** The BPRD District includes important employment centers, business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses. The BPRD District would also include the integration of research and development, office, warehouse, and light manufacturing uses on consolidated sites with supportive ancillary uses.

Proposed Zoning Districts Implementing the Metro Specific Plan

The proposed conforming updates to the zoning districts and development standards necessary to bring them into alignment with the Metro Specific Plan Area are described below:

- **Metro Multi-Family High Density Residential (R3-Metro) Zoning District**: The R3-Metro District includes High Density Residential areas (30 to 40 dwelling units per acre) with a mix of multi-family unit types and small-scale neighborhood businesses. The R3-Metro District implements the Multi-Family High Density Residential (MFH) land use designation as described in the Metro Specific Plan.
- **Metro Multi-Family Very High Density Residential (R4-Metro) Zoning District:** The R4-Metro District includes very high-density residential areas (40 to 85 dwelling units per acre) with low- and mid-rise multi-family residential buildings and compatible commercial uses. The R4-Metro District is intended to provide for higher density residential "villages" structured around transit station, streets, creek side open spaces, trails, and parks. The R4-Metro District implements the Multi-Family Very High Density Residential (VHD) land use designation as described in the Metro Specific Plan.
- **Metro Urban Residential (R5-Metro) Zoning District:** The R5-Metro District includes very high-density residential areas (70 to 120 dwelling units per acre) with high-rise residential buildings and compatible commercial uses located around transit stations. The R5-Metro District implements the Urban Residential (URR) land use designation as described in the Metro Specific Plan.
- **Metro High Density Mixed Use (MXD2-Metro) Zoning District:** The MXD2-Metro District includes a mix of retail, restaurant, entertainment, and commercial service uses on the ground floor and residential or office uses on upper stories. The MXD2-Metro District includes mixed-use floor area ratios (FARs) between 1.0 and 2.5 and residential densities between 40 to 85 dwelling units per acre. The MXD2-Metro District implements the Residential Retail Mixed Use (RRMU) land use designation as described in the Metro Specific Plan.
- **Metro Very High Density Mixed Use (MXD3-Metro) Zoning District:** MXD3-Metro District includes urban areas with a mix of very high-density housing, retail, and employment uses. The MXD3-Metro District includes mixed-use FARs between 2.5 and 5.0 and residential densities between 85 to 250 dwelling units per acre. The MXD3-Metro District implements the Boulevard Very High Density Mixed Use (BVMU) land use designation as described in the Metro Specific Plan.
- **Metro Business Park Research and Development, Limited Residential (BPRD-R-Metro) Zone:** The BPRD-R-Metro District includes important employment centers, especially for jobs in the high-tech industry, with limited, integrated residential development (mixed-use FARs in the

range of 1.0 to 5.0). The BPRD-R-Metro District includes business parks, high-intensity office buildings, advanced manufacturing, other light industrial uses, and limited residential uses. The BPRD-R-Metro District implements the Business Park Research and Development, Limited Residential (BPRD-R) land use designations as described in the Metro Specific Plan.

- **Metro Business Park Research and Development (BPRD-Metro) Zone:** The BPRD-Metro District includes important employment centers, business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses. The BPRD-Metro District includes FARs between 1.0 and 2.5, with additional FAR up to 4.0 for properties within 1,000 feet of the Milpitas Transit Center. The BPRD-Metro District implements the Business Park Research and Development Lower Intensity and Higher Intensity (BPRD-L and BPRD-H) land use designations as described in the Metro Specific Plan.

Existing Zoning Districts Undergoing Zoning Map Updates

In addition to the new zoning districts described above, certain other parcels within the City would be rezoned for the purpose of ensuring consistency with their corresponding land use designations as identified in the updated General Plan. The existing zoning districts undergoing increases in acreage as part of the updates to the Zoning Map and development standards are described below:

- **General Commercial (C2) Zone:** The purpose of the C2 District is to provide for general commercial needs of neighborhood areas of the City and to promote stable, attractive commercial development. Permitted uses include those which primarily provide for day-to-day shopping needs, such as grocery stores, offices, restaurants, and certain other stores. The C2 District corresponds to the Neighborhood Commercial Mixed Use (NCMU) and General Neighborhood Commercial (GNC) land use designations. The C2 District allows a FAR of 0.5.
- **Mixed Use District (MXD) Zone:** The purpose of the MXD District is to encourage a compatible mix of residential, retail, entertainment, office, and commercial services within a pedestrian-oriented streetscape. Permitted uses include those which provide an “around-the-clock-environment” with urban open areas that serve multiple purposes and can be used for special events. Residential uses within the MXD District have a minimum of 21 dwelling units per gross acre and a maximum of 30 dwelling units per gross acre.
- **Park and Public Open Space (POS) Zone:** The POS District provides for public open space and recreational uses to preserve environmentally sensitive areas and accommodate community service or recreational facilities. Permitted uses include public parks, recreational facilities, public trails, and public community gardens.
- **Single-Family Residential (R1) Zone:** The purpose and intent of this zone is to stabilize and protect the residential characteristics of the City’s single-family neighborhoods and to promote and encourage a suitable environment for family life. The R1 District is intended for the suburban family home and the service appurtenant thereto. One dwelling unit per lot is allowed and allowable lot sizes vary.
  - **R1-3**: The R1-3 Zone requires a minimum 3,000 square-foot lot area and specific setback requirements. Residential uses within the R1-3 Zone have a minimum of three dwelling units per gross acre and a maximum of 14.52 dwelling units per gross acre.

- **Multi-Family High Density Residential (R3) Zone:** The purpose and intent of this zone is to stabilize and protect the residential characteristics of the City's high-density multi-family neighborhoods and to promote, insofar as compatible with the intensity of land use, a suitable environment for family life. Lots in this zoning district must be at least 8,000 square feet and there must be a minimum of 2,000 square feet per dwelling unit.
- **Institutional Zone (I):** The purpose and intent of the Institutional District is to encourage the orderly development of public service and educational uses in the community and to ensure their presence as a vital part of the neighborhood balance. This zone conditionally permits correctional facilities, private universities, government offices, public hospitals, public libraries, parks, museums, public service uses, etc. Mobile food vending and temporary seasonal sales are permitted by right.

The existing zoning districts undergoing decreases in acreage as part of the updates to the Zoning Map and development standards are described below:

- **Single-Family Residential (R1) Zone:** The purpose and intent of this zone is to stabilize and protect the residential characteristics of the City's single-family neighborhoods and to promote and encourage a suitable environment for family life. The R1 District is intended for the suburban family home and relevant services. One dwelling unit per lot is allowed and allowable lot sizes vary.
  - **R1-2.5:** The R1-2.5 Zone requires a minimum 2,500-square-foot lot area and specific setback requirements. Residential uses within the R1-2.5 Zone have a minimum of three dwelling units per gross acre and a maximum of 15 dwelling units per gross acre.
  - **R1-6:** The R1-6 Zone requires a minimum 6,000 square-foot lot area and specific setback requirements. Residential uses within the R1-6 Zone have a minimum of three dwelling units per gross acre and a maximum of 7.26 dwelling units per gross acre.
  - **R1-10:** The R1-10 Zone requires a minimum 10,000 square-foot lot area and specific setback requirements. Residential uses within the R1-10 Zone have a minimum of three dwelling units per gross acre and a maximum of 4.36 dwelling units per gross acre.
- **Multi-Family Very High Density Residential (R4) Zone:** The purpose and intent of the R4 Zone is to stabilize and protect the residential characteristics of the City's high-density multi-family residential areas and to promote a suitable residential environment. The R4 District is intended to provide for higher density residential villages structured around transit stations, streets, creek side open spaces, trails, and parks. Residential uses within the R4 Zone have a minimum of 31 dwelling units per gross acre and a maximum of 40 dwelling units per gross acre.
- **Light Industrial (M1) Zone:** The M1 Zone is reserved for the construction, use, and occupancy of facilities for office, research, limited and light manufacturing, and other compatible uses. The M1 Zone allows a maximum FAR of 0.4.
- **Industrial Park (MP) Zone:** The MP Zone is reserved for the construction, use, and occupancy of facilities for office, research, general manufacturing, warehousing and distribution, and other compatible uses. The MP Zone allows a maximum FAR of 0.5.

- **Agricultural (A) Zone:** The purpose and intent of the A Zone is to preserve lands best suited for agricultural use from the encroachment of incompatible uses and to preserve in agricultural use land suited to eventual development in other uses.
- **Highway Services (HS) Zone:** The purpose and intent of the HS Zone is to provide for the wide range of personal and business services primarily oriented to the automobile customer and transient residential uses such as motels or mobile home parks. The HS Zone allows a maximum FAR of 0.5.
- **Neighborhood Commercial (C1) Zone:** The purpose and intent of the C1 Zone is to provide for general commercial needs of neighborhood areas of the City and to promote stable, attractive commercial development, which will afford a pleasant shopping environment and complement the essential residential character of the neighborhood. The C1 Zone currently allows a maximum FAR of 0.35.

Existing Land Use Designations vs. Proposed Zoning Districts

Table 3 and Table 4, as well as Exhibit 6a, demonstrate the changes in maximum density allowed for the parcels not within the Metro Specific Plan Area. Tables 3 and 4 calculate the maximum development allowed for the parcels being evaluated. However, there are a number of factors that can limit the actual density constructed; actual buildout would likely occur at levels below the maximum allowed. By statute, zoning actions, development agreements, and tentative maps all must be consistent with the general plan. (Government Code §§ 65680 [zoning], 65867.5 [development agreements], and 66473.5 [tentative maps]; see also *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 536 [zoning]) Accordingly, for purposes of this analysis, the maximum density for the parcels not within the Metro Specific Plan is assumed to be limited by the applicable General Plan density range. As such, the potential maximum density and intensity of development would remain the same for every parcel with proposed zoning changes.

Table 3: Change in Maximum Units at Buildout of the Proposed Project for Residential Parcels not Within the Metro Specific Plan Area

Land Use Designation	Existing Total Acreage	Density Range for Land Use Designation	Maximum Buildout of Units	Corresponding Zoning District	Proposed Total Acreage	Density of Zoning District
HDR	230.10	16-30 du/ac	6,903 du	R3	274.82	12-20 du/ac
MDR	271.57	6-15 du/ac[1]	4,074 du	R2	129.49	7-11 du/ac
				R1-2.5	6.25	3-15 du/ac
				R1-3	113.08	3-14.52 du/ac
				R1-4	20.05	3-10.89 du/ac
				R1-5	3.02	3-8.71 du/ac
LDR	1,455.26	3-5 du/ac[2]	7,276 du	R1-6	1,357.13	3-7.26 du/ac
				R1-10	84.13	3-4.36 du/ac
VHDR	21.78	31-40 du/ac	871 du	R4	115.59	31-40 du/ac

Land Use Designation	Existing Total Acreage	Density Range for Land Use Designation	Maximum Buildout of Units	Corresponding Zoning District	Proposed Total Acreage	Density of Zoning District
NCMU[3, 4]	70.27	29 du/ac	2,038 du	MXD	51.455	21-30 du/ac
Total	2,048.98	—	21,162 du	—	2,155.015	—

Notes:
All values are approximate.
ac = acre
du = dwelling units
FAR = floor area ratio
HDR = High Density Residential
LDR = Low Density Residential
MDR = Medium Density Residential
NCMU = Neighborhood Commercial Mixed-Use
sf = square feet
VHDR = Very High Density Residential

[1] As described below, the proposed project would also update the minimum allowable density for the Medium Density Residential (MDR) land use designation from 6-15 du/ac to 7-15 du/ac.

[2] As described below, the proposed project would also update the maximum allowable density for the Low Density Residential (LDR) land use designation from 3-5 du/ac to 3-7 du/ac.

[3] The NCMU land use designation and MXD zone are mixed use, and therefore, allow for both residential and nonresidential development. For the purpose of simplifying this calculation, it is assumed that 50 percent of the acreage for both the existing NCMU land use designation and the proposed MXD zone would be residential, and 50 percent of the acreage would be nonresidential. Therefore, 50 percent of the acreage for the existing NCMU land use designation (70.27 acres) and 50 percent of the acreage for the proposed MXD zone (51.455) are analyzed in this table, utilizing their corresponding development standards. The remaining 50 percent of the acreage is analyzed in Table 4, below, utilizing the corresponding development standards.

[4] The NCMU land use designation includes multiple implementing zoning districts, including C1, C2, CO, and MXD. For the purposes of simplifying this calculation, this table and Table 4, below, utilize the MXD Zone and C1 Zone as the only implementing zones. C1 and CO both correspond with other land use designations analyzed in Table 4, below.

Table 4: Change in Square Footage at Buildout of the Proposed Project for Nonresidential Parcels not Within the Metro Specific Plan Area

Land Use Designation	Existing Total Acreage	FAR	Square Footage at Maximum Buildout	Corresponding Zoning District	Proposed Total Acreage	Maximum Allowable FAR
BPRD[1]	518.13	2.5	56,424,357 sf	BPRD	485.15	2.5
GNC	154.59	0.5	3,366,970.2 sf	HS[2]	89.96	0.50
				CO[3]	13.4	0.50
NC	27.39	0.75	894,831.3 sf	C1[4]	59.25	0.35
MFG	499.73	1.0	21,768,238.8 sf	M1	20.58	0.40
				M2	583.79	0.40
INP	231.20	1.0	10,071,072 sf	MP[5]	260.34	0.50
NCMU[7]	70.27	0.75	2,295,720.9 sf	C2[6]	246.76	0.50
				MXD	51.455	0.75
Total	2,701.15	—	94,821,190.2 sf	—	1,510.685	—

Land Use Designation	Existing Total Acreage	FAR	Square Footage at Maximum Buildout	Corresponding Zoning District	Proposed Total Acreage	Maximum Allowable FAR

Notes:
All values are approximate.
The Agricultural District (A), Institutional Zoning District (I), Waterways, and Public Open Space (POS) District are not represented in this table because they do not have development standards, and therefore would not serve this calculation.
BPRD = Business Park Research Development
FAR = floor area ratio
GNC = General Neighborhood Commercial
INP = Industrial Park
MFG = Manufacturing
NC = Neighborhood Commercial
NCMU = Neighborhood Commercial Mixed-Use
sf = square feet

[1] The BPRD land use designation includes multiple implementing zoning districts, including BPRD and MP. For the purposes of simplifying this calculation, this table utilizes the BPRD zone as the only implementing zone because MP corresponds to the INP land use designation as well.
[2] The HS Zone implements multiple land use designations including GNC and NC. For the purposes of simplifying this calculation, this table utilizes the GNC land use designation as the only associated land use designation because NC corresponds with other districts. Additionally, the development standards of the HS Zone were most consistent with the development standards of the GNC land use designation.
[3] The CO zone implements multiple land use designations including NCMU, GNC, and NC. For the purposes of simplifying this calculation, this table utilizes the GNC land use designation as the only associated land use designation because NCMU and NC both correspond with other districts. Additionally, the development standards of the CO zone were most consistent with the development standards of the GNC land use designation.
[4] The C1 Zone implements multiple land use designations including NCMU and NC. For the purposes of simplifying this calculation, this table utilizes the NC land use designation as the only associated land use designation because NCMU also corresponds with the MXD zone.
[5] The MP zone implements multiple land use designations including BPRD and INP. For the purposes of simplifying this calculation, this table utilizes the INP land use designation as the only associated land use designation because the BPRD land use designation more directly corresponds with the BPRD zone.
[6] The NCMU land use designation and MXD zone are mixed use, and, therefore, allow for both residential and nonresidential development. For the purpose of simplifying this calculation, it is assumed that 50 percent of the existing acreage for both the NCMU land use designation and the proposed MXD zone would be residential, and 50 percent of the existing NCMU acreage would be nonresidential. Therefore, 50 percent of the acreage for the existing NCMU land use designation (70.27 acres) and 50 percent of the acreage for the proposed MXD zone (51.455) are analyzed in Table 3, above, utilizing their corresponding development standards. The remaining 50 percent of the acreage is analyzed in this table, utilizing the corresponding development standards for nonresidential development.
[7] The C2 zone is an implementing zone for multiple land use designations, including NCMU, GNC, and NC. For the purposes of simplifying this calculation, this table utilizes the NCMU land use designation as the only associated land use designation because GNC and NC both correspond with other districts. Additionally, the majority of parcels being rezoned would correspond to the NCMU land use designation.

As shown in Table 5, as well as Exhibit 6b, the proposed zones within the Metro Specific Plan Area would directly implement the existing Metro Specific Plan land use designations with the same allowable density ranges. As such, buildout would be equivalent to what was evaluated and approved in the Metro Specific Plan.

Table 5: Metro Specific Plan Land Use Designations and Proposed Zones Within the Metro Specific Plan Area

Metro Specific Plan Land Use Designation	Proposed Metro Zones	FAR/Density of Land Use Designation
RRMU-Metro	MXD2-Metro	40-85 du/ac 1.0-2.5 FAR
BVMU-Metro	MXD3-Metro	85-250 du/ac
MFH-Metro	R3-Metro	30-40 du/ac
VHD-Metro	R4-Metro	40-85 du/ac
URR-Metro	R5-Metro	70-120 du/ac
BPRD-Metro	BPRD-Metro	1.0-2.5 FAR 4.0 FAR for properties within 1,000 feet of the Milpitas Transit Center[1]
BPRD-R-Metro	BPRD-R	1.0-5.0 FAR for Mixed-use 1.0 FAR for office and R&D
PF-Metro	I-Metro	N/A
POS-Metro	POS	N/A

Notes:
du/ac = density units per acre
FAR = floor area ratio
[1] Allowable FAR utilizes a sliding scale for FAR based on distance from the Milpitas Transit Center between 2.5 and 4.0 FAR.

General Plan Amendments

As part of the proposed project, 294 parcels would undergo land use updates to establish consistency between the General Plan Land Use Map and updated Zoning Map (Exhibit 7). Also, the Neighborhood Commercial (C1) Zoning District would no longer be considered an implementing Zone for the GNC Land Use Designation. The C1 Zone would be an implementing zone for the NC Land Use Designation only.

The proposed project would also clarify the allowed residential density of several General Plan land use designations, so they are consistent and aligned with the allowed density of the corresponding zoning districts. The proposed project would incrementally increase the allowable density for the Low Density Residential (LDR) land use designation from 3-5 du/ac to 3-7 du/ac, but would not exceed the corresponding zoning density, which allows for 3-15 du/ac (Table 3).

The proposed project would also update the minimum allowable density for the Medium Density Residential (MDR) land use designation from 6-15 du/ac to 7-15 du/ac. The maximum density would not be impacted. Table 6 illustrates seven of the parcels undergoing General Plan land use designation updates. Six of the parcels would be converted to the Permanent Open Space (POS) land use designation, thereby reducing the overall allowable intensity of development.

Table 6: General Plan Land Use Map Amendments

Assessor's Parcel Number (APN)	Current General Plan Land Use	Density	Proposed General Plan Land Use	Density
8319027	Business Park/Research and Development (BPRD)	2.5 FAR	Public Facilities (PF)	N/A
2259085	High Density Residential (HDR)	16-30 du/ac	POS	N/A (Open Space)
2201021	Manufacturing (MFG)	1.0 FAR	POS	N/A (Open Space)
2239002	Industrial Park (INP)	1.0 FAR	POS	N/A (Open Space)
8326002	Milpitas Gateway-Main Street Specific Plan (MGSP)	N/A	POS	N/A (Open Space)
8327051	MGSP	N/A	POS	N/A (Open Space)
8334002	MGSP	N/A	POS	N/A (Open Space)
Notes: APN = Assessor's Parcel Number				

Furthermore, 287 parcels, totaling approximately 12.04 acres and currently designated MDR in the General Plan would be updated to High Density Residential (HDR) to ensure consistency between the General Plan Land Use Map, Zoning Ordinance, and actual built form/density. The parcels are currently zoned R3, which would align with the HDR land use designation. Note that these parcels are largely built out, and updates to the land use designation would be consistent with the City's planning documents. Therefore, these updates would not be expected to result in any significant development.

Lastly, the BPRD land use designation description included in the approved General Plan would undergo the following minor change shown in strikethrough:

> The Business Park Research & Development (BPRD) is intended to accommodate business parks, high-intensity office buildings, light manufacturing parks, and light industrial areas that provide for a variety of businesses that support employment opportunities and services for Milpitas and the region. The BPRD designation would enable the integration of research and development, office, ~~small~~ warehouse and light manufacturing uses in one location, and allows existing firms to grow/expand operations on-site.

This change would not impact relevant development standards such as building height or FAR and thus, would not impact intensity and density of development.

Project Summary

The proposed project would update the Zoning Map, the General Plan Land Use Map, and some General Plan and Zoning Ordinance text. However, as explained above, overall land uses, density, and intensity at full buildout of the City would remain relatively the same as previously evaluated in the approved General Plan and Metro Specific Plan.

2.4 - Discretionary Approvals

The proposed project requires the following discretionary approvals from the City of Milpitas:

- Approval of General Plan Amendments
- Approval of Zoning Ordinance Amendments
- Approval of Zoning Map Amendments

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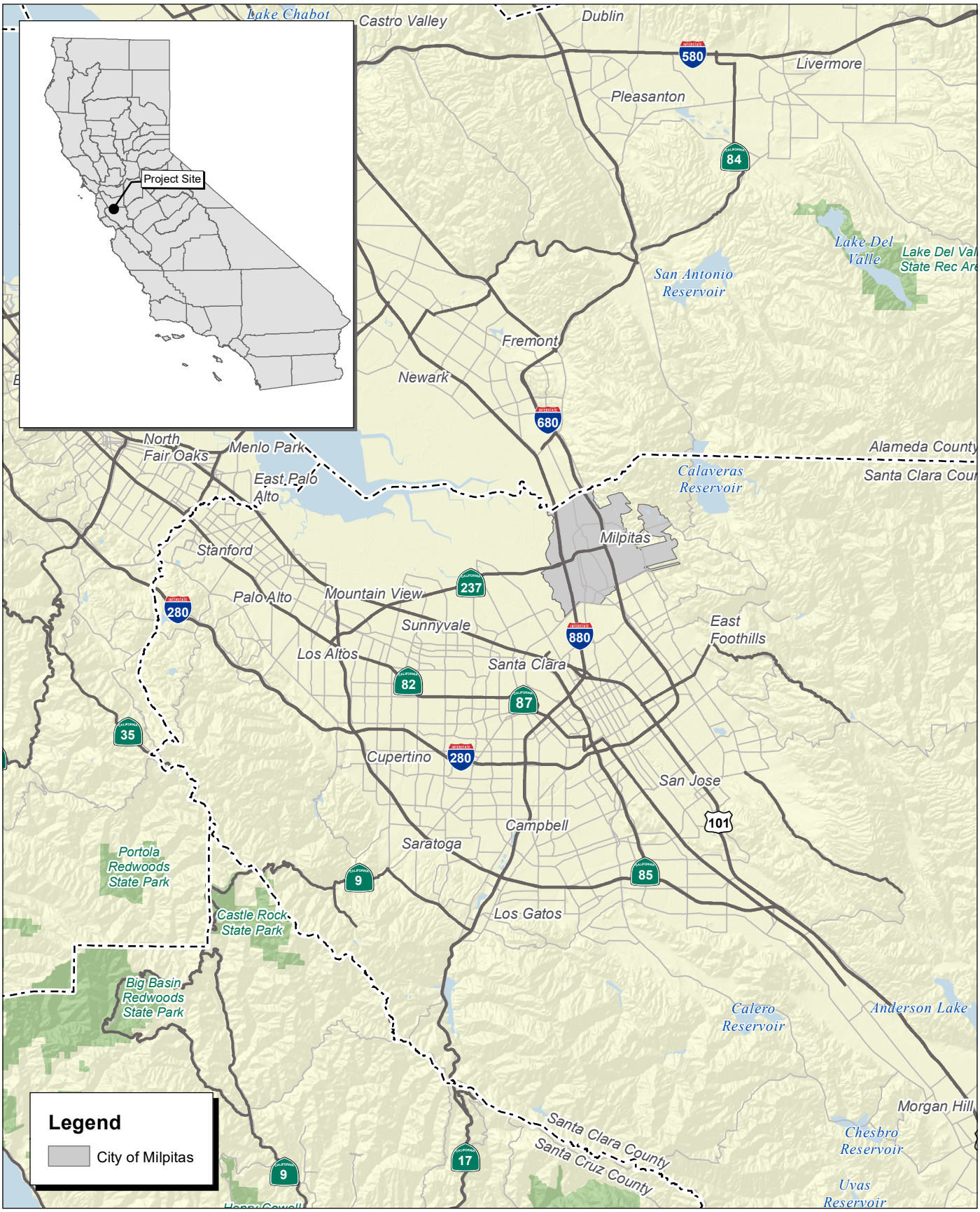

Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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Exhibit 1
Regional Location Map

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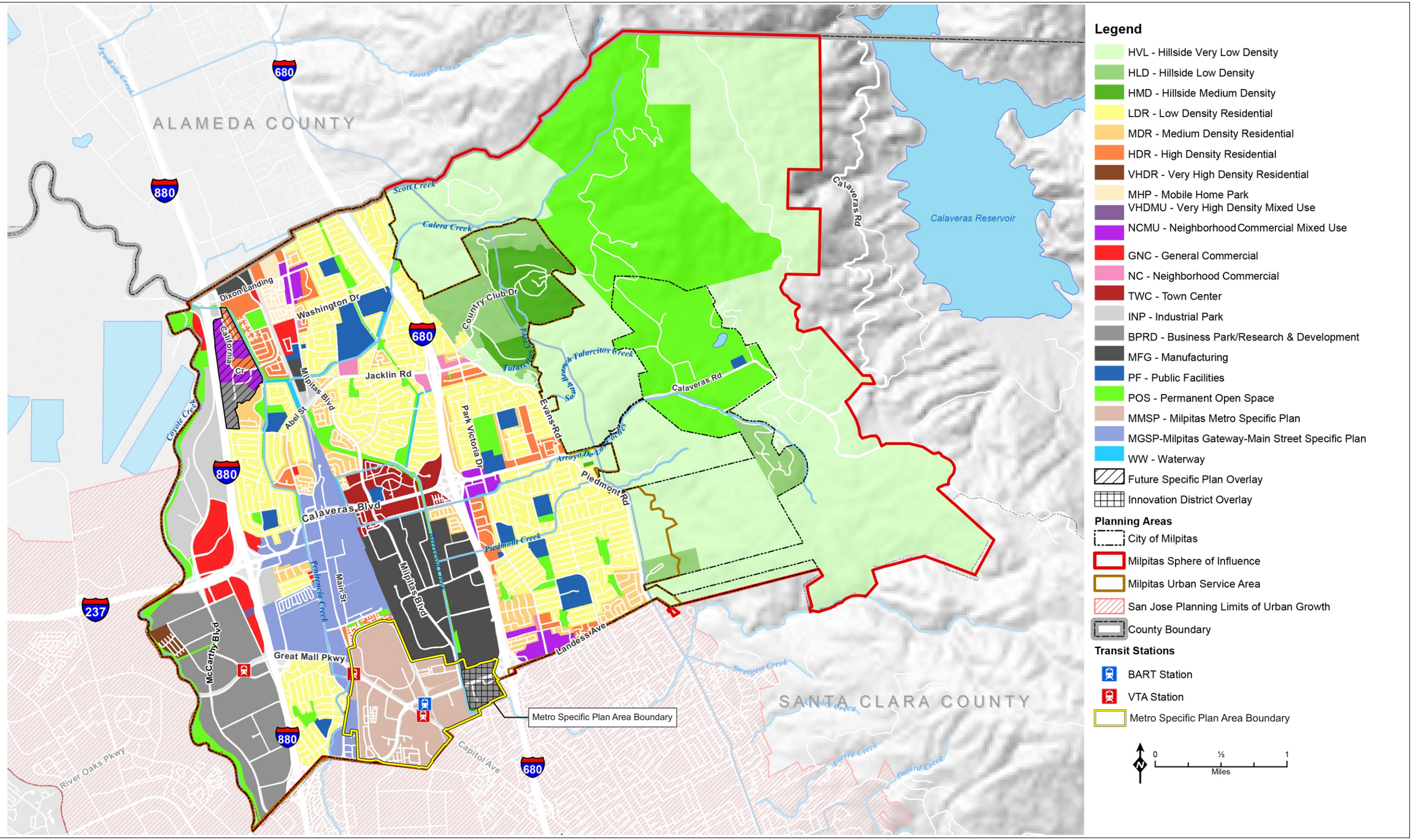

Source: City of Milpitas; Santa Clara County; USGS; CalAtlas. August 4, 2020..

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Exhibit 2
General Plan Land Use Designations

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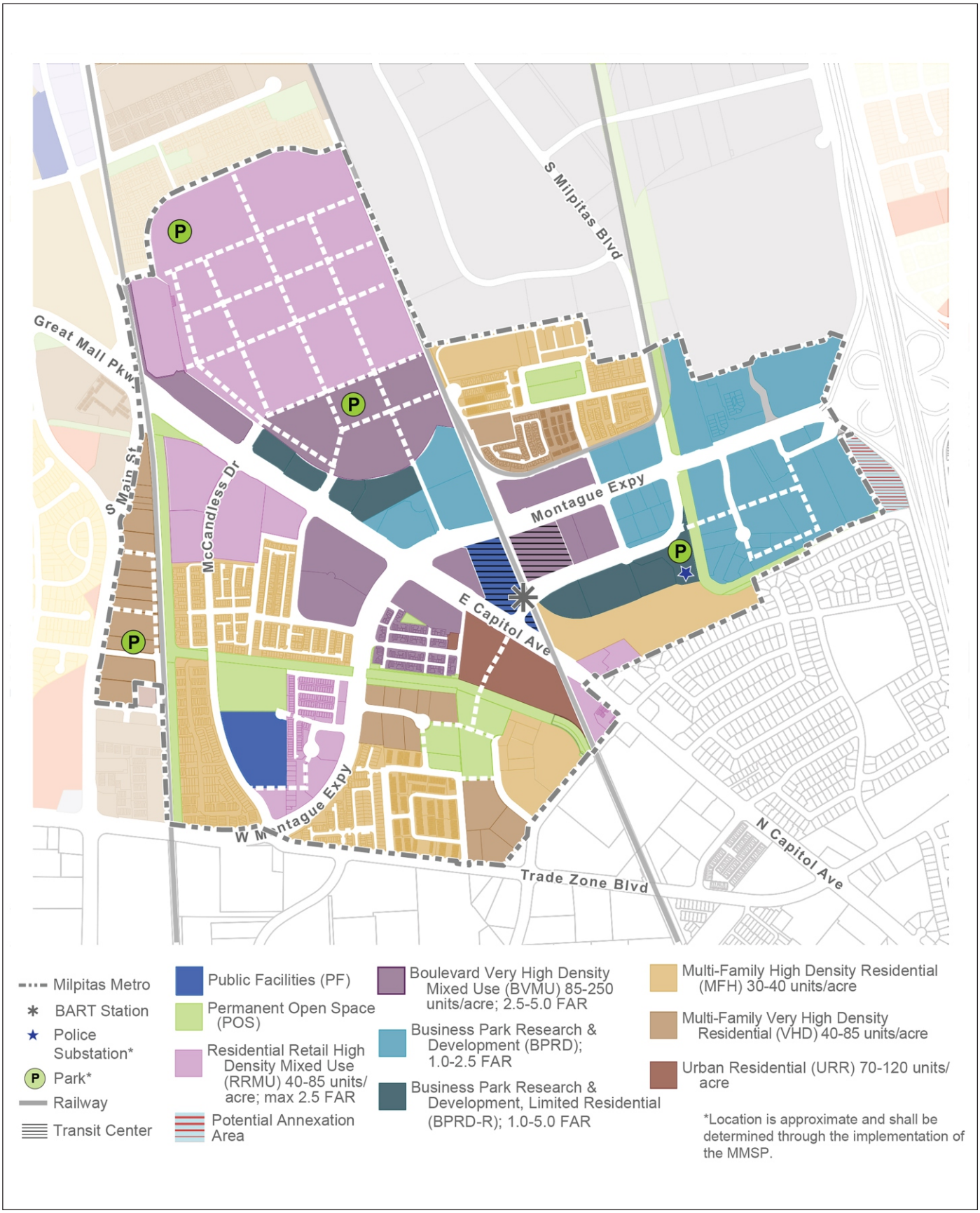

Source: General Plan; City of Milpitas. Roads; US Census Bureau 2019 TIGER. Basemap; ESRI. April 06, 2022.

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Exhibit 3
Metro Specific Plan Land Use Designations

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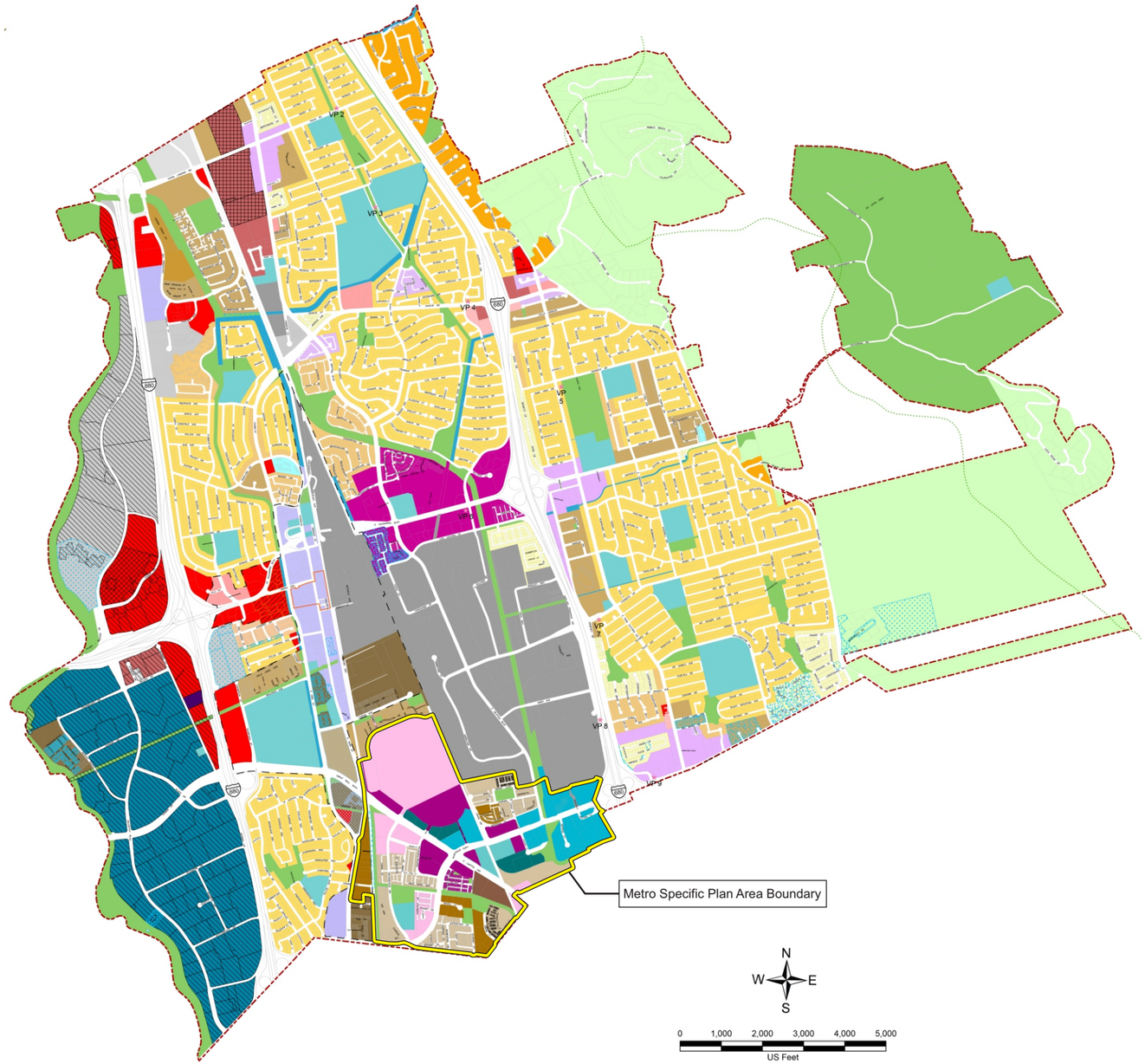

Legend

Zones
- Single Family Residential minimum lot size 2,500 s.f. (R1-2.5)
- Single Family Residential minimum lot size 3,000 s.f. (R1-3)
- Single Family Residential minimum lot size 4,000 s.f. (R1-4)
- Single Family Residential minimum lot size 5,000 s.f. (R1-5)
- Single Family Residential minimum lot size 6,000 s.f. (R1-6)
- Single Family Residential minimum lot size 10,000 s.f. (R1-10)
- Single Family Residential with Hillside Combining District (R1-H)
- One or Two Family (R2)
- Multi-Family Residential, High Density (R3)
- Multi-Family Residential, Very High Density (R4)
- Urban Residential (R5)
- Mixed Use (MXD)
- Mixed Use, High Density (MXD2)
- Mixed Use, Very High Density (MXD3)
- Administrative and Professional Offices (CO)
- Neighborhood Commercial Mixed Use (NCMU)
- Neighborhood Commercial (C1)
- General Commercial (C2)
- Highway Services (HS)
- Town Center (TC)
- Light Industrial (M1)
- Heavy Industrial (M2)
- Industrial Park (MP)
- Business Park Research & Development (BPRD)
- Institutional (I)
- Agricultural (A)
- Parks and Open Space (POS)
- Waterway

Milpitas Metro Specific Plan Zones
- Metro High Density Mixed Use (MXD2-Metro)
- Metro Very High Density Mixed Use (MXD3-Metro)
- Metro Multi-Family High Density Residential (R3-Metro)
- Metro Multi-Family Very High Density Residential (R4-Metro)
- Metro Urban (R5-Metro)
- Business Park Research & Development (BPRD-Metro)
- Business Park Research & Development, Limited Residential (BPRD-R-Metro)

Overlays
- Freeway Corridor Overlay (FC)
- High Rise Overlay (HR)
- Mobile Home Park Overlay (MHP)
- Office Overlay (OO)
- Recreation and Entertainment Overlay (RE)
- Site and Architectural Overlay (S)
- Transit Oriented Development Overlay (TOD)

Other Features
- Precise Plan Area
- Metro Specific Plan Area Boundary
- Midtown Specific Plan Area
- City Boundary
- Parcels
- Crestline
- View Points

Source: City of Milpitas, June 28, 2023.

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Exhibit 4
Existing Zoning Designations

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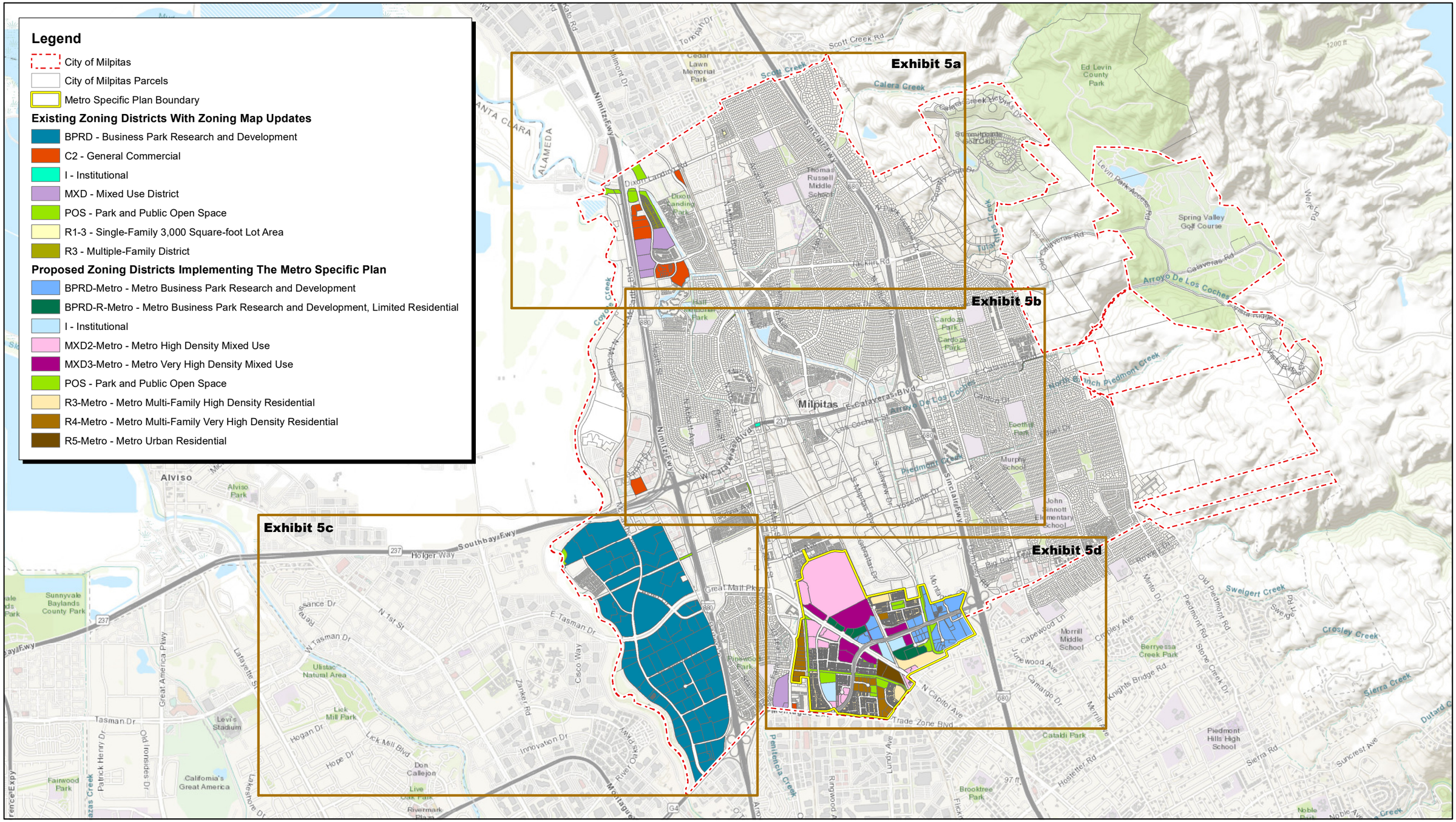
Legend
City of Milpitas
City of Milpitas Parcels
Metro Specific Plan Boundary
Existing Zoning Districts With Zoning Map Updates
BPRD - Business Park Research and Development
C2 - General Commercial
I - Institutional
MXD - Mixed Use District
POS - Park and Public Open Space
R1-3 - Single-Family 3,000 Square-foot Lot Area
R3 - Multiple-Family District
Proposed Zoning Districts Implementing The Metro Specific Plan
BPRD-Metro - Metro Business Park Research and Development
BPRD-R-Metro - Metro Business Park Research and Development, Limited Residential
I - Institutional
MXD2-Metro - Metro High Density Mixed Use
MXD3-Metro - Metro Very High Density Mixed Use
POS - Park and Public Open Space
R3-Metro - Metro Multi-Family High Density Residential
R4-Metro - Metro Multi-Family Very High Density Residential
R5-Metro - Metro Urban Residential
Exhibit 5a
Exhibit 5b
Exhibit 5c
Exhibit 5d
Milpitas
Alviso
Scott Creek Rd
Calera Creek
Ed Levin County Park
Spring Valley Golf Course
Arroyo De Los Coches
Piedmont Creek
Great Mall Pkwy
Trade Zone Blvd
Holger Way
Southbay Fwy
Nimitz Fwy
Sinclair Fwy
Dixon Landing Rd
Calaveras Blvd
Calaveras Rd
Tasman Dr
E Tasman Dr
N 1st St
Great America Pkwy
Lafayette St
Zanker Rd
Cisco Way
Innovation Dr
Montague Expy
N Capitol Ave
Milpitas Blvd
Hostetter Rd
Sierra Rd
Crosley Ave
Swelgert Creek
Crosley Creek
Sierra Creek
Berryessa Creek Park
Piedmont Hills High School
Morrill Middle School
Thomas Russell Middle School
Cedar Lawn Memorial Park
Dixon Landing Park
Ulistac Natural Area
Lick Mill Park
Levi's Stadium
California's Great America
Sunnyvale Baylands County Park
Alviso Park
Fairwood Park
Cardoza Park
Cataldi Park
Brooktree Park
Foothill Park
Murphy School
John Sinnott Elementary School
Rivermark Plaza
Don Callejon
Live Oak Park
Noble Park
Source: City of Milpitas, updated 12/2023.
FIRSTCARBON SOLUTIONS™
3,300 1,650 0 3,300
Feet
58070001 • 01/2024 | 5_proposed_zoning_overall_map.mxd
Exhibit 5
Proposed Zoning Map - Overall Key Map
CITY OF MILPITAS
ZONING DISTRICTS, AND ZONING MAP, AND GENERAL PLAN AMENDMENT PROJECT
ADDENDUM TO THE CITY OF MILPITAS GENERAL PLAN UPDATE FEIR
AND THE CITY OF MILPITAS METRO SPECIFIC PLAN SUBSEQUENT FEI

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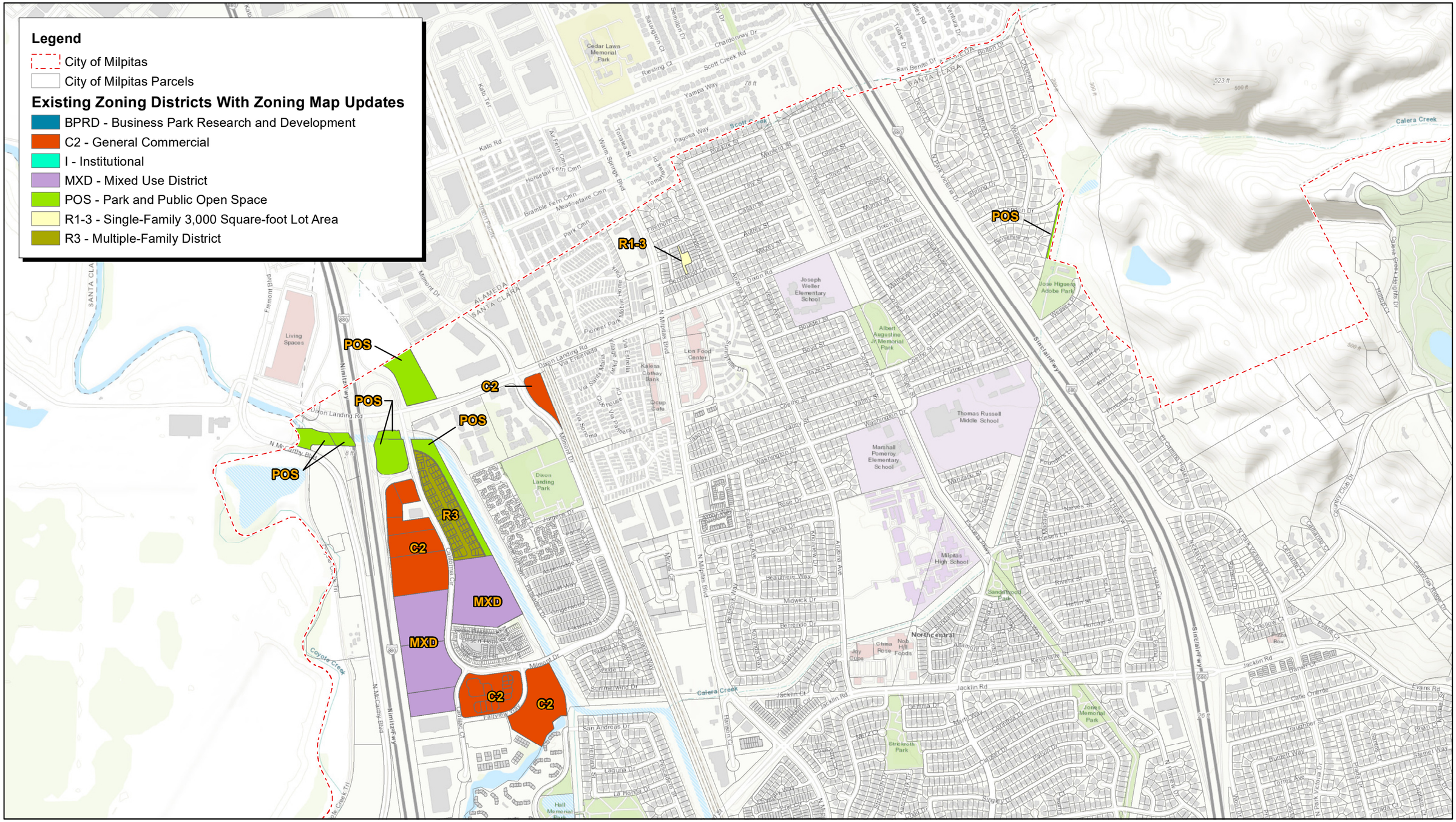
Legend
City of Milpitas
City of Milpitas Parcels
Existing Zoning Districts With Zoning Map Updates
BPRD - Business Park Research and Development
C2 - General Commercial
I - Institutional
MXD - Mixed Use District
POS - Park and Public Open Space
R1-3 - Single-Family 3,000 Square-foot Lot Area
R3 - Multiple-Family District
POS
R1-3
POS
POS
POS
POS
C2
R3
C2
MXD
MXD
C2
C2
Cedar Lawn Memorial Park
Joseph Weller Elementary School
Albert Augustine Jr Memorial Park
Jose Higuera Adobe Park
Thomas Russell Middle School
Marshall Pomeroy Elementary School
Milpitas High School
Sandalwood Park
Dixon Landing Park
Strickroth Park
Jones Memorial Park
Hall Memorial Park
Lion Food Center
Kaiser Cup Cafe
Living Spaces
Northcentral
Calera Creek
Coyote Creek
Scott Creek
Dixon Landing Rd
Milmont Dr
Jacklin Rd
Dixon Rd
Calaveras Blvd
N Milpitas Blvd
Sinclair Fwy
Nimitz Fwy
Fremont Blvd
Yosemite Dr
Evans Rd
Country Club Dr
Cedar Creek Heights Dr
Scott Creek Rd
Yampa Way
Kato Rd
Kato Ter
Sauvignon Ct
Semillon Dr
Chardonnay Dr
Resting Ct
Pagosa Way
Toralba St
Warm Springs Blvd
Horsetail Fern Cmn
Bramble Fern Cmn
Meadowfarre Cmn
Park Cmn
Union Pointe
Mimosa Dr
Pioneer Park
Via Ereenada
Via Estrella
Via Santa Maria
Via Sonoma
Via Palmera
Via Tesoro
Via Real
Via Ricardo
Via Rancho
Via Rosa
Via Linda
Via Carmen
Via Cielo
Via Cielito
Via Cielo Ct
Via Cielito Ct
Via Cielo Dr
Via Cielito Dr
Via Cielo Ln
Via Cielito Ln
Via Cielo Ter
Via Cielito Ter
Via Cielo Trl
Via Cielito Trl
Via Cielo Cir
Via Cielito Cir
Via Cielo Pl
Via Cielito Pl
Via Cielo Way
Via Cielito Way
Via Cielo Ave
Via Cielito Ave
Via Cielo Blvd
Via Cielito Blvd
Via Cielo Pkwy
Via Cielito Pkwy
Via Cielo Hwy
Via Cielito Hwy
Via Cielo Fwy
Via Cielito Fwy
Via Cielo Rd
Via Cielito Rd
Via Cielo St
Via Cielito St

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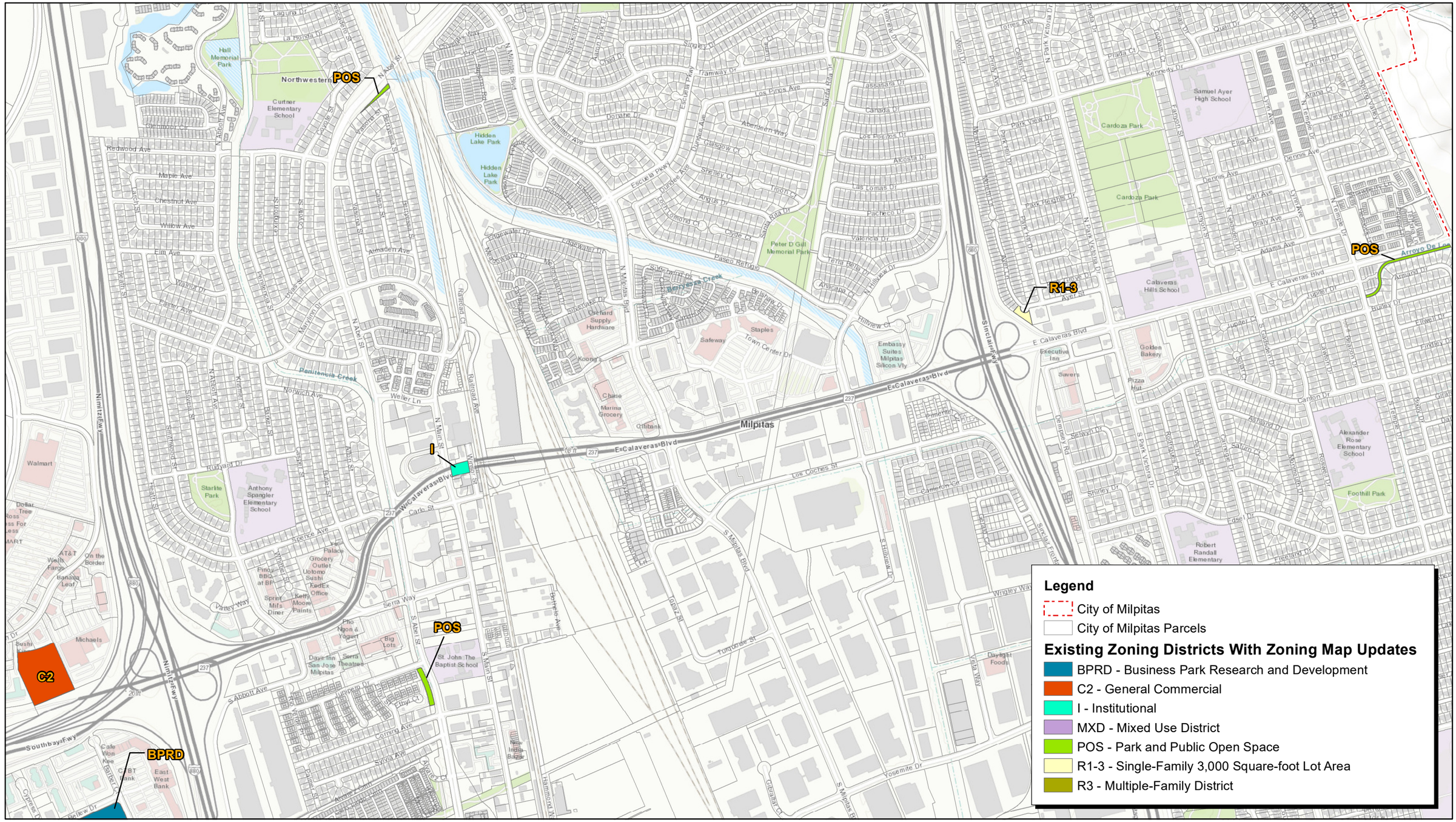
POS
R1-3
POS
I
POS
BPRD
C2
Legend
City of Milpitas
City of Milpitas Parcels
Existing Zoning Districts With Zoning Map Updates
BPRD - Business Park Research and Development
C2 - General Commercial
I - Institutional
MXD - Mixed Use District
POS - Park and Public Open Space
R1-3 - Single-Family 3,000 Square-foot Lot Area
R3 - Multiple-Family District
Milpitas
Northwestern
Cutner Elementary School
Hall Memorial Park
Hidden Lake Park
Peter D Gill Memorial Park
Cardoza Park
Samuel Ayer High School
Calaveras Hills School
Alexander Rose Elementary School
Foothill Park
Robert Randall Elementary
Anthony Spangler Elementary School
Starlite Park
Walmart
Penitencia Creek
Berryessa Creek
Arroyo De Los
E Calaveras Blvd
W Calaveras Blvd
Sinclair Frwy
Nimitz Frwy
South Bay Frwy
Serra Way
Montague Expy
Los Coches St
Yosemite Dr
Executive Inn
Golden Bakery
Pizza Hut
Savers
Embassy Suites Milpitas Silicon Vly
Safeway
Staples
Orchard Supply Hardware
Koopa's
Chase
Marina Grocery
Citibank
Walgreens
Dollar Tree
AT&T
Wells Fargo
On the Border
Banana Leaf
Michaels
Sushi
Pinoy BBQ at BF
Palace Grocery Outlet
Uptomo Sushi
FedEx Office
Sprint
Mi's Diner
Kelly Moore Paints
Pho Nguon & Yogurt
Big Lots
Days Inn San Jose Milpitas
Serra Theatres
St. John The Baptist School
Cafe Won Kee
CBT Bank
East West Bank
India Bazar
Daylight Foods
Source: City of Milpitas, updated 12/2023.
FIRSTCARBON SOLUTIONS™
920 460 0 920
Feet
58070001 • 01/2024 | 5b_zoning_detailed_map.mxd
Exhibit 5b
Proposed Zoning Map - Detailed Map
CITY OF MILPITAS
ZONING DISTRICTS, AND ZONING MAP, AND GENERAL PLAN AMENDMENT PROJECT
ADDENDUM TO THE CITY OF MILPITAS GENERAL PLAN UPDATE FEIR
AND THE CITY OF MILPITAS METRO SPECIFIC PLAN SUBSEQUENT FEI

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Legend

- City of Milpitas
- City of Milpitas Parcels

Existing Zoning Districts With Zoning Map Updates

- BPRD - Business Park Research and Development
- C2 - General Commercial
- I - Institutional
- MXD - Mixed Use District
- POS - Park and Public Open Space
- R1-3 - Single-Family 3,000 Square-foot Lot Area
- R3 - Multiple-Family District

POS
I
BPRD
POS
BPRD
BPRD

Source: City of Milpitas, updated 12/2023.

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1,100 550 0 1,100 Feet

58070001 • 01/2024 | 5c_zoning_detailed_map.mxd

Exhibit 5c
Proposed Zoning Map - Detailed Map

CITY OF MILPITAS
ZONING DISTRICTS, AND ZONING MAP, AND GENERAL PLAN AMENDMENT PROJECT
ADDENDUM TO THE CITY OF MILPITAS GENERAL PLAN UPDATE FEIR
AND THE CITY OF MILPITAS METRO SPECIFIC PLAN SUBSEQUENT FEI

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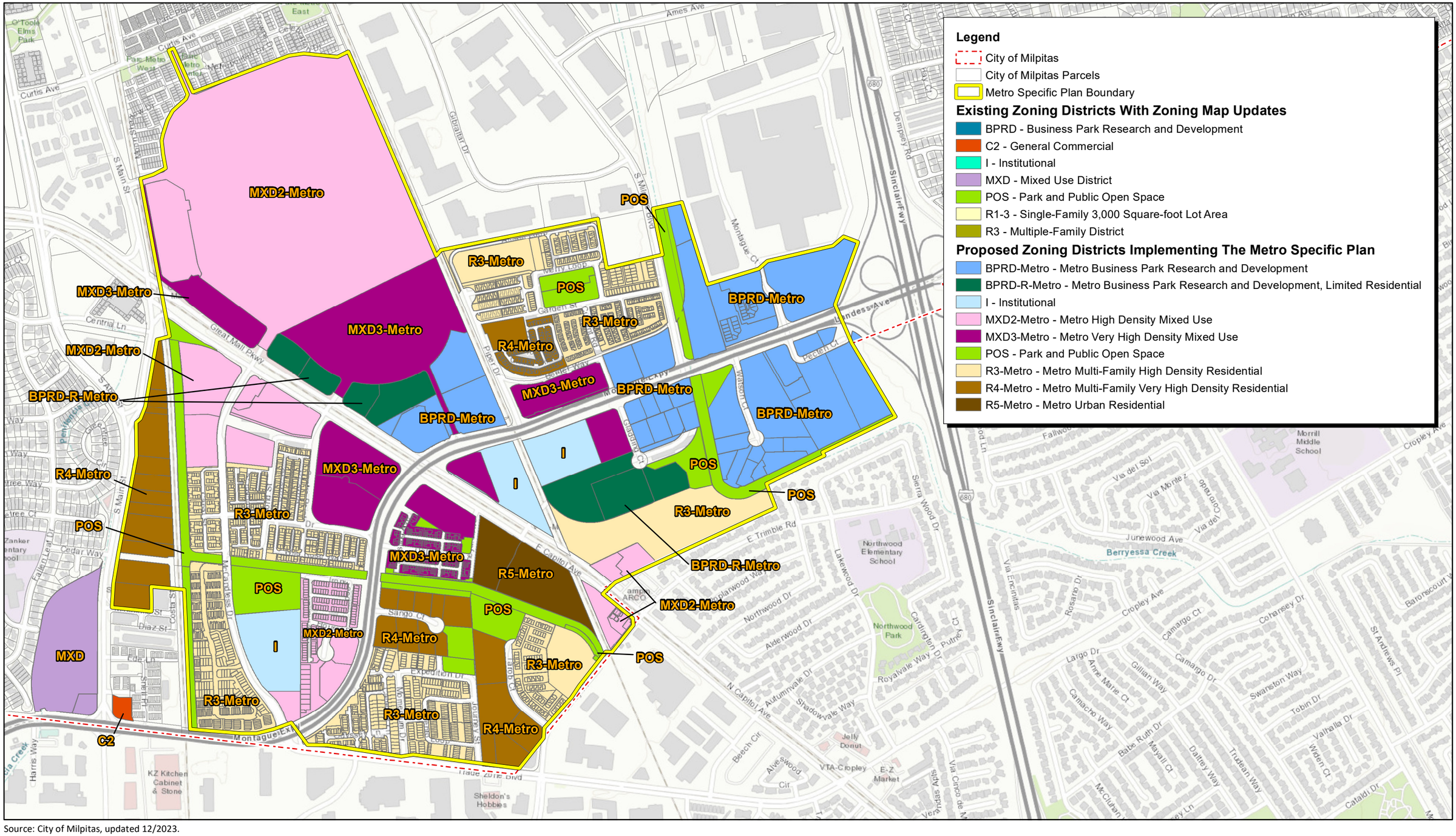

Source: City of Milpitas, updated 12/2023.

FIRSTCARBON SOLUTIONS™

750 375 0 750 Feet

Exhibit 5d
Proposed Zoning Map - Detailed Map

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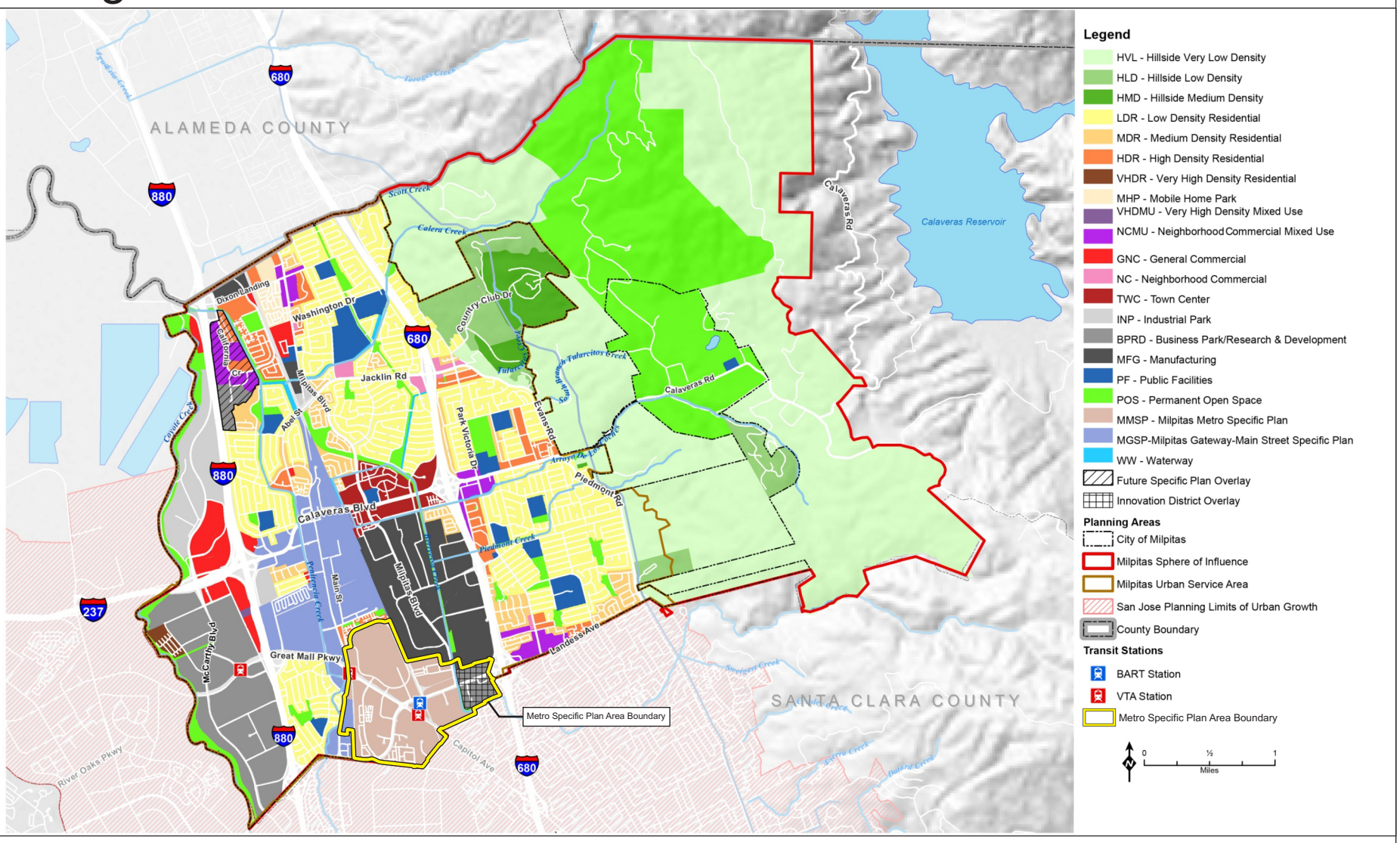
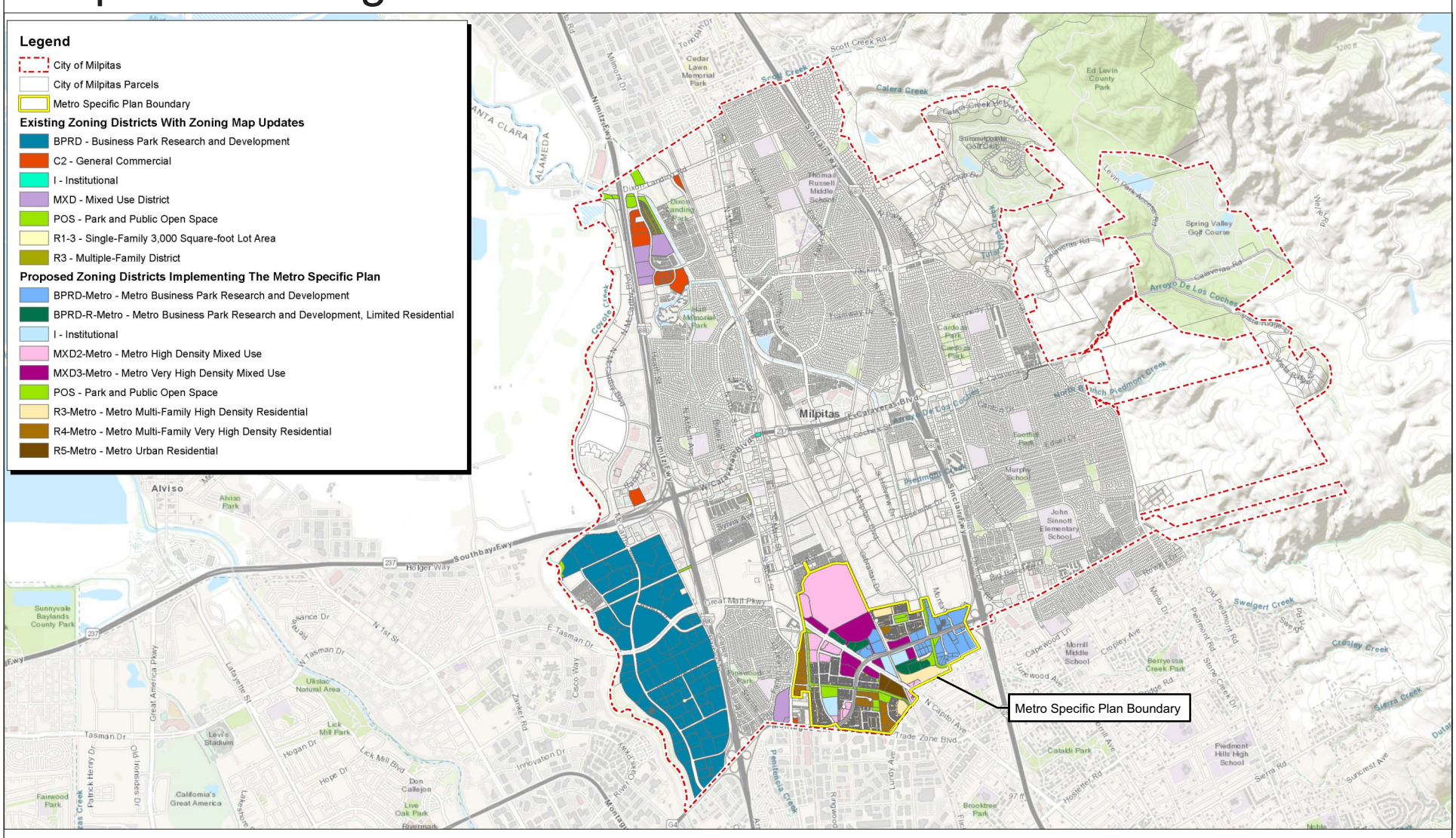
Existing General Plan Land Use



Proposed Zoning



Source: City of Milpitas, updated 12/2023.

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Exhibit 6a
Existing General Plan Land Use and Proposed Zoning Map Comparison

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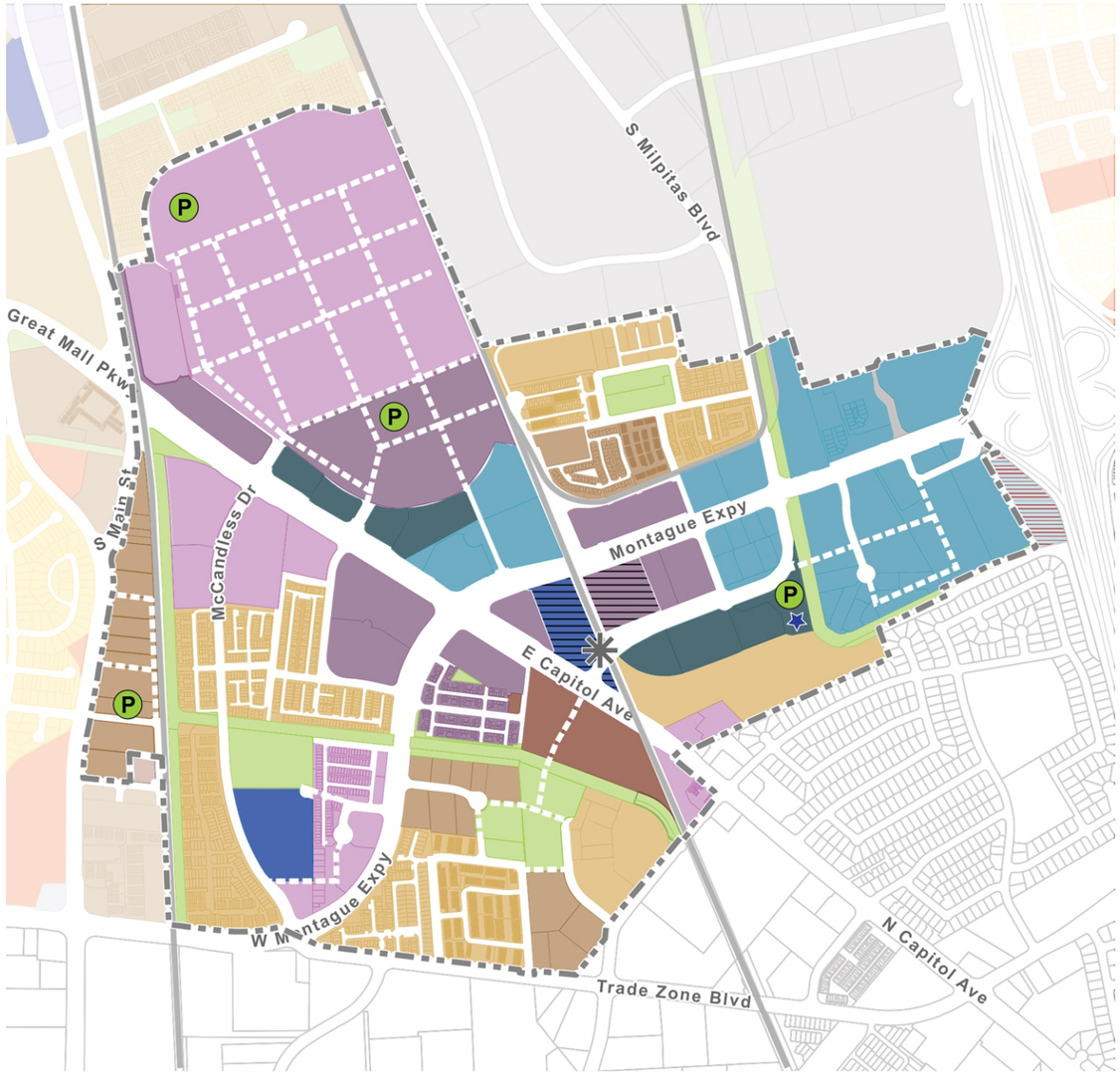

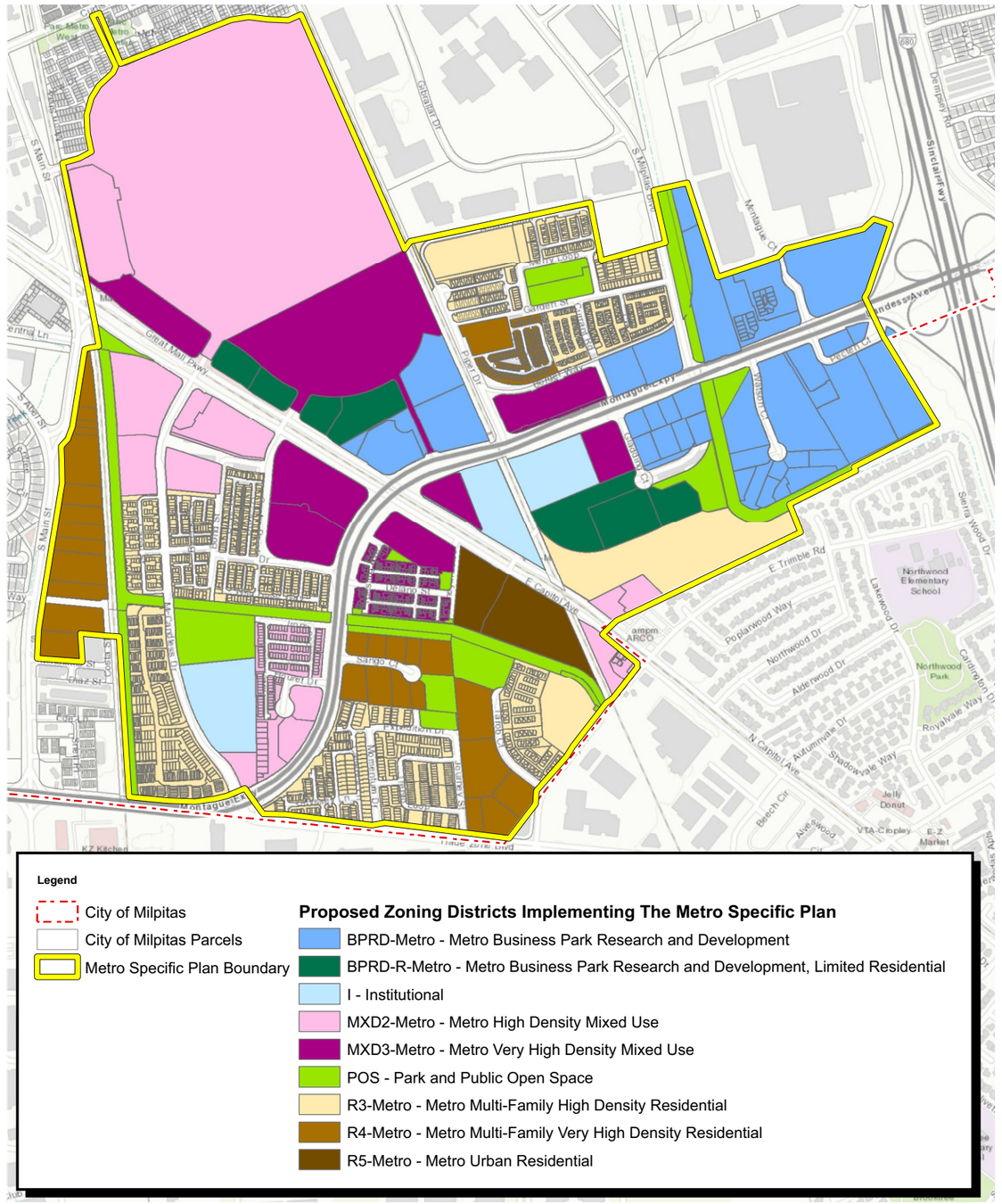

Source: City of Milpitas.

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Exhibit 6b
Existing Metro Specific Plan Land Use vs. Proposed Metro Specific Plan Zoning

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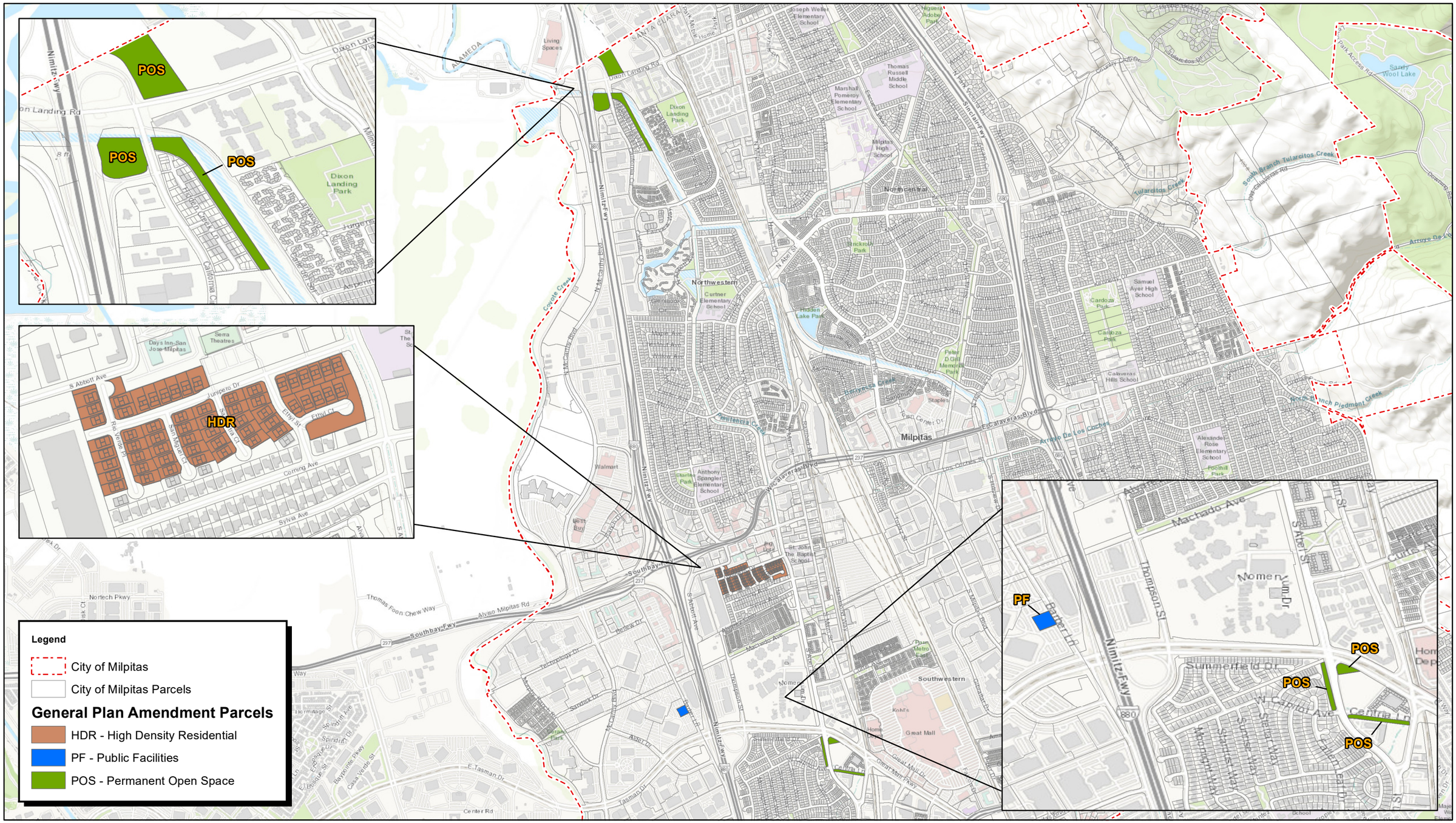
POS
POS
POS
Dixon Landing Park
HDR
PF
POS
POS
POS
Legend
City of Milpitas
City of Milpitas Parcels
General Plan Amendment Parcels
HDR - High Density Residential
PF - Public Facilities
POS - Permanent Open Space
Milpitas
Northwestern
Northcentral
Southwestern
Nimitz Fwy
Dixon Landing Rd
Calaveras Blvd
Southbay Fwy
Alviso Milpitas Rd
Coyote Creek
Penitencia Creek
Tularcitos Creek
South Branch Tularcitos Creek
Arroyo De Los Cochos
Arroyo De Los Coches
North Branch Piedmont Creek
Hidden Lake Park
Cardoza Park
Sandy Wool Lake
Great Mall
Walmart
Best Buy
Target
Kohl's
Home Depot
Costco
Milpitas High School
Thomas Russell Middle School
Marshall Pomeroy Elementary School
Curtner Elementary School
Anthony Spangler Elementary School
Joseph Weller Elementary School
Samuel Ayer High School
Calaveras Hills School
Alexander Rose Elementary School
Days Inn San Jose Milpitas
Serra Theatres
Living Spaces
Peter D Gill Memorial Park
Dixon Landing Park
Sinclair Park
Cardoza Park
Pinewood Park
Starlite Park
Pinewood Park
Abel St
Milpitas Blvd
Main St
Thompson St
Jacklin Rd
Yosemite Dr
Summerfield Dr
Machado Ave
Nomen Lum Dr
Barber Ln
Park Victoria Dr
Park Victoria Access Rd
Jurgens St
Aspenwood Dr
Corning Ave
Sylvia Ave
Juniper Dr
S Abbott Ave
Ethyl Ct
Ethyl St
Rio Verde Pl
San Miguel Ct
Technology Dr
Spindrift Dr
Spindrift Ave
Bayhaven Pkwy
Casa Verde St
Nortech Pkwy
Thomas Foon Chew Way
E Tasman Dr
Tasman Dr
Center Rd
Hillcrest Ct
Hillcrest Dr
Hillcrest Ave
Hillcrest Pl
Hillcrest Cir
Hillcrest Rd
Hillcrest Ln
Hillcrest Way
Hillcrest Terrace
Hillcrest Court
Hillcrest Circle
Hillcrest Drive
Hillcrest Avenue
Hillcrest Place
Hillcrest Lane
Hillcrest Road

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SECTION 3: CEQA CHECKLIST

The purpose of the checklist is to evaluate the categories in terms of any changed condition (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) (CEQA Guidelines § 15162).

The questions posed in the checklist come from Appendix G of the CEQA Guidelines. A "no" answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the Final EIR. These environmental categories might be answered with a "no" in the checklist, since the proposed project does not introduce changes that would result in a modification to the conclusion of the previously approved CEQA document.

This Addendum addresses the conclusions of the General Plan FEIR and the Metro Specific Plan SFEIR to establish planning document consistency and evaluate minor technical General Plan Amendments.

3.1 - Explanation of Checklist Evaluation Categories

(1) Conclusion in General Plan FEIR and Metro Specific Plan SFEIR and Related Documents

This column summarizes the conclusion of the previous certified EIRs relative to the environmental issue listed under each topic.

(2) Do the Proposed Changes Involve New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(1), this column indicates whether the changes represented by the proposed project will result in new significant environmental impacts not previously identified or mitigated by the previous certified EIRs or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

(3) New Circumstances Involving New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the proposed project is undertaken that will require major revisions to the previous certified EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(4) New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3)(A-D), this column indicates whether new information of substantial importance, which was not known and could not have been

known with the exercise of reasonable diligence at the time the previous certified EIRs was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous certified EIRs or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous certified EIRs;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous certified EIRs would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the previous certified EIRs remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered "no" and no additional environmental document would be required.

(5) Mitigation Measures Implemented or Address Impacts

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3), this column indicates whether the previous certified EIRs provide mitigation measures to address effects in the related impact category. Any previously adopted mitigation measures will be identified. The response will also address proposed revisions to previously adopted mitigation measures. These mitigation measures will be implemented with the construction of the project, as applicable. If "NA" is indicated, the previous certified EIRs have concluded that the impact either does not occur with this project or is not significant, and therefore no additional mitigation measures are needed.

3.2 - Discussion and Mitigation Sections

The following sections include three components for each environmental checklist question: discussion of each checklist question and any potential impacts to the environment, any mitigation measures required, and a conclusion of the analysis. Each component is further described below:

(1) Discussion

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

(2) Mitigation Measures

Applicable mitigation measures from the previous certified EIRs that apply to the proposed project are listed under each environmental category.

(3) Conclusions

A discussion of the conclusion relating to the analysis is contained in each section.

3.3 - Environmental Topics

The following topics are evaluated in accordance with current CEQA Guidelines and requirements:

- Aesthetics, Light, and Glare
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
I. Aesthetics, Light, and Glare *Except as provided in Public Resources Code Section 21099, would the project:*							
a) Have a substantial adverse effect on a scenic vista?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	Less than significant impact	Less than significant impact	No	No	No	None	None
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less than significant impact	Less than significant impact	No	No	No	None	None
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Have a substantial adverse effect on a scenic vista?

Summary of General Plan FEIR

The General Plan FEIR indicated that there are no officially designated scenic vistas in the Planning Area. Significant visual resources in the Planning Area include Mission Hills and Monument Peak; Mount Diablo, though outside the Planning Area is considered a significant visual feature visible from the city limits.

The majority of areas within the City that are designated for urban land uses are already developed. Additionally, the General Plan does not propose to convert any open space lands to urban uses. However, implementation of the General Plan could lead to new and expanded urban development in the City, which could result in interference with views of visual features surrounding the City. Development could also occur along highway corridors with high scenic values; however, the General Plan is developed to minimize interruption of views of nearby visual features by ensuring that new development is primarily an extension of the existing urban landscape.

The General Plan FEIR concluded that the implementation of the policies and actions contained in the General Plan would ensure that new urban residential and nonresidential development in the City is located in and around existing urbanized areas and developed to be visually compatible with open space resources. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact regarding scenic vistas.

Summary of Metro Specific Plan SFEIR

There are no officially designated scenic vistas within the Metro Specific Plan Area. The Metro Specific Plan SFEIR concluded that the policy updates made to the TASP as part of the Metro Specific Plan would require compliance with the General Plan and the Metro Plan; furthermore, through compliance with these existing regulations, the changes made to the TASP policies by the Metro Specific Plan would not substantially change the overall impacts on aesthetics.

In addition, it was determined that the majority of projects that would be developed as a part of the Metro Specific Plan would not result in aesthetic impacts pursuant to Public Resources Code Section 21099, which states that visual resource impacts of residential, mixed-use residential, or employment center projects on an infill site within a Transit Priority Area shall not be considered significant impacts on the environment.

Therefore, the Metro Specific Plan SFEIR concluded that impacts related to aesthetics would be less than significant.

Proposed Project Analysis and Conclusions

There are no officially designated scenic vistas within the Metro Specific Plan Area or the General Plan Planning Area. As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan.

Furthermore, the proposed project does not include any specific development proposals at this time. Future development and associated land use activities would be subject to the General Plan policies and Metro Specific Plan policies, as applicable, including provisions associated with the protection of visual resources and visual compatibility with open space resources.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to scenic vistas or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?

Summary of General Plan FEIR

The General Plan FEIR indicated that no designated State Scenic Highway is located within the Planning Area, and no scenic highways provide views of the Planning Area. Therefore, the General Plan FEIR concluded that impacts associated with General Plan implementation would be less than significant with respect to scenic resources.

Summary of Metro Specific Plan SFEIR

There are no designated State Scenic Highways within the Metro Specific Plan Area, and no scenic highways provide views of the Planning Area. Refer to summary provided in Impact I(a).

Proposed Project Analysis and Conclusions

There are no officially designated State Scenic Highways within the Metro Specific Plan Area or the General Plan Planning Area. A portion of I-680 in the northern portion of the City is listed as eligible for designation as a State Scenic Highway. However, there are no changes being proposed in the immediate vicinity of this portion of I-680. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Summary of General Plan FEIR

The General Plan FEIR found that the Planning Area is considered an urbanized area. Zoning and other regulations governing scenic quality in the City include the Design Guidelines and Plan Review Checklist, the City of Milpitas Master Streetscape Plan, and voter-approved Measures I, J, and K (summarized on page LU-2 of the General Plan Land Use Element. The General Plan FEIR also noted that the policies and actions included in the General Plan are intended to complement and further the intent of these provisions regulating scenic quality and resources, and any development

occurring under the General Plan would be subject to compliance with these guidelines, as well as applicable regulations set forth in the City of Milpitas Municipal Code (Municipal Code).

The General Plan FEIR concluded that, with compliance with applicable regulations, implementation of the General Plan would result in a less than significant impact related to consistency with regulations governing scenic quality.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan Area is in an urbanized area. Refer to summary provided in Impact I(a).

Proposed Project Analysis and Conclusions

As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan.

Additionally, the proposed project includes updating the Zoning Ordinance to further protect visual character of the environment by specifying height restrictions, design standards, and FAR regulations for various new zoning districts. Future development associated with implementation of the proposed project would undergo discretionary review to ensure that such development matches the surrounding visual character and complies with development standards in the General Plan, Metro Specific Plan, and Zoning Ordinance. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Summary of General Plan FEIR

The General Plan FEIR found that implementation of the General Plan would introduce new sources of daytime glare into previously developed areas and increase the amount of daytime glare in existing urbanized areas. Additionally, exterior lighting around commercial and industrial areas may be present throughout the night, and nighttime lighting would be most severe in areas that do not currently experience high levels of nighttime lighting. The General Plan FEIR also indicated that future development would be required to be consistent with the General Plan, as well as lighting and design requirements in the Municipal Code. Therefore, the General Plan FEIR concluded that, with the implementation of applicable General Plan policies and actions and the Municipal Code during the design review process, impacts related to daytime glare and nighttime lighting would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact I(a).

Proposed Project Analysis and Conclusions

As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan.

As such, the proposed project would likely introduce a similar amount of light and glare to the Metro Specific Plan Area and the Planning Area.

While the proposed project does not include any specific development proposals at this time, future individual development projects would likely introduce new sources of daytime glare into previously undeveloped areas and increase the amount of daytime glare in existing urbanized areas. As already noted, future development associated with the implementation of the proposed project would be required to be consistent with the policies contained in the General Plan, Metro Specific Plan, and Municipal Code, as applicable and would be subject to regulatory process and environmental review. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Aesthetics, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Substantial Changes in Project Involving New or More Severe Impacts?	Substantial Changes in Circumstances Involving New or More Severe Impacts?	New Information of Substantial Importance Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
II. Agriculture and Forestry Resources *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*							
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	Less than significant impact	No impact	No	No	No	None	None
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	Less than significant impact	No impact	No	No	No	None	None
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or	No impact	No impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Substantial Changes in Project Involving New or More Severe Impacts?	Substantial Changes in Circumstances Involving New or More Severe Impacts?	New Information of Substantial Importance Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?							
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No impact	No impact	No	No	No	None	None
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?	Less than significant impact	No impact	No	No	No	None	None

Discussion

a-e) Conversion of Important Farmland to Nonagricultural Use, Conflict with Existing Zoning for Agricultural Use or Williamson Act Contracts, Conflict with Existing Forest Land Zoning, Conversion of Forest Land to Non-Forest Use, and Other Changes to Convert Farmland to Nonagricultural Use or Forest Land to Non-Forest Use

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?

Summary of General Plan FEIR

The General Plan FEIR indicated that there are no parcels within the City that have a land use designation for agricultural use or forest land, contain agriculture or forestry uses, have a Williamson Act Contract, or are on lands identified by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP).

The majority of the areas within the City are designated for urban land uses and are already developed. While there are three parcels throughout the Planning Area that are zoned for agricultural use, none of these parcels are in active agricultural production. Furthermore, parcels within the Zoning District Agricultural District (A) are not intended to be used exclusively for agricultural uses in perpetuity. Table 1: General Plan Designations and Implementing Zoning Districts in the General Plan Land Use Element notes that the A zoning district is consistent with all land use designations; therefore, a zoning change from A to any other zoning district can be made in general accord with the General Plan.

Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact on Agricultural and Forestry Resources.

Summary of the Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR states that there are no areas with a land use or zoning designation for agricultural or forestry resources in the Metro Specific Plan Area, nor are there any lands currently being used for agriculture or forestry in the Metro Specific Plan Area. As such, the Metro Specific Plan SFEIR concluded that there would be no impacts related to agriculture and forestry.

Proposed Project Analysis and Conclusions

As part of the proposed project, Assessor's Parcel Number (APN) 2201021, totaling approximately 4.09 acres, would undergo both a General Plan Amendment to change the land use designation from MFG to POS and change the zoning designation from A to POS. These changes would ensure consistency with the parcel's existing land uses. Additionally, there are no lands within the General Plan Planning Area or the Metro Specific Plan Area currently being used for agriculture or forestry. Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to agriculture and forestry or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Agricultural and Forestry Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
III. Air Quality *Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:*							
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?	Less than significant impact	Significant and unavoidable impact	No	No	No	None	MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, and MM AQ-8
c) Expose sensitive receptors to substantial pollutant concentrations?	Less than significant impact	Significant and unavoidable impact	No	No	No	None	MM AQ-9
d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Conflict with or obstruct implementation of the applicable air quality plan?

Summary of General Plan FEIR

The General Plan FEIR determined that the General Plan includes various policies and actions aimed at improving air quality by promoting compact urban development form, emphasizing infill development, and ensuring that land use patterns do not expose sensitive receptors[2] to pollutant concentrations. The General Plan would also reduce Vehicle Miles Traveled (VMT) per service population at buildout using complete streets and multimodal transportation systems. The General Plan FEIR determined that the implementation of the General Plan would be consistent with the Bay Area Air Quality Management District's (BAAQMD) 2017 Clean Air Plan through policies reducing greenhouse gas emissions, criteria pollutant emissions, odors, health risks, and other emissions. The General Plan would also be consistent with the goals of the BAAQMD by reducing emissions of criteria pollutants associated with VMT. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan includes various policies and improvements that support regional attainment of the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). These policies include recommended sustainability measures, such as green building and Leadership in Energy and Environmental Design (LEED) certification, reduction in GHG emissions, and coordination at local and regional levels to improve air quality. The Metro Specific Plan also promotes alternative modes of transportation, alternative transportation development, and VMT reductions. Additionally, the Metro Specific Plan SFEIR identified policies that aim to protect public health and reduce GHG emissions, such as policies that require new development near toxic air contaminant (TAC) sources be designed to minimize any potential health risks to adjacent receptors. The Metro Specific Plan SFEIR also identified control measures within the 2017 Clean Air Plan aimed at reducing air pollution related to transportation, energy, building, waste management, water, and stationary source control measures. The Metro Specific Plan SFEIR further determined that the Metro Specific Plan would not cause the disruption, delay, or otherwise hinder implementation of any applicable control measure from the 2017 Clean Air Plan. Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would have less than significant impacts related to conflicts with a clean air plan.

Proposed Project Analysis and Conclusions

The proposed project would update the Zoning Ordinance and Zoning Map, as well as make minor technical amendments to the General Plan Land Use Element and General Plan Land Use Map, to create conformity between the General Plan, the Metro Specific Plan, and the Zoning Ordinance. As

[2] Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Residences, schools, day care centers, hospitals, nursing and convalescent homes, and parks are often identified as "sensitive receptors" since their occupants are sensitive to poor air quality. The groups identified with these land uses may have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than that for other land uses. BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities.

explained under Section 2.3, Project Characteristics, buildout of the proposed project would result in relatively similar land use densities and intensities as was previously evaluated under the approved General Plan FEIR and Metro Specific Plan SFEIR. Therefore, air quality impacts associated with the proposed project would be consistent with those identified in the General Plan FEIR and Metro Specific Plan SFEIR analyses, including the conclusions that both the General Plan and Metro Specific Plan are consistent with the BAAQMD's 2017 Clean Air Plan and would have a less than significant impact, as future individual development projects under the proposed project would be required to comply with policies and measures contained in both the General Plan and Metro Specific Plan. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?

Summary of General Plan FEIR

Refer to summary provided in Impact III(a).

Summary of Metro Specific Plan SFEIR

Construction

The Metro Specific Plan SFEIR found that construction under the Metro Specific Plan would result in temporary generation of ozone precursors (reactive organic gases [ROG], nitrogen oxides [NO_X]), carbon monoxide (CO), and particulate matter emissions, which could result in short-term impacts on ambient air quality within the Metro Specific Plan Area from construction equipment exhaust, haul trucks, demolition, etc. The construction emission impacts associated with future individual development projects would be short-term in nature and limited to the period of time when construction activity is taking place for the particular development, but concurrent construction of multiple projects would generate combined criteria pollutant emissions that could exceed BAAQMD's project-level thresholds, resulting in a potentially significant impact. Per MM AQ-1 through MM AQ-4, the use of at least Tier 4 engines and renewable diesel for off-road equipment newer trucks to reduce NO_X and particulate matter exhaust emission levels, and use of low-volatile organic compounds (VOC) paints to reduce ROG emission levels would be required during construction activities. Additionally, the Metro Specific Plan SFEIR would implement MM AQ-5, which requires construction projects to implement Best Management Practices (BMPs) to reduce fugitive dust emissions. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to fugitive particulate matter less than 10 micrometers in diameter (PM_{10}) and particulate matter less than 2.5 micrometers in diameter ($PM_{2.5}$) emissions would be less than significant.

However, there could be conditions under the Metro Specific Plan where the amount of construction activity for an individual development project or a combination of projects could result in the generation of ROG, NO_X, and particulate matter emissions that exceed the BAAQMD significant thresholds. Therefore, MM AQ-6, which requires applicants to assess, determine, and mitigate total emissions from proposed construction activities, would reduce impacts related to exceeding BAAQMD's daily pollutant thresholds. However, the Metro Specific Plan SFEIR concluded that

construction air quality impacts would be significant and unavoidable because it is possible that mitigation for future project health risks may be inadequate to reduce impacts below BAAQMD's threshold level.

Operation

The Metro Specific Plan SFEIR determined that the Metro Specific Plan's operational emissions would potentially exceed BAAQMD's regional significance thresholds for ROG, NO_X, and CO. However, implementation of MM AQ-7 and MM AQ-8 would help ensure that individual development projects within the City would not contribute a significant level of air pollution such that regional air quality within the San Francisco Bay Area Air Basin (SFBAAB) would be degraded. However, because cumulative development would potentially exceed the regional significance thresholds, the Metro Specific Plan SFEIR concluded that health impacts related to regional criteria pollutants would be significant and unavoidable.

Criteria Pollutants

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would have a significant and unavoidable impact with regard to exposing sensitive receptors to particulate matter pollution during construction and operation. The Metro Specific Plan SFEIR further identified that construction emissions resulting from future individual development projects could exceed BAAQMD's regional ROG, NO_X, and particulate matter thresholds. MM AQ-1 through MM AQ-6 would reduce regional emissions below BAAQMD's regional thresholds, and MM AQ-7 and MM AQ-8 would reduce regional emissions of ROG, NO_X, and particulate matter operational emissions to below the BAAQMD's regional thresholds. However, the Metro Specific Plan SFEIR determined that health impacts related to regional criteria pollutants would be significant and unavoidable because offset programs under MM AQ-6 and MM AQ-8 may not be available at the time of future development. Additionally, the Metro Specific Plan SFEIR determined that CO emitted by traffic would exceed BAAQMD screening criteria. However, according to the Metro Specific Plan SFEIR, maximum traffic volumes would be less than the BAAQMD's recommended screening criterion of 44,000 vehicles per hour or 24,000 vehicles per hour for areas where vertical and/or horizontal mixing is substantially limited. Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would be consistent with the City/County Association of Government's Congestion Management Plan and would have less than significant impacts related to concentrations of CO.

Proposed Project Analysis and Conclusions

Consistent with the General Plan FEIR, future individual development projects resulting from buildout of the proposed project would be evaluated under the policies and programs contained in the General Plan. The overall buildout numbers from the proposed project would be similar to those contained in the General Plan, resulting in similar operational emissions. As such, the traffic volumes would continue to meet the BAAQMD screening criteria for CO concentrations.

The proposed project would be required to implement Metro Specific Plan SFEIR mitigation measures, SFEIR MM AQ-1 through AQ-4, which require the use of at least Tier 4 engines and renewable diesel for off-road equipment, newer trucks to reduce NO_X and particulate matter exhaust emission levels, and use of low-VOC paints to reduce ROG emission levels would be required during

construction activities in areas within the Metro Specific Plan; and Metro Specific Plan SFEIR MM AQ-5, which requires construction projects within the Metro Plan Area to implement BMPs (as recommended by BAAQMD) to reduce these fugitive dust emissions. These MMs would reduce fugitive PM_{10} and $PM_{2.5}$ emissions from the proposed project in areas within the Metro Specific Plan to less than significant levels. In addition, the proposed project would also be required to implement Metro Specific Plan SFEIR MM AQ-6 for project areas under the Metro Specific Plan, requiring applicants for individual development to assess and determine the estimated total emissions from proposed construction activities (subject to City review and approval), and coordinate with BAAQMD or a third-party or governmental entity to determine the mitigation fees for each development project's applicant to pay on a pro rata basis to BAAQMD or a third-party or governmental entity to offset their pollutant emissions as necessary, such that BAAQMD's daily pollutant thresholds would not be exceeded.

During operations, activities within the Metro Specific Plan would also be required to implement Metro Specific Plan SFEIR MM AQ-7 to reduce operational area source emissions to the extent feasible, and Metro Specific Plan MM AQ-8 to offset operational criteria pollutant emissions through the purchase of mitigation credits.

As discussed above, the Metro Specific Plan SFEIR concluded that, even with implementation of MM AQ-1 through AQ-8, offset of cumulative impacts to criteria pollutants could not be guaranteed to reduce impact levels below the BAAQMD's significance threshold. Since the proposed project would implement similar land use densities and intensities as the existing Metro Specific Plan, the proposed project in areas under the Metro Specific Plan would be consistent with the analysis within the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c. Expose sensitive receptors to substantial pollutant concentrations?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would have the potential to introduce new sources of TAC and $PM_{2.5}$ emissions within the City as well as siting new sensitive receptors in close proximity to existing sources of air pollutants. However, the General Plan FEIR identified various policies and actions within the General Plan intended to minimize exposure of TACs to sensitive receptors within the City. For example, Policy CON 7-2 requires adequate buffer or setback distances between sensitive land uses and potential sources of toxic or harmful air emissions. Additionally, Policy CON 7-3 requires projects that generate high levels of pollutants to incorporate air quality mitigations into design, and Action CO-7c requires site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors within a specific distance from sources of TAC emissions. Furthermore, the General Plan FEIR found that all new sources of TAC emissions within the City would be required to obtain an Air Permit from BAAQMD, including the analysis of TAC or $PM_{2.5}$ emissions generated and potential health impacts to the nearest sensitive receptor. Therefore, the General Plan FEIR determined that the General Plan

would minimize exposure to TACs and $PM_{2.5}$ concentrations within the City. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Toxic Air Contaminants

The Metro Specific Plan SFEIR determined that additional emissions generated by new stationary sources, vehicle trips, and construction activity could expose receptors to cancer and non-cancer risks in excess of BAAQMD significance thresholds during construction and operation. Furthermore, the Metro Specific Plan includes industrial development within 1,000 feet of existing sensitive receptors. Therefore, MM AQ-9 requires applicants to provide a project-level evaluation of construction- and operational-related health risks from future individual development projects. However, the Metro Specific Plan SFEIR concluded that impacts would be significant and unavoidable because it is possible that mitigation for future project health risks may be inadequate to reduce impacts below BAAQMD's threshold level.

Proposed Project Analysis and Conclusions

As discussed above, buildout of the proposed project would result in similar land use densities and intensities as those analyzed under the General Plan FEIR and the Metro Specific Plan SFEIR. The proposed project would not propose any significant land use modifications that could result in a substantial increase in air pollutant emissions. Furthermore, future individual development projects would be required to comply with applicable General Plan policies and measures described above, as well as applicable BAAQMD rules and regulations, designed to minimize the potential exposure of sensitive receptors to substantial concentrations of TACs and $PM_{2.5}$ within the City. Within the Metro Specific Plan Area, future individual development projects would be required to implement Metro Specific Plan SFEIR MM AQ-9, which requires individual projects within 1,000 feet of a sensitive receptor to provide a project-level evaluation of construction- and operational-related health risks. Furthermore, SFEIR MM AQ-1, which requires the use of at least Tier 4 engines and renewable diesel for off-road equipment, would also reduce TACs during construction. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

d. Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?

Summary of General Plan FEIR

The General Plan FEIR determined that potential odor sources within the City are the Newby Island Landfill and Composting operation, the Santa Clara/San Jose Wastewater Facility, which is also known as the Water Pollution Control Plant (WPCP), the Zanker Landfill and Composting Facility, and the Zanker Organic Digester Facility. The General Plan FEIR found that the General Plan does not include land uses within the vicinity of these or any other potential sources of objectional odors. Future individual development projects with the potential to generate significant objectional odors would be required to undergo CEQA review, as applicable, and the implementation of the General

Plan policies would further minimize the potential for other emissions to adversely affect a substantial number of people. Therefore, the General Plan FEIR concluded that impacts related to odors would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would have a less than significant impact related to odors. While odors from heavy-duty equipment and paving equipment could result during construction, these odors would be identical to those generated by construction activities in the previously adopted and previously analyzed TASP. Therefore, the Metro Specific Plan SFEIR concluded that construction-related odor impacts would be less than significant. During operation, diesel exhaust from landscaping equipment and trash pickup could create unpleasant exhaust odors. However, the Metro Specific Plan SFEIR determined that these impacts would be temporary and localized. Therefore, the Metro Specific Plan SFEIR concluded that operation-related odor impacts would be less than significant.

Proposed Project Analysis and Conclusions

Implementation of the proposed project would result in similar land use patterns as well as land use densities and intensities to those identified and analyzed under the General Plan FEIR and Metro Specific Plan SFEIR. Furthermore, the proposed project would not place sensitive land uses near odor sources beyond what was analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

MM AQ-1 Require at Least Tier 4 Final Engines on Construction Equipment

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to further reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities, shall operate on at least an Environmental Protection Act (EPA)-approved Tier 4 Final or newer engine. Exemptions can be made for specialized equipment where Tier 4 engines are not commercially available within 200 miles of the Metro Plan Area. The construction contract must identify these pieces of equipment, document their unavailability, and ensure that they operate on no less than an EPA-approved Tier 3 engine.

MM AQ-2 Require Use of Diesel Trucks with 2010-Compliant Model Year Engines

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to use diesel trucks that have 2010 model year or newer engines, but no less than the average fleet mix for the current calendar year as set forth in the ARB's EMFAC database. In the event that 2010 model year or newer diesel trucks cannot be obtained, the contractor must provide documentation to the City showing that a good faith effort to locate such engines was conducted.

MM AQ-3 Require Construction Fleet to Use Renewable Diesel

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 hp and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as high performance renewable diesel).

MM AQ-4 Require Low-VOC Coatings During Construction

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that low-VOC coatings that have a VOC content of 10 grams/liter (g/L) or less are used during construction. The project applicant will submit evidence of the use of low-VOC coatings to City prior to the start of construction.

MM AQ-5 Require Fugitive Dust Best Management Practices

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related fugitive dust by implementing BAAQMD's basic control measures at all construction and staging areas. The following measures would be implemented.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site will be covered.
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 miles per hour (mph).

- All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.
- A publicly visible sign will be posted with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the BAAQMD will also be visible to ensure compliance.

MM AQ-6 Purchase Mitigation Credits for Construction Emissions Exceeding BAAQMD's Daily Pollutant Thresholds

Applicants proposing development of projects within the Metro Plan Area shall compare their project size with the BAAQMD screening sizes appropriate to their project for construction criteria pollutants found in Table 3-1 in BAAQMD's current CEQA Guidelines (2017). The screening limit for general office buildings, office park, or government office building is 277,000 square feet. There are different screening limits for residential, retail, hotels, and other developments based off specific land use type (e.g., single-family housing, apartments, low-rise, hotels, strip malls). If the project is less than the screening limit for its project type, then applicants shall confirm to the City whether construction-related activities would include any of the following:

- Demolition.
- Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously) or construction would occur simultaneous with other Metro Plan development.
- Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high-density infill development).
- Extensive site preparation (i.e., greater than default assumptions used by the CalEEMod model for grading, cut/fill, or earth movement).
- Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

If the project is less than the screening limit for the project type and construction would involve none of the five conditions above, no further action is required.

Project applicants not excluded by the conditions above shall estimate annual average emissions for each year of construction and compare the annual average emissions for each year of construction to the applicable BAAQMD thresholds at the time of analysis. The emissions estimate shall be provided as part of the project's initial application to the City. The City will review the estimate and confirm whether offsets are required for construction. Should the City-confirmed estimate indicate that the proposed development estimate would not result in construction emissions exceeding BAAQMD's daily pollutant thresholds, no further action will be required.

For proposed developments that are estimated to result in exceedances of thresholds, the applicants shall coordinate with a third-party (e.g., Bay Area Clean Air Foundation) or governmental entity to pay for criteria pollutant offsets for every year in which construction emissions are estimated to exceed the BAAQMD thresholds. If the estimate shows exceedances of multiple criteria pollutants above the BAAQMD thresholds, then offsets must be obtained to address each pollutant above the thresholds. Emission reduction projects and fee will be determined in consultation between the applicant and the third-party or governmental entity and will include offset provider administrative costs. The agreement that specifies fees and timing of payment shall be provided to the City for review and signed by the applicant and the third-party or governmental entity. The emission reductions shall be secured prior to any year in which construction activity is estimated to result in an exceedance. The payment for the emissions can either be on an annual basis or done once upfront, prior to construction.

To qualify under this mitigation measure, the specific emissions reduction project(s) must result in emission reductions in the SFBAAB that are real, surplus, quantifiable, and enforceable, and that would not otherwise be achieved through compliance with existing regulatory requirements of any other legal requirement.

MM AQ-7 Restrict Use of Natural Gas in New Development

Future development within the Metro Plan Area shall utilize electric space and water heating to the maximum extent feasible or to the extent required by existing or future local building regulations. Natural gas infrastructure and appliances shall be installed to the extent feasible as determined by the availability and capacity of electrical power distribution infrastructure.

MM AQ-8 Purchase Mitigation Credits for Operational Emissions Exceeding BAAQMD's Daily Pollutant Thresholds

Applicants proposing development of projects within the Metro Plan Area shall compare their project size with the BAAQMD screening sizes appropriate to their project for operational criteria pollutants found in Table 3-1 in BAAQMD's current CEQA Guidelines (2017). The screening limit for general office buildings, office park, or government office building is 346,000 square feet, 323,000 square feet, and 61,000 square feet, respectively. There are different screening limits for residential, retail, hotels, and other developments based off specific land use type (e.g., single-family housing, apartments, low-rise, hotels, strip malls)

If the project is less than the screening limit for the project type, then no further action is required.

Project applicants not excluded by the condition above shall estimate annual average operational emissions for each operational year over the life of the project

(20 years) and compare the annual average emissions for each year of operations to the BAAQMD thresholds used in the EIR for criteria pollutants. The emissions estimate shall be provided as part of the project's initial application to the City for the project. The City will review the estimate and confirm whether offsets are required for operation. Should the City-confirmed estimate indicate that the proposed development estimate would not result in operational emissions exceeding BAAQMD's daily pollutant thresholds, no further action is required.

For proposed developments that are estimated to result in exceedances of thresholds during any year of the project's life, the applicants shall coordinate with a third-party (e.g., Bay Area Clean Air Foundation) or governmental entity to pay for criteria pollutant offsets for every year in which operational emissions are estimated to exceed the BAAQMD thresholds. If the estimate shows exceedances of multiple criteria pollutants above the BAAQMD thresholds, then offsets must be obtained to address each pollutant above the thresholds. Emission reduction projects and fee will be determined in consultation between the applicant and the third-party or governmental entity and will include offset provider administrative costs. The agreement that specifies fees and timing of payment shall be provided to the City for review and signed by the applicant and the third-party or governmental entity. The emission reductions shall be secured prior to any year in which operational activity is estimated to result in an exceedance. The payment for the emissions can either be on an annual basis or done once upfront prior to operation.

To qualify under this mitigation measure, the specific emissions reduction project(s) must result in emission reductions in the SFBAAB that are real, surplus, quantifiable, and enforceable, and that would not otherwise be achieved through compliance with existing regulatory requirements of any other legal requirement.

MM AQ-9 Prepare a Health Risk Assessment

All applicants proposing development of projects in the Metro Plan Area within 1,000 feet of existing sensitive receptors, as defined by BAAQMD (e.g., residential), shall prepare a site-specific construction and operational Health Risk Assessment (HRA). The HRA shall include all reasonably foreseeable sources of TAC, consistent with BAAQMD guidelines. If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures or $PM_{2.5}$ concentrations for adjacent receptors would be less than BAAQMD project-level thresholds, then additional mitigation would be unnecessary. However, if the HRA demonstrates that health risks or $PM_{2.5}$ concentrations would exceed BAAQMD project-level thresholds, additional feasible on- and off-site mitigation would be analyzed by the applicant to help reduce risks to the greatest extent practicable. Mitigation may include installation of indoor air filters (MERV 13 or higher) at sensitive receptor locations and planting of vegetation and trees as pollution buffers.

Mitigation Measures for the Proposed Project

Implement MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, and MM AQ-9.

Conclusion

With regard to Air Quality, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No new mitigation measures or alternatives previously found not to be feasible, would in fact be feasible and would reduce one or more significant effects of the project. No new mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIRs would substantially reduce significant impacts. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
IV. Biological Resources *Would the project:*							
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	Less than significant impact	Less than significant impact	No	No	No	None	None
c) Have a substantial adverse effect on State or federally	Less than significant impact	Less than significant impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?							
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	Less than significant impact	Less than significant impact	No	No	No	None	None
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant impact	Less than significant impact	No	No	No	None	None
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other	Less than significant impact	Less than significant impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
approved local, regional, or State Habitat Conservation Plan?							

Discussion

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

Summary of General Plan FEIR

The General Plan FEIR concluded that development associated with the implementation of the General Plan could result in the direct loss of habitat areas associated with special-status plant and animal species. Additionally, indirect impacts to special-status plant and animal species could occur, including habitat degradation, due to impacts to water quality, increased human presence, and loss of foraging habitat. However, special-status plant and animal species receive protection from various federal and State laws and regulations, including the Endangered Species Act and the California Endangered Species Act (CESA). These regulations generally prohibit the removal of a species or direct impact to foraging and breeding habitats without a special permit. Additionally, the General Plan FEIR indicated that the General Plan includes various policies and actions intended to reduce or avoid impacts to special-status plant and animal species, such as General Plan Policies CON 2-1, CON 2-3, CON 3-1, CON 3-2, CON 3-4, CON 3-5, and CON 3-7, which require the conservation and/or replacement of trees, preservation of riparian corridors, and development of an urban forest along major corridors. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that future development projects would be required to comply with the General Plan and the Metro Specific Plan. Furthermore, the Metro Specific Plan SFEIR determined that the Metro Specific Plan could impact biological resources, such as burrowing owls, special-status raptor and bird species, significant trees, wetland, creeks, drainages, and riparian habitats. However, with the implementation of policies within the General Plan and the Metro Specific Plan, the Metro Specific Plan SFEIR concluded that impacts related to biological resources would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, thereby precluding the potential for new impacts associated with biological resources beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be subject to federal and State regulations, including the Endangered Species Act and CESA, as well as General Plan goals, policies, and actions that would reduce impacts related to special-status plant and animal species.

Future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Municipal Code, and other regulations, as applicable. Applicable policies may include, but are not limited to, General Plan Policies CON 2-1, CON 2-3, CON 3-1, CON 3-2, CON 3-4, CON 3-5, and CON 3-7, which require the conservation and/or replacement of trees, preservation of riparian corridors, and development of an urban forest along major corridors. The General Plan also includes Action CON-2a, 2b, 2f, 3a through 3c, 3f, 3g, 3j, and 3l, which involve coordination with the California Department of Fish and Wildlife (CDFW), Santa Clara County, the Santa Clara Valley Water District, and local water district groups; and require compliance with the Santa Clara Valley Habitat Plan. Additionally, applicable Metro Specific Plan policies may include Policy SC 9.1, which protects bird habitat, Policy SC 8.1, which requires review and permitting for construction over the Santa Clara Valley Water District fee or easement lands, Policy SC 8.2, which requires new development adjacent to creeks to comply with standards for land uses near streams, and Policy SC 8.3, which requires minimum setbacks adjacent to creeks and drainage channels.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or United States Fish and Wildlife Service?

Summary of General Plan FEIR

The General Plan FEIR concluded that development associated with the implementation of the General Plan could change the physical environment, thereby adversely affecting riparian habitat or sensitive natural communities. A California Natural Diversity Database (CNDDB) search revealed three sensitive natural communities within the 12-quad region of the Planning Area, including the aquatic communities of the Northern Coastal Salt Marsh and the Sycamore Alluvial Woodland, as well as the terrestrial community of Serpentine Bunchgrass grassland. Additionally, the General Plan FEIR identified numerous aquatic habitats that qualify as sensitive habitat within the City. Therefore, implementation of individual projects would require site-specific review of the project site to determine the presence or absence of riparian habitat or natural sensitive communities. If riparian habitat or natural sensitive communities are present and disturbance is required, federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. Furthermore,

development projects would be required to comply with the General Plan's policies intended to protect sensitive natural communities, such as General Plan Policies CON-3.1 through CON-3.6, which require the preservation and enhancement of biological communities and riparian habitat and limit the disturbance of natural water bodies and drainage systems in the City. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IV(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, thereby precluding the potential for new impacts associated with sensitive natural communities and riparian habitat beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be subject to federal and State regulations, as well as General Plan goals, policies, and actions, detailed above, which would require site-specific review of future project sites to determine whether riparian habitat or natural sensitive communities are present and mitigate as necessary.

Future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Municipal Code, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c. Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Summary of General Plan FEIR

The General Plan FEIR determined that the City contains numerous aquatic habitats that qualify as federally protected wetlands and jurisdictional waters found in the northwest corner of the Planning Area. Section 404 of the Clean Water Act (CWA) requires any project that involves disturbance to a wetland or water of the United States to obtain a permit that authorizes the disturbance. If a project cannot avoid a wetland or jurisdictional water, then the United States Army Corps of Engineers (USACE) requires that an equal amount of wetland be created elsewhere to mitigate loss of wetlands.

The General Plan FEIR determined that construction activities could result in the disturbance or loss of protected waters of the United States, but individual projects would be required to have a detailed review of the project site to determine the presence or absence of water features and to reduce, avoid, or compensate for impacts to these resources. Furthermore, projects would be required to comply with the General Plan's policies and actions intended to protect wetlands and

jurisdictional water features, such as General Plan Policies CON-3.1 through CON-3.6, which require the preservation and enhancement of biological communities and riparian habitat and limit the disturbance of natural water bodies and drainage systems in the City. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IV(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, thereby precluding the potential for new impacts associated with federally protected wetlands beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be subject to federal and State regulations, including CWA and USACE requirements, as well as General Plan goals, policies, and actions intended to protect wetlands and jurisdictional water features, described above.

Future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Zoning Ordinance, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

Summary of General Plan FEIR

The General Plan FEIR concluded that implementation of the General Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors. The General Plan FEIR found that the City contains numerous aquatic habitats that may be used for movement of wildlife, but the areas of land next to waterways within the city limits were generally designated for urban uses by the previous Land Use Map and were generally developed with urban uses. Therefore, the creeks at the time did not function as important movement corridors for native wildlife.

The updated General Plan Land Use Map that was adopted as part of the implementation of the most recent General Plan designates the majority of land adjacent to existing waterways as POS to allow the area to be used by wildlife as movement corridors.

Discretionary projects associated with the implementation of the General Plan would be required to undergo a detailed review to determine the presence or absence of movement corridors on the project site and to reduce, avoid, or compensate for impacts to these resources. Furthermore, the

General Plan contains policies and actions intended to protect movement corridors, including Policies CON-3.1 through CON-3.6 and Actions CON-3a through 3c, CON-3e, CON-3f, CON-3h, CON-3j, and CON-3l. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IV(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR. Additionally, the proposed project does not propose to convert any open space lands to urban uses. In fact, as illustrated in Table 6, six of the seven parcels undergoing General Plan land use designation updates would be converted to the POS land use designation, thereby reducing the overall allowable intensity of development. This would preclude the potential for new impacts on wildlife movement corridors beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be subject to federal and State regulations, including CWA and USACE requirements, as well as General Plan goals, policies, and actions, described above, which require individual projects to determine the presence or absence of movement corridors and to mitigate impacts as necessary.

Furthermore, future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Municipal Code, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Summary of General Plan FEIR

The General Plan FEIR concluded that since the General Plan is a policy-level document, it would not conflict with local policies or ordinances. Further, individual development projects associated with the implementation of the General Plan would be required to comply with the General Plan and with the Municipal Code. Therefore, impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IV(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the

Metro Specific Plan SFEIR, thereby precluding the potential for new impacts on the City's existing and proposed local policies protecting biological resources beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development projects would be evaluated for conformance with the General Plan, Metro Specific Plan, Municipal Code, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?

Summary of General Plan FEIR

The General Plan FEIR found that implementation of the General Plan would not conflict with the Santa Clara Valley Habitat Plan or any other Habitat Conservation Plans. The City is not currently a permittee of the Santa Clara Valley Habitat Plan, and the land within the city limits is not within the Habitat Plan Study Area and Permit Area. Additionally, the General Plan FEIR determined that the Land Use Map did not re-designate any land designated for open space or habitat protection. Although the Cit is not a permittee of the Santa Clara Valley Habitat Plan, future projects associated with the implementation of the General Plan would be required to comply with the Santa Clara Valley Habitat Plan through the implementation of General Plan Action CON-3a, which states "Require new development, as well as infrastructure projects, long-range planning projects, and other projects, to comply with the requirements of the Santa Clara Valley Habitat Plan to ensure that potentially significant impacts to special-status species and sensitive resources are adequately addressed." Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IV(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, thereby precluding the potential for new impacts on Habitat Conservation Plans (HCPs) or Natural Community Conservation Plans (NCCPs) beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be required to comply with the Santa Clara Valley Habitat Plan through the implementation of Action CON-3a in the General Plan. Furthermore, future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Santa Clara Valley Habitat Plan, Municipal Code, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Biological Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
V. Cultural and Tribal Cultural Resources *Would the project:*							
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Less than significant impact	Less than significant impact	No	No	No	None	None
c) Disturb any human remains, including those interred outside of formal cemeteries?	Less than significant impact	Less than significant impact	No	No	No	None	None
Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:							
d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	Less than significant impact	No impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	Less than significant impact	No impact	No	No	No	None	None

Discussion

Cultural Resources

a. Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?

Summary of General Plan FEIR

The General Plan FEIR determined that the General Plan Planning Area includes various known historic resource sites and would have the potential for undiscovered prehistoric sites to be located in the Planning Area as well. Thirty-three cultural resources have been identified within the Planning Area and 25 buildings are identified on the Santa Clara County Historic Property Data File Directory. The General Plan FEIR further determined that future development associated with the implementation of the General Plan could affect known historical or unknown historical and archaeological resources which have not yet been identified.

Future projects would be evaluated for conformance with the General Plan, Municipal Code, and other applicable State and local regulations, as well as analyzed for potential environmental impacts, consistent with CEQA. Additionally, the General Plan FEIR includes policies and actions that would reduce impacts to cultural, historic, and archaeological resources, such as requiring archaeological monitoring, halting ground-disturbing activities and construction in the event that a resource is discovered, and Tribal consultation. Therefore, the General Plan FEIR concluded that impacts related to historic and archaeological resources would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that future projects associated with the implementation of the Metro Specific Plan would include ground-disturbing activities that could potentially affect known archaeological resources. The Metro Specific Plan SFEIR identified only one known archaeological resource (CA-SCL-593) within the Metro Specific Plan Area. However, future projects would be required to comply with General Plan Actions CON-4a and 4b, which require surveys prior to the approval of a project that would require excavation in an area sensitive for cultural or archaeological resources and the approval of measures to conserve, preserve, and document discovered resources. Additionally, the Metro Specific Plan SFEIR determined that Metro Specific Plan Policy SC 7 would require archaeological monitoring to reduce impacts. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not include any ground disturbance and therefore would not directly result in impacts related to historic resources. Future individual development projects would be required to comply with General Plan policies and actions, such as Policy CON 4-1, which requires a record search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) at Sonoma State University. Furthermore, Policy CON 5-2 requires that future individual development projects evaluate the condition of historical buildings when considering the demolition of historic structures, and Action CON 4a requires a cultural survey prior to approval of any project in areas that are sensitive for cultural or archaeological resources. If historic resources are identified, Action CON 4b requires that all development, infrastructure, and other ground-disturbing projects comply with certain conditions and processes in the event that there is an inadvertent discovery of historic resources. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Summary of General Plan FEIR

Refer to summary provided in Impact V(a).

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that there is a moderate to high potential for unrecorded Native American cultural resources to be located within the Metro Specific Plan Area. Future projects associated with the implementation of the Metro Specific Plan would be required to comply with General Plan Actions CON-4a and Action CON-4b, which require archaeological monitoring and protection measures if resources are uncovered. Metro Specific Plan Policy SC 7 would also be implemented, which requires archaeological monitoring. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to unknown archaeological resources would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not include any ground disturbance and therefore would not directly result in impacts related to historic resources. Future individual development projects would be required to comply with General Plan policies and actions, such as Policy CON 4-1, which requires a record search of the CHRIS at the NWIC at Sonoma State University. Action CON 4a requires a cultural survey prior to approval of any project in areas that are sensitive for cultural or archaeological resources. If archaeological resources are identified, Action CON 4b requires that all development, infrastructure, and other ground-disturbing projects comply with certain conditions and processes in the event that there is an inadvertent discovery of archaeological resources. Furthermore, Metro Specific Plan Policy SC 7 requires archaeological and Native American monitoring, cultural sensitivity training for the general contractor and those conducting ground-disturbing activities, and inadvertent discovery procedures for all projects involving ground disturbance within the Metro Specific Plan Area. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c. Disturb any human remains, including those interred outside of formal cemeteries?

Summary of General Plan FEIR

The General Plan FEIR determined that excavation and construction activities allowed under the General Plan may yield human remains that may not be marked in former burials. Future projects may disturb or destroy buried Native American human remains. However, the General Plan FEIR further identified that future development projects in the City would be evaluated for conformance with the General Plan, Municipal Code, and State and local regulations, as well as analyzed for potential environmental impacts, consistent with CEQA. Public Resources Code Section 5097 requires construction activities to stop work and follow specific notification procedures in the event that human remains are inadvertently discovered during development activities. The General Plan also requires that human remains are treated in compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98. Therefore, the General Plan FEIR concluded that impacts related to human remains would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that future projects associated with the implementation of the Metro Specific Plan would include ground-disturbing activities that could potentially affect human remains. The Metro Specific Plan SFEIR found that human remains were identified in association with CA-SCL-593 within the Metro Specific Plan Area and identified a moderate to high potential for encountering as-yet undiscovered archaeological resources containing further human remains. Metro Specific Plan Policy SC 7 requires archaeological monitoring that would reduce impacts related to human remains, and if human remains are discovered, General Plan Action CON-4b would require halting work, notifying the County Coroner, and determining next steps to reduce and mitigate impacts. The General Plan also requires that human remains are treated in compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to human remains would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not include any ground disturbance and therefore would not result in impacts related to historic resources. Future individual development projects would be required to comply with General Plan policies and actions, such as Policy CON 4-1, which requires a record search of the CHRIS at the NWIC at Sonoma State University. Policy CON 4-2 requires that if human remains are found during construction, they are treated in compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98. Policy CON 4-3 requires collaboration with Native American Tribal representatives to identify and appropriately address impacts to Native American cultural resources and sacred sites during the development review process. Action CON 4a requires a cultural survey prior to approval of any project in areas that are sensitive for cultural or archaeological resources. If archaeological resources are identified, Action CON 4b requires all development, infrastructure, and other ground-disturbing projects comply with certain conditions and processes in the event that there is an inadvertent discovery of human remains. Furthermore, Metro Specific Plan Policy SC 7 requires archaeological and Native American monitoring, cultural sensitivity training for the general contractor and those conducting ground-disturbing activities, and inadvertent discovery procedures for all projects involving ground disturbance within the Metro Specific Plan Area. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

d. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

e. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Summary of General Plan FEIR

The General Plan FEIR identified that no responses to Tribal consultation conducted under Senate Bill (SB) 18 were received and no specific resources were identified through consultation with affiliated Tribes. However, the General Plan FEIR determined that it is possible unknown cultural resources may be present and could be adversely affected by the implementation of the General Plan. Future projects would be required to be evaluated for project-specific impacts under CEQA at the time of project application, and the General Plan and CEQA Guidelines require Tribal consultation and the protection of any identified archaeological and Tribal resources. With the implementation of General Plan policies and actions, such as General Plan Action CON 4a and 4b, local review guidelines, and State and local guidelines, the General Plan FEIR concluded that impacts related to Tribal Cultural Resources (TCRs) would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the General Plan includes policies and actions to protect TCRs in compliance with AB 52. While ground disturbance associated with new construction could result in temporary or permanent construction-related impacts on TCRs during ground disturbance, no TCRs have been identified within the Metro Specific Plan Area. Furthermore, the City has not received any requests from Tribes to be notified of future projects under AB 52. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to TCRs would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not include any ground disturbance and therefore would not directly result in impacts related to TCRs. Future individual development projects would be required to comply with General Plan policies and actions, such as Policy CON 4-1, which requires a record search of the CHRIS at the NWIC at Sonoma State University. Policy CON 4-2 requires that if TCRs are found during construction, they are treated in compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98. Policy CON 4-3 requires collaboration with Native American Tribal representatives to identify and appropriately address, impacts to Native American cultural resources and sacred sites during the development review process. Policy CON 4-4 requires compliance with SB 18 and AB 52 related to Tribal intergovernmental consultation. Action CON 4a requires a cultural survey prior to approval of any project in areas that are sensitive for TCRs. If archaeological resources are identified, Action CON 4b requires that all development, infrastructure, and other ground-disturbing activities comply with certain conditions and processes in the event that there is an inadvertent discovery of TCRs. Furthermore, Metro Specific Plan Policy SC 7 requires archaeological and Native American

monitoring, cultural sensitivity training for the general contractor and those conducting ground-disturbing activities, and inadvertent discovery procedures for all projects involving ground disturbance within the Metro Specific Plan Area. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Cultural Resources and Tribal Cultural Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
VI. Energy *Would the project:*							
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not cause an inefficient, wasteful, or unnecessary use of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Buildout of the General Plan would use energy resources for the operation of buildings, on-road vehicle trips, and off-road construction activities. However, the General Plan FEIR determined that future individual development projects would conserve energy to the maximum extent feasible and would reduce per capita energy consumption to achieve this goal, since the General Plan requires that all implementing projects comply with all applicable federal, State, and local regulations regulating energy usage. Furthermore, the General Plan FEIR would comply with the State's latest Title 24 building energy efficiency standards and other

Statewide measures intended to improve energy efficiency. Therefore, the General Plan FEIR concluded that impacts related to energy would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that energy would be required during construction of the Metro Specific Plan for construction equipment, employee and haul truck trips, lighting, and heat. The Metro Specific Plan FEIR found that the Metro Specific Plan was compliant with the applicable federal, State, and local regulations regulating energy usage. The Metro Specific Plan SFEIR determined that the Metro Specific Plan is compliant with the General Plan and the updated Climate Action Plan (CAP). The Metro Specific Plan also aims to promote higher density and intensity development to provide an opportunity for advancing sustainability measures related to accessibility, energy use, and resource management. The Metro Specific Plan SFEIR identified that the Metro Specific Plan would be consistent with the goals of the Plan Bay Area 2050 prepared by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC).

Future individual development projects would also comply with the State's latest Title 24 building energy efficiency standards, as well as the Municipal Code. The Metro Specific Plan further incorporates policies to prevent wasteful, inefficient, or unnecessary consumption of energy. Additionally, the Metro Specific Plan FEIR identified that Silicon Valley Clean Energy (SVCE), the local Community Choice Aggregation (CCA), in conjunction with the Pacific Gas and Electric Company (PG&E), would maintain sufficient capacity to serve residential and commercial electricity customers in the Metro Specific Plan Area. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to energy resources would be less than significant.

Proposed Project Analysis and Conclusions

As discussed in Section 2.3.1, Project Summary, implementation of the proposed project would result in similar land use patterns, densities and intensities to those analyzed by the General Plan FEIR and Metro Specific Plan SFEIR. Therefore, the effects of the proposed project were anticipated in the General Plan FEIR and Metro Specific Plan SFEIR and there are no project-specific effects that were not analyzed in the General Plan FEIR and Metro Specific Plan SFEIR. All projects within the City would be required to comply with applicable regulations stated above to ensure efficient energy use. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Energy, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
VII. Geology, Seismicity, and Soils *Would the project:*							
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Less than significant impact	Less than significant impact	No	No	No	None	None
ii) Strong seismic ground shaking?	Less than significant impact	Less than significant impact	No	No	No	None	None
iii) Seismic-related ground failure, including liquefaction?	Less than significant impact	Less than significant impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
iv) Landslides?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact	Less than significant impact	No	No	No	None	None
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less than significant impact	Less than significant impact	No	No	No	None	None
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Less than significant impact	Less than significant impact	No	No	No	None	None
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Less than significant impact	Less than significant impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

b. Result in substantial soil erosion or the loss of topsoil?

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Summary of General Plan FEIR

The General Plan FEIR determined that development associated with the implementation of the General Plan would have the potential to expose people or structures to substantial adverse effects, related to surface rupture, ground shaking, liquefaction, landslides, ground instability/failure, or expansive soils. The Planning Area includes known active faults, and the Hayward Fault Zone traverses the Planning Area. Unstable geologic units could be present within the Planning Area, including those at risk for liquefaction, landslides, lateral spreading, subsidence, or collapse, and the majority of the land within the Planning Area has moderately to very highly expansive soils, while the eastern and western portions of the Planning Area have low expansive soils. The areas with

moderately to highly expansive soils would require special design considerations due to shrink-swell potentials.

Furthermore, the General Plan FEIR determined that implementation of the General Plan has the potential to result in substantial soil erosion or loss of topsoil. Construction-related erosion could result in the loss of a substantial amount of nonrenewable topsoil and adversely affect water quality in surface waters. However, the General Plan FEIR identified that, because the majority of the land within the city limits contains urban uses, the erosion potential is low.

The General Plan FEIR found that all future projects would be required to comply with the provisions of the California Building Standards Code (CBC), which require geotechnical studies, engineering improvements to address potential seismic and ground failure issues, and earthquake-resistant construction techniques. Future individual development projects would be evaluated for conformance with the CBC, General Plan, Zoning Ordinance, and other regulations. Further, the General Plan requires review of development proposals to ensure compliance with the California Health and Safety Code, applicable building standards related to seismic safety, and CEQA. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that future individual development projects in the Metro Specific Plan Area would be required to comply with the CBC, building permit applications (which require a preliminary soils report) the Municipal Code, a geotechnical investigation and appropriate mitigation measures for development within a seismic hazard zone, and General Plan Policy 5.a-I-3, which requires that projects comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to geology and soils would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development, which precludes the potential for new impacts associated with seismic hazards, erosion, sedimentation, unstable geologic units, and expansive soils beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Construction-related soil erosion could occur during future discretionary projects associated with the implementation of the proposed project. However, most development that could occur as a result of the proposed project would take place on lands that already contain urban uses, which have a low erosion potential.

Furthermore, future development and land use activities resulting from the proposed project would be subject to General Plan goals, policies, and actions that would reduce impacts related to development occurring in a fault zone, ground shaking, ground failure, and landslides. Future development projects would be evaluated for conformance with the California Building Standards Commission (CBSC), General Plan, Metro Specific Plan, Zoning Ordinance, and other regulations described above, as applicable. Future projects would be required to develop and implement a site-specific geotechnical study in compliance with the State and City codes. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create

substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Summary of General Plan FEIR

The General Plan FEIR determined that implementation of the General Plan would not have the potential for soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. Construction within the city limits would not require the use of septic tanks or alternative wastewater disposal systems because wastewater would be discharged into the existing public sanitary sewer system in the Planning Area. Additionally, the General Plan FEIR identified that adequate system capacity is ensured through implementation and periodic auditing of the Sewer System Management Plan (SSMP) and sewer-related capital improvement project (CIP) projects and studies. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact VII(a).

Proposed Project Analysis and Conclusions

Existing urban development within the General Plan Planning Area and the Metro Specific Plan Area is currently served with sanitary sewer service provided by the City. New urban development that would occur within the Planning Area or the Metro Specific Plan Area as a result of the proposed project would be served by sanitary sewer service. No new septic systems or alternative wastewater systems are contemplated by the proposed project. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Summary of General Plan FEIR

The General Plan FEIR determined that there could be fossils of potential scientific significance and other unique geologic features that remain undiscovered and are not recorded. Ground-disturbing construction associated with the implementation of the General Plan could potentially uncover previously unknown resources. However, the General Plan FEIR found that implementation of the General Plan policies and actions would ensure steps would be taken to minimize impacts to paleontological resources if they are discovered during construction. This includes Action CON 4b, which requires that all work within 100 feet of a paleontological discovery cease until it can be evaluated by a paleontologist. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact VII(a).

Proposed Project Analysis and Conclusions

The proposed project would largely maintain the existing land use patterns throughout the General Plan Planning Area and the Metro Specific Plan Area, thereby precluding the potential for new, unaddressed impacts on paleontological resources beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future individual development projects would be required to adhere to all federal, State, and local policies regarding paleontological resources, including Action CON 4b. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Geology, Seismicity, and Soils, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
VIII. Greenhouse Gas Emissions *Would the project:*							
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than significant impact	Significant and unavoidable impact	No	No	No	None	MM GHG-1, MM GHG-2, and MM GHG-3
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than significant impact	Significant and unavoidable impact	No	No	No	None	MM GHG-1, MM GHG-2, and MM GHG-3

Discussion

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b. Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would contribute to increases of GHG emissions that are associated with global climate change, including increases of carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O).

Short-term Emissions

Short-term GHG emissions would occur because of construction equipment used for demolition, grading, paving, and building construction activities. The General Plan FEIR identified that construction-related GHG emissions would be assessed on a project-by-project basis and would be required to comply with the State's requirements for GHG emissions, as required by the City's CAP

and the BAAQMD. For example, Milpitas CAP Measure 12.2 encourages projects to comply with BAAQMD performance-based BMPs that reduce GHG emissions during construction. Further, General Plan Policy CON 704 requires projects to adhere to the requirements of the BAAQMD, and Policy CON 705 requires the City to use the development review process and the CEQA process to evaluate and mitigate effects of new development on air quality.

Long-Term Emissions

The General Plan FEIR determined that future individual development projects would result in continuous GHG emissions from mobile, area, and operational sources. However, the implementation of the General Plan would reduce VMT per capita and per service population at buildout, thereby decreasing GHG emissions in the long run. Additionally, the General Plan FEIR acknowledges that the City's CAP is a Qualified GHG Reduction Plan, which identifies reduction measures and implementation strategies to achieve the State-recommended GHG emissions reduction targets. The General Plan FEIR identifies several General Plan policies that directly support and implement the goals established by the CAP. Because future individual development projects would be required to comply with the General Plan and adopted federal, State, and local regulations, the General Plan FEIR concluded that impacts related to the generation of GHG emissions would be less than significant.

Conflict with Applicable Plans and Policies

The General Plan FEIR determined that the General Plan is consistent with the ity's adopted CAP, which satisfies the GHG reduction requirements established by Assembly Bill (AB) 32. In addition, the General Plan FEIR found that the General Plan would not conflict with the implementation of regional transportation-related GHG targets outlined in ABAG's Plan Bay Area because of the land use modifications contained in the General Plan and the corresponding reduction in VMT. The General Plan would also not conflict with any provisions of the Scoping Plan or other applicable regulations related to GHG reductions because the General Plan expands transit access, increases mobility options, promotes a compact pedestrian-oriented urban development pattern, and focuses new development on infill sites with higher densities. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Construction-related Emissions

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would result in the temporary generation of GHG emissions from mobile and stationary construction equipment exhaust and employee and haul truck vehicle exhaust. However, construction-related GHG emissions from the Metro Specific Plan would be required to comply with MM GHG-1, which would reduce construction emissions consistent with BAAQMD guidance and Statewide emission reduction goals.

Operation-related Emissions

The Metro Specific Plan SFEIR determined that operation of the Metro Specific Plan would generate direct and indirect GHG emissions from vehicle trips, natural gas combustion, landscaping activities, electricity consumption, water and wastewater generation, and water use. The Metro Specific Plan

SFEIR also found that implementation of the Metro Specific Plan would reduce VMT per service population at buildout, consistent with SB 743, through various policies prioritizing transit and pedestrian connectivity and transit infrastructure. However, the Metro Specific Plan SFEIR determined that mobile emissions from the Metro Specific Plan would not achieve the State's carbon neutrality goal by 2045.

The Metro Specific Plan includes policies to reduce emissions from building energy consumption, area sources, water consumption, and waste generation; however, the Metro Specific Plan SFEIR determined that there is no guarantee that all of the voluntary sustainability features would be included in all future development, and impacts would be potentially significant. Therefore, future individual projects would be required to implement MM GHG-2 to reduce operational GHG emissions in the sectors with the largest amount of emissions. If all measures included in MM GHG-2 were implemented, then the Metro Specific Plan would be consistent with the State's reduction targets for 2030. Implementation of MM GHG-3 as part of future individual projects would further reduce net operational GHG emissions through purchase of GHG mitigation credits if not all of the measures in MM GHG-2 are implemented. However, the Metro Specific Plan FEIR concluded that there could still be GHG emissions by 2045 and carbon neutrality may not be achieved. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be significant and unavoidable.

Proposed Project Analysis and Conclusions

As described under Section 2.3.1, Project Summary, the proposed project would result in similar land use densities and intensities to those identified and analyzed in the General Plan FEIR and Metro Specific Plan SFEIR. For areas under the General Plan FEIR but outside the Metro Specific Plan SFEIR, the proposed project would comply with applicable policies and measures contained in the General Plan and the City's adopted CAP. Therefore, the effects of the proposed project were anticipated in the General Plan FEIR and Metro Specific Plan SFEIR and there are no project-specific effects that were not analyzed in the General Plan EIR. Future individual development projects within the Metro Specific Plan Area would be required to implement Metro Specific Plan SFEIR MM GHG-1, which would require the implementation of BAAQMD-Recommended Construction BMPs, Metro Specific Plan SFEIR MM GHG-2, which would require individual development projects to implement operational GHG reduction measures, and Metro Specific Plan SFEIR MM GHG-3, which would require individual development projects to purchase GHG mitigation credits.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

MM GHG-1 Require Implementation of BAAQMD-Recommended Construction Best Management Practices

All applicants within the Metro Plan Area shall require their contractors, as a condition of contracts, to reduce construction-related GHG emissions by implementing BAAQMD's recommended BMPs, including the following measures (based on BAAQMD's 2017 CEQA Guidelines):

- Ensure alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment make up at least 15 percent of the fleet.
- Use at least 10 percent local building materials (sourced from within 100 miles of the Metro Plan Area).
- Recycle and reuse at least 50 percent of construction waste or demolition materials.

MM GHG-2 Implement Operational GHG Reduction Measures or Their Equivalent

Applicants of future projects within the Metro Plan Area shall implement the following operational GHG emissions reduction strategies where feasible or demonstrate why a measure is not feasible, and implement equivalent GHG reductions to the foregone measure, or pay a mitigation fee per Mitigation Measure GHG-3 (see below) to compensate for any foregone GHG reductions not implemented. Applicants of future projects that do not propose to implement all of the strategies described below shall prepare a feasibility study outlining why the declined strategies were not implemented (e.g., feasibility, not applicable, etc.), estimating the foregone GHG reductions, and identifying any equivalent GHG reduction measures proposed (or proposal to pay a mitigation fee instead) for the City's review and concurrence prior to the issuance of building permits.

- **LEED® Certification.** The United States Green Building Council (USGBC) is a private 501(c)3, non-profit organization that promotes sustainability in building design, construction, and operation. The USGBC developed the LEED® program, which provides a rating system that awards points for new construction based on energy use, materials, water efficiency, and other sustainability criteria. LEED® has certification systems for both commercial and residential use.

  While LEED® allows some flexibility in choice of measures to meet LEED® criteria, new construction shall be required to include specific committed measures in use of recycled and sustainable materials in construction, water efficiency, and efficiency of energy use. New development in the Metro Plan Area shall be required to achieve LEED® Silver certification or equivalent, or a higher certification, or provide equivalent GHG reductions through proposed new measures or payment of a fee per Mitigation Measure GHG-3.

- **Natural Gas Infrastructure.** Future development within the Metro Plan Area shall utilize electric space and water heating to the maximum extent feasible or to the extent required by existing or future regulations. Natural gas infrastructure and appliances shall not be installed to the extent feasible as determined by the availability and capacity of electrical power distribution infrastructure.
- **Solar Roofs.** Mounted rooftop electricity-generating solar panels convert solar energy to electricity for use in commercial and residential buildings.
- New construction in the Metro Plan Area shall be required to either employ solar roofs on at least 30 percent of roof square footage or provide equivalent GHG reductions through proposed new measures or pay a mitigation fee per Mitigation Measure GHG-3. The inclusion of solar roofs may be part of meeting LEED® Silver or equivalent requirements.
- **Water Minimization Programs.** For waste that is generated by nonresidential uses, recycling, composting of food waste and other organics, and the use of reusable products instead of disposal products diverts solid waste from the landfill stream.

  New nonresidential uses in the Metro Plan Area shall be required to implement recycling (including organics recycling) and reusable product use programs or provide equivalent GHG reductions through proposed new measures or pay a mitigation fee per Mitigation Measure GHG-3. The inclusion of these measures may be part of meeting LEED® Silver or equivalent requirements.

MM GHG-3 Purchase GHG Mitigation Credits

Where a future project in the Metro Plan Area does not propose to implement all of the GHG reduction measures in Mitigation Measure GHG-2 and does not propose equivalent reduction measures to compensate for the measures not implemented, the project applicant shall be required to pay on a pro rata basis for net operational GHG emissions to compensate for emissions foregone from not implementing all measure in Mitigation Measure GHG-2 or providing equivalent reductions.

Applicants may purchase GHG credits from a voluntary GHG credit provider that has an established protocol that requires projects generating GHG credits to demonstrate that the reduction of GHG emissions are real, permanent, quantifiable, verifiable, enforceable, and additional (per the definition in California Health and Safety Code Sections 38562(d)(1) and (2)). Definitions for these terms are as follows.

- **Real:** Estimated GHG reductions should not be an artifact of incomplete or inaccurate emissions accounting. Methods for quantifying emission reductions should be conservative to avoid overstating a project's effects. The effects of a project on GHG emissions must be comprehensively accounted for, including unintended effects (often referred to as "leakage"). To ensure that GHG reductions are real, the reduction must be a direct reduction within a confined project boundary.

- **Additional:** GHG reductions must be additional to any that would have occurred in the absence of the Climate Action Reserve, or of a market for GHG reductions generally. "Business as usual" reductions (i.e., those that would occur in the absence of a GHG reduction market) should not be eligible for registration.
- **Permanent:** To function as offsets to GHG emissions, GHG reductions must effectively be "permanent." This means, in general, that any net reversal in GHG reductions used to offset emissions must be fully accounted for and compensated through the achievement of additional reductions.
- **Quantifiable:** GHG reductions or GHG removal enhancements must be able to be accurately measured and calculated relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage.
- **Verified:** GHG reductions must result from activities that have been verified. Verification requires third-party review of monitoring data for a project to ensure the data are complete and accurate.
- **Enforceable:** The emission reductions from offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system in the country in which the offset project occurs or through other compulsory means. Please note that per this mitigation measure, only credits originating within the United States are allowed.

GHG credits must also meet the following requirements:

- GHG credits may be in the form of GHG offsets for prior reductions of GHG emissions verified through protocols or forecasted mitigation units for future committed GHG emissions meeting protocols.
- All credits shall be documented per protocols functionally equivalent in terms of stringency to ARB's protocol for offsets in the cap-and-trade program. The applicant must provide the protocols from the credit provider and must document why the protocols are functionally equivalent.
- Applicants shall identify GHG credits in geographies closest to Santa Clara County first and only turn to larger geographies (i.e., California, United States, global) if adequate credits cannot be found in closer geographies, or the procurement of such credits would create an undue financial burden. Applicants shall provide the following justification for not using credits in closer geographies in terms of either availability or cost prohibition:
  - Lack of enough credits available in closer geographies.
  - Prohibitively costly credits in closer geographies are defined as credits costing more than 300 percent the amount of the current costs of credits in the regulated ARB offset market.
  - Documentation submitted supporting GHG credit proposals shall be prepared by individuals qualified in GHG credit development and verification and such individuals shall certify the following: (1) proposed credits meet the definitions

for the criteria provided in this measure; and (2) the protocols used for the credits meet or exceed the standards for stringency used in ARB protocols for offsets under the California cap-and-trade system.

This mitigation includes the following specific requirements for applicants of future projects within the Metro Plan Area:

- Applicants shall provide the City with a 30-year operational GHG emissions estimate for the final design that includes two scenarios: (1) project operations including all Mitigation Measure GHG-2 reduction measures; and (2) project operations only including those Mitigation Measure GHG-2 reduction measures the applicant proposes to implement and any alternative GHG reduction measures proposed by the applicant. The emissions estimate can be focused exclusively on the sectors where Mitigation Measure GHG-2 measures will not be fully implemented. The difference between the Scenario 1 and Scenario 2 operational emissions will define the amount of needed annual GHG reductions to be addressed through purchase of GHG mitigation credits. The City shall review the emission estimates to ensure they are representative and determine the total amount of annual GHG emissions required to be addressed through purchase of mitigation credits.
- Applicants shall purchase GHG mitigation credits meeting the above requirements and provide documentation to the City of how the credits meet the above requirements. Applicants shall provide the City with documentation of the retirement of sufficient GHG credits to meet the annual GHG reduction amount prior to January 1 of each calendar year for the following year. This requirement shall apply to operations for up to 30 years. Applicants may purchase credits up front or in advance as they choose.

Mitigation Measures for the Proposed Project

Implement MM GHG-1, MM GHG-2, and MM GHG-3.

Conclusion

With regard to GHG Emissions, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.

4. No new mitigation measures or alternatives previously found not to be feasible, would in fact be feasible and would reduce one or more significant effects of the project. No new mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIRs would substantially reduce significant impacts.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
IX. Hazards and Hazardous Materials *Would the project:*							
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than significant impact	Less than significant impact	No	No	No	None	None
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than significant impact	Less than significant impact	No	No	No	None	None
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code	Less than significant impact	Less than significant impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?							
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Less than significant impact	Less than significant impact	No	No	No	None	None
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than significant impact	Less than significant impact	No	No	No	None	None
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan has the potential to create a significant hazard to the public or to the environment through routine transport, use, or disposal of hazardous materials. Future development projects allowed under the General Plan may involve the transportation, use, and/or disposal of hazardous materials for construction and operation. Therefore, the General Plan FEIR found that there is a potential for accidental release of hazardous materials. The use, transportation, and disposal of hazardous materials is regulated and monitored by local fire departments, Certified Unified Program Agencies (CUPAs), the California Occupational Health and Safety Administration (Cal/OSHA), and the California Department of Toxic Substances Control (DTSC), consistent with the requirements of federal, State, and local regulations and policies. These requirements would limit the potential for a project to expose nearby uses, such as schools, to hazardous emissions or an accidental release. In the event of a hazardous materials spill or release, notification and cleanup operations would be performed in compliance with applicable regulations. Facilities that store hazardous materials are also required to maintain a Hazardous Materials Business Plan per General Plan Safety Element Policy SA-5.3. Per General Plan Action SA-5a, applications for future discretionary projects must provide detailed information regarding the potential for the historical use of hazardous materials on-site as well as mitigation measures if warranted. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that future individual development projects under the Metro Specific Plan could cause impacts related to hazards and hazardous materials because development could be located in an area with a known hazardous release site, include demolition of structures potentially containing hazardous building materials, result in the future use, transport, and disposal of hazardous substances, and require construction near a school. However, future discretionary projects would be required to comply with federal, State, and local policies regarding hazardous materials and outlined above. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to hazards and hazardous materials would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project includes similar land uses and intensity of development to those contemplated in the General Plan FEIR and the Metro Specific Plan SFEIR. The proposed project does not propose specific development. Future development and land use activities within the Planning Area and Metro Specific Plan Area, including development within 0.25 mile of a school, would be subject to all applicable federal, State, and local policies for the transport, use and disposal of hazardous materials as described above, including General Plan Action SA-5a. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Summary of General Plan FEIR

The General Plan FEIR determined that there are no hazardous materials release sites compiled pursuant to Government Code Section 65962.5 within the Planning Area. The General Plan FEIR identified 65 locations with a Milpitas address listed in the EnviroStor database. Of these sites, two are active, eight require no further action, four are certified, two are closed, two are protective filers, 37 are inactive and need evaluation, two are inactive and withdrawn, and eight are referred to RWQCB, SB 1248 local agency, or other agency. The General Plan FEIR further identified 95 Leaking Underground Storage Tank (LUST) locations within the City listed in the GeoTracker database. Of these sites, 93 have undergone LUST cleanup and have been closed by the State, one is open for site assessment, and one is an open verification monitoring case. These sites are subject to various federal and State laws such as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and oversight by various regulatory agencies, including the United States Environmental Protection Agency (EPA), DTSC, and RWQCB. The General Plan FEIR concluded that future development projects would comply with applicable federal and State regulations, reducing impacts to less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IX(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development. As described above, there are no hazardous materials release sites within the Planning Area. While there are LUST sites and sites identified by EnviroStor in the Planning Area, these sites would be evaluated and restored subject to federal and State laws and regulatory agencies, including the CERCLA, the EPA, DTSC, and the RWQCB, in the case that any specific development was proposed at these sites. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Summary of General Plan FEIR

The General Plan FEIR determined that there are no airport facilities within the Planning Area and the nearest airport facility is the San Jose International Airport, located approximately two miles south of the Milpitas border. The Airport Influence Area (AIA) extends south along State Route (SR) 87 to just south of I-280, approximately 3 miles northeast of the City. The National Transportation Safety Board Aviation Accident Database identifies a total of eight aircraft accidents at the San Jose International Airport, and these incidents were small-scale and did not occur within Milpitas city limits. Furthermore, the General Plan FEIR identified that the City is not located within one of the Airport Safety Zones for the San Jose International Airport. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IX(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any development in areas not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR. As described in the General Plan FEIR, the closest airport to the Planning Area is the San Jose International Airport, located approximately two miles south of the City. Further, the City is not located within one of the Airport Safety Zones identified by the Comprehensive Land Use Plan for the San Jose International Airport. Therefore, development and land use activities contemplated by the proposed project would not expose persons residing or working in the Planning Area or the Metro Specific Plan Area to aviation safety hazards. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Summary of General Plan FEIR

The General Plan FEIR determined that implementation of the General Plan would not remove or impede any established evacuation routes within the City and that the General Plan does not include land uses, policies, or other components that conflict with adopted emergency response or evacuation plans. However, the City could receive a development proposal that could potentially interfere with an established emergency evacuation route or plan. The Santa Clara County Operation Area and the Santa Clara County Emergency Management Organization provide mutual aid to communities via the Santa Clara County Sheriff's Office, Santa Clara County Fire Department (SCCFD), and the State of California Office of Emergency Services. The City of Milpitas Emergency Operations Plan (EOP) also addresses the integration and coordination within other governmental

agencies required during an emergency. The General Plan FEIR found that coordination with these agencies required by the General Plan would ensure the City's emergency access routes, emergency contact lists, and public information regarding designated facilities and routes are regularly reviewed and updated. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IX(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development within the Planning Area or the Metro Specific Plan Area. Therefore, the proposed project would not directly interfere with emergency response or evacuation. The proposed project includes shifts in zoning districts along established vehicular corridors but does not propose any increase in overall development associated with the buildout of the General Plan or the Metro Specific Plan. Roadways would continue to accommodate project-related traffic, and individual projects would be required to make improvements where needed to ensure adequate capacity for emergency response. Therefore, the implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

g. Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?

Summary of General Plan FEIR

The General Plan FEIR determined that the City and its vicinity are not categorized as Very High Fire Hazard Severity Zone (VHFHSZ) by the California Department of Forestry and Fire Protection (CAL FIRE) and that Local Responsibility Areas (LRA) are concentrated in the incorporated areas of the City and served by the Milpitas Fire Department. The General Plan FEIR identified policies and actions in the General Plan which require adequate water supply and water flow availability, adequate emergency access, adequate fire protection services, fire safe design site standards, and public awareness regarding fire safety. Future individual development projects associated with the implementation of the General Plan would be required to comply with the provisions of federal, State, and local requirements related to wildland fire hazards. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IX(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development within the Planning Area or the Metro Specific Plan Area. Furthermore, the proposed project would implement the General Plan and Metro Specific Plan with the same intensity of development. As such, future individual development

projects resulting from the proposed project would not expose additional people to wildland fire hazards. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Hazards and Hazardous Materials, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
X. Hydrology and Water Quality *Would the project:*							
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less than significant impact	Less than significant impact	No	No	No	None	None
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	Less than significant impact	Less than significant impact	No	No	No	None	None
(i) result in substantial erosion or siltation on- or off-site;	Less than significant impact	Less than significant impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	Less than significant impact	Less than significant impact	No	No	No	None	None
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Less than significant impact	Less than significant impact	No	No	No	None	None
(iv) impede or redirect flood flows?	Less than significant impact	Less than significant impact	No	No	No	None	None
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Less than significant impact	Less than significant impact	No	No	No	None	None
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Summary of General Plan FEIR

Construction

The General Plan FEIR determined that grading, excavation, removal of vegetation cover, and loading activities associated with construction of future individual development projects could temporarily increase runoff, erosion, and sedimentation. Construction activities could also result in soil compaction and wind erosion impacts with the potential to adversely affect soil and reduce revegetation potential at construction sites. A future development project would require an approved SWPPP if it disturbs more than one acre of land to ensure BMPs are implemented during project construction. Further, the General Plan FEIR identifies that specific projects larger than one acre in size are required to obtain National Pollutant Discharge Elimination System (NPDES) coverage under the California General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities from the Regional Water Quality Control Board (RWQCB). Therefore, the General Plan FEIR concluded that impacts would be less than significant.

New Development

The General Plan FEIR determined that development associated with the implementation of the General Plan could introduce constituents into the stormwater system associated with urban runoff and could increase impervious surfaces that could reduce rainwater infiltration and groundwater recharge. However, the majority of development imagined by the General Plan is within areas currently developed with urban uses, and the amount and type of runoff would be similar to the existing conditions. Additionally, the General Plan FEIR identified that the implementation of the General Plan would not appreciably add to the volume of impervious surfaces in the City or the Santa Clara Plain Recharge Area and that there are adequate water supplies. Furthermore, the General Plan FEIR identified that each future development project is required to prepare a detailed project-specific drainage plan, Water Quality Management Plan (WQMP), and a SWPPP to control stormwater runoff and erosion. Future projects would also require a Dewatering permit, NPDES permit, and Waste Discharge permit from the RWQCB and compliance with all stormwater sewer system (Municipal Separate Storm Sewer System [MS4]) requirements.

Furthermore, the General Plan FEIR identified various policies and actions in the General Plan which would reduce water pollution, enhance storm drainage, and reduce the potential for water quality impacts. Applicable policies include, but not are limited to, General Plan Policies SA 2-2, SA 2-3, UCS 1-1 through UCS 1-3, and UCS 4-1 through UCS 4-15. These policies involve coordination with agencies and landowners to plan, construct, and maintain stormwater management facilities,

demonstration of stormwater runoff detention, retention, and/or conveyance for project sites, requiring all future projects to analyze infrastructure and service impacts and mitigate as necessary, as well as incorporate BMPs and Low Impact Development (LID) measures. Therefore, the General Plan FEIR concluded that impacts would be less than significant with implementation of all applicable federal, State, and local policies and regulations.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that future individual development projects under the Metro Specific Plan would require compliance with the General Plan and, therefore, the Metro Specific Plan would not substantially change the overall impacts on hydrology and water quality. It was determined that the Metro Specific Plan would not substantially affect groundwater levels, interfere substantially with groundwater recharge, substantially alter the course of a stream or river, or be subject to inundation by seiche, tsunami, or mudflow. The Metro Specific Plan could create impacts related to hydrology and water quality because development projects in the Specific Plan area could result in erosion, entrainment of sediment in runoff, sedimentation, localized ponding, flooding, and potential release of chemicals during construction, could include increase discharge of pollutants in stormwater, and could result in impacts from construction within a flood zone. However, with the implementation of policies in the General Plan described above, impacts related to hydrology and water quality would be reduced to less than significant. Furthermore, the Metro Specific Plan includes Policies ICS 1.1 through ICS 1.3 and ICS 2.1 through ICS 2.2, which set standards for stormwater drainage and development in flood hazard zones.

Therefore, the Metro Specific Plan SFEIR concluded that impacts related to hydrology and water quality would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development. It imagines similar land use patterns as well as a similar intensity and density of development to those imagined in the General Plan and Metro Specific Plan, and therefore, impacts related to polluted runoff are not anticipated beyond those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. Furthermore, future development and land use activities within the City's jurisdiction would be subject to General Plan policies and Metro Specific Plan policies detailed above, as applicable, including provisions associated with the protection of water quality and runoff. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site;
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
iv. Impede or redirect flood flows?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan could alter the Planning Area's storm drainage system, primarily in areas that are currently undeveloped or underutilized. Construction activities are regulated by the NPDES General Construction Stormwater Permit, which requires the preparation of a SWPPP to control the discharge of pollutants. Additionally, the General Plan FEIR found that the City must implement post-construction stormwater management in new development and redevelopment projects. Furthermore, the Santa Clara Valley Urban Runoff Prevention Program (SCVURPP) implements pollution prevention, source control, and monitoring and outreach programs aimed at reducing pollutants in stormwater runoff and protecting water quality. The General Plan FEIR also identifies several policies and actions within the General Plan which seek to reduce impacts associated with stormwater and drainage, such as Policies SA 2-2, SA 2-3, UCS 1-1 through UCS 1-3, and UCS 4-1 through UCS 4-14. Future projects would also be required to obtain permits from USACE and the CDFW if any work is performed within a waterway, and future development projects must include project-specific floodplain and drainage studies, as necessary. Therefore, the General Plan FEIR concluded that impacts would be less than significant with implementation of General Plan policies and Actions, the Municipal Code, federal and State regulations, and regulations for the SCVURPP.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact X(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in similar land uses, densities, and intensities to those contemplated in the General Plan and Metro Specific Plan. Therefore, the proposed project would not result in any changes to existing drainage patterns, nor would it result in stream alteration that could result in erosion or siltation in the City beyond those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. Furthermore, future development and land use activities within the City's jurisdiction would be subject to General Plan policies and Metro Specific Plan policies, as applicable, including provisions associated with the protection of water quality and runoff, such as General Plan Policies SA 2-3, UCS 1-2, UCS 4-2, UCS 4-5, and UCS 4-14 and Metro Specific Plan Policies ICS 1.1 and ICS 1.2, detailed above.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Summary of General Plan FEIR

Flood

The General Plan FEIR determined that the Planning Area is subject to flooding along natural creeks, drainages, and lakes. Milpitas contains areas within the 1 percent annual chance flood hazard zone, the 0.2 percent annual chance flood hazard zone, and areas of undetermined flood hazard. Portions of the City may also be at risk of inundation from upstream dam failure. According to the General Plan FEIR, the City is a participant in the National Flood Insurance Program (NFIP), which provides property owners and renters with flood insurance, reduces flood damage through a mandatory local floodplain management ordinance, and identifies and maps flood hazards. The NFIP requires the City to maintain a floodplain management ordinance based upon current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), which the City is consistent with through the implementation of Floodplain Management Regulations. Further, the General Plan FEIR determined that future projects would require an approved SWPPP designed to control stormwater quality degradation, and the City regulates stormwater discharge in accordance with the NPDES programs and WQMP stormwater requirements. Therefore, the General Plan FEIR concluded that impacts would be less than significant with implementation of the General Plan and compliance with applicable federal, State, and local regulations.

Tsunami and Seiches

The General Plan FEIR determined that there are no tsunami inundation areas or tsunami inundation lines within the Planning Area. However, there are multiple dam inundation areas that could impact the Planning Area. Therefore, the Santa Clara Valley Water District's Dam Safety Program operates a comprehensive Dam Safety Program for the public. The Dam Safety Program includes periodic special engineering studies, a surveillance and monitoring program, routine inspections, maintenance activities, and emergency response and preparedness plans. This program ensures the continued operation of the 10 major dams within the County, ensuring that Milpitas is not at significant risk from dam failure. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact X(a).

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development. This precludes the potential for new impacts associated with 100-year flood hazards, levees, dam failure, tsunami, seiche, or mudflow. Future individual development projects would be evaluated for inundation risks pursuant to General Plan and Metro Specific Plan policies as detailed in General Plan Policies SA 2-3 through

SA 2-10, which describe flood control measures and requirements for new developments to reduce flooding risks; and Metro Specific Plan Policies ICS 2.1 and ICS 2.2, which describe standards and reduction measures for development that would occur in flood zones. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Hydrology and Water Quality, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XI. Land Use and Planning *Would the project:*							
a) Physically divide an established community?	Less than significant impact	No impact	No	No	No	None	None
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

The proposed project would largely maintain existing land use patterns and designations within the city limits, Planning Area, and Metro Specific Plan Area and would occur within the same building envelopes that were analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR.

a. Physically divide an established community?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not physically divide an established community. The land uses allowed under the General Plan provide opportunities for new growth at infill locations within existing urbanized areas of the City and would not create physical division within the community. The General Plan FEIR found that development projects would be designed to complement the character of the existing community and provide connectivity between the existing development and new development. Furthermore, according to the General Plan FEIR, the General Plan would not include any new areas designated for urbanization or new roadways, infrastructure, or features that would divide existing communities. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that the Metro Specific Plan would not divide an established community or conflict with adjacent uses or the established pattern of development. The Metro Specific Plan would further create street connections, trail connections and pedestrian bridges across major thoroughfares, connecting the Metro Specific Plan Area's residents and employees with jobs, services, parks, and transit. Additionally, the Metro Specific Plan SFEIR found that the Metro Specific Plan's urban design and development standards would contribute to fewer incompatible uses in the Metro Specific Plan Area. Furthermore, the Metro Specific Plan would enhance community connectivity for existing residential uses and would continue implementing similar goals as the TASP regarding community connectivity.

Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would have no impacts related to the division of an established community.

Proposed Project Analysis and Conclusions

The proposed project would result in similar land use patterns to those evaluated in the General Plan and Metro Specific Plan. Furthermore, the proposed project would not alter existing roadways. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Summary of General Plan FEIR

The General Plan FEIR found that the General Plan was prepared in conformance with State laws and regulations, and therefore would not conflict with continued application of State land use plans, policies, and regulations. Additionally, the General Plan focuses on a balanced land use pattern that promotes the City as a desirable place to live and work. The General Plan enhances policies and measures from the previous General Plan that were intended for environmental protection, and the implementation of the General Plan would not remove or conflict with City plans, policies, or regulations adopted for environmental protection. Furthermore, future development projects would be required to be consistent with all applicable policies, standards, and regulations. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would support the goals and policies of the General Plan and Plan Bay Area 2050 with its focus on creating walkable, transit-oriented areas with a mix of neighborhood-serving uses, creating new job opportunities near transit, providing affordable and market rate housing, and encouraging non-vehicular modes of transportation. Additionally, the Metro Specific Plan SFEIR found that all future projects would be required to adhere to the relevant policies of the Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport.

Therefore, the Metro Specific Plan SFEIR concluded that impacts related to conflicts with a land use plan, policy, or regulation would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project contains various updates to the Zoning Ordinance. These updates would result in a similar density and intensity of development as well as similar land use patterns to those imagined in the General Plan and Metro Specific Plan, as the purpose of these updates is to establish consistency between the General Plan and Zoning Code. As described in Section 2.3.1 Project Summary, the proposed project also creates eight new zoning districts with development standards designed to correspond with various General Plan land use designations. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Land Use and Planning, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XII. Mineral Resources *Would the project:*							
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	Less than significant impact	No impact	No	No	No	None	None
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Less than significant impact	No impact	No	No	No	None	None

Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not result in the loss of availability of a known mineral resource. The Planning Area contains four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources, located outside city limits. These areas are part of the South San Francisco Bay Production-Consumption Region, contain sandstone deposits, and are currently being quarried. Additionally, the General Plan FEIR determined that the Planning Area does not contain sites designated as a locally important mineral resource recovery site by the General Plan. The Santa Clara County General Plan identifies important mineral resources within the County, including the hillside areas within the City's SOI. However, the General Plan FEIR determined that the implementation of the General Plan would not result in the loss of a locally important mineral resource recovery site, and impacts would be less than significant. Therefore, the General Plan FEIR identified that there would be no loss of known or

locally important mineral resources as a result of the implementation of the General Plan, and impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that there would be no impacts to mineral resources because there are no mineral resources in the Metro Specific Plan Area.

Proposed Project Analysis and Conclusions

The proposed project does not propose any changes within the Planning Area that could potentially result in development in areas not previously contemplated by the General Plan FEIR or the Metro Specific Plan SFEIR. This precludes the potential for new impacts associated with mineral resources. Therefore, implementation of the proposed project would not introduce environmental impacts or create more severe environmental impacts than those analyzed in the General Plan FEIR or the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Mineral Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XIII. Noise *Would the project:*							
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Significant and unavoidable impact (traffic noise) Less than significant impact (railroad noise) Less than significant impact (stationary noise sources) Less than significant impact (construction noise sources)	Less than significant impact (traffic noise) Less than significant impact (mixed-use and transit-oriented development) Less than significant impact (stationary noise sources) Significant and unavoidable (construction noise sources) Less than significant impact (sire noise at future police station)	No	No	No	None	MM NOI-1
b) Generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact	Significant and unavoidable impact (construction) Less than significant impact (operation)	No	No	No	None	MM NOI-2 and MM NOI-3

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No impact	No impact	No	No	No	None	None

Discussion

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Summary of General Plan FEIR

Traffic Noise

The General Plan FEIR indicated that the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. While the General Plan included several policies and actions to reduce noise and land use compatibility impacts from traffic noise sources, the General Plan FEIR concluded that traffic noise would still exceed applicable noise exposure criteria even with implementation of General Plan requirements. I Impacts related to traffic noise on existing noise-sensitive uses in the City were therefore determined to be significant and unavoidable.

Railroad Noise Sources

The General Plan FEIR indicated that although future development located along railroad lines could expose residents to unacceptable exterior noise levels, implementation of General Plan policies and actions related to noise mitigation would ensure that development allowed under the General Plan

would not expose residents to noise levels associated with railroad operations in excess of the City's established standards. Therefore, the General Plan FEIR concluded that implementation of applicable General Plan policies and actions would ensure that development allowed under the General Plan would not be exposed to noise levels associated with railroad operations in excess of the City's established standards, and impacts would be less than significant.

Stationary Noise Sources

The General Plan FEIR indicated that future development could result in land uses that generate noise levels in excess of applicable City noise standards for non-transportation noise sources. However, implementation of General Plan policies and actions would ensure that development allowed under the General Plan would reduce noise impacts from stationary noise sources, and impacts would be less than significant.

Construction Noise Sources

The General Plan FEIR indicated that future development could result in an increase of construction noise sources that could result in periods of significant ambient noise level increases and the potential for annoyance. The General Plan FEIR noted that due to the temporary nature of construction noise, noise increase from construction activities would not lead to ongoing or long-term exceedances of the City's noise standards. In addition, the ambient noise standards established by the General Plan do not apply to temporary noise sources such as construction activity. The General Plan FEIR concluded that implementation of General Plan policies and actions would reduce noise impacts from construction noise to a less than significant level.

Summary of Metro Specific Plan SFEIR

Construction

The Metro Specific Plan SFEIR indicated that construction of future development associated with the Metro Specific Plan would generate noise and temporarily increase noise levels at nearby land uses. Most construction activities would be limited to the daytime allowable hours for construction defined in the Municipal Code, but some construction noise could occur during nighttime hours and/or could result in a substantial temporary increase in ambient noise levels. Construction noise would be reduced through compliance with General Plan Policies and actions. However, construction noise from development consistent with the Metro Specific Plan could occur during nighttime hours and/or could result in substantial temporary increase in ambient noise levels in the City during daytime or nighttime hours. It is not possible to ensure that in all instances and for all future projects that mitigation measures would be able to reduce construction noise to less than significant levels; therefore, the Metro Specific Plan SFEIR conservatively concluded that construction noise impacts from implementation of the Metro Specific be would be significant and unavoidable.

Operation

Traffic Noise

The Metro Specific Plan SFEIR indicated that implementation of the Metro Specific Plan would result in changes to the land use classifications (i.e., increased allowable densities and intensities, new land use classifications, and change in location of land use classifications) within the Metro Specific Plan Area and could therefore result in increases in traffic in certain portions of the Metro Specific Plan

Area or in the redistribution of traffic along new or different segments. The Metro Specific Plan SFEIR concluded that traffic noise increases would be below General Plan significance thresholds, and impacts related to traffic noise would be less than significant.

Noise Impacts Related to Mixed-Use and Transit-Oriented Development

The Metro Specific Plan SFEIR indicated that the Metro Specific Plan would not directly result in the relocation of rail or Bay Area Rapid Transit (BART) tracks or result in increases in rail or BART activity, and that impacts associated with noise from rail and BART activity would be less than significant.

Operational Mechanical Equipment Noise

The Metro Specific Plan SFEIR indicated that development within the Metro Specific Plan Area would be expected to include the installation and operation of stationary sources of noise, such as heating, ventilation, and air conditioning (HVAC) equipment, and emergency generators, which could expose adjacent land uses and sensitive receptors to excessive noise. The Metro Specific Plan SFEIR presented typical noise generation from HVAC equipment and emergency generators and discussed potential reductions. However, the Metro Specific Plan SFEIR noted that because operational mechanical equipment for specific future projects would vary, it determined that the potential reductions could not be quantified and therefore impacts would potentially be significant. The Metro Specific Plan SFEIR concluded that compliance with applicable General Plan policies and actions would help reduce the effects of mechanical equipment noise on nearby sensitive uses, and that implementation of MM NOI-1 would further reduce potential impacts by requiring applicants of future projects under the Metro Specific Plan to conduct a noise analysis to estimate noise levels of project-specific mechanical equipment and implement mitigation measures to ensure noise levels are below allowable limits. The Metro Specific Plan SFEIR concluded that compliance with applicable General Plan policies and actions and implementation of MM NOI-1 would reduce operational impacts associated with operational mechanical equipment to less than significant.

Siren Noise at Future Police Station

The Metro Specific Plan SFEIR indicated that development of the police station could introduce operational noise in the form of siren noise. However, because siren use would be temporary and would occur to protect public health and safety, it would result in a less than significant noise impact.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development in areas not previously contemplated by the General Plan and Metro Specific Plan. As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan. Therefore, the proposed project does not anticipate any additional construction noise impacts beyond those analyzed in the General Plan FEIR and Metro Specific Plan SFEIR. Furthermore, future development and land use activities resulting from the proposed project would be subject to General Plan goals, policies and actions that would reduce noise and land use compatibility impacts from traffic noise sources, stationary sources, railroad-related sources, and construction sources. Future development located within the Metro Specific Plan Area would also be required to adhere to Metro Specific Plan policies, including the

implementation of MM NOI-1, which mandates that all development projects within the Metro Specific Plan Area conduct a noise analysis to estimate noise levels of project-specific mechanical equipment and implement mitigation measures to ensure noise levels are below allowable limits.

As such, implementation of MM NOI-1 and the Metro Specific Plan goals and policies would reduce the proposed project's noise impacts to a less than significant level within the Metro Specific Plan.

For portions of the proposed project outside of the Metro Specific Plan, the goals, policies, and actions from the General Plan would help reduce potential future noise impacts resultant from the proposed project. Similar to the conclusions of the General Plan FEIR, potential impacts related to traffic noise would continue to be significant and unavoidable for the proposed project. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Generation of excessive groundborne vibration or groundborne noise levels?

Summary of General Plan FEIR

Construction

The General Plan FEIR indicated that construction associated with development under the General Plan could create perceptible vibration levels and potential damage to existing structures, resulting in a potentially significant impact. However, the General Plan FEIR concluded that, given the temporary nature of construction, and with compliance with applicable General Plan policies and actions, impacts from construction vibration would be less than significant.

Operation

The General Plan FEIR indicated that development could expose persons to excessive groundborne vibration levels caused by trains; given the programmatic nature of the General Plan, the locations of buildings and their sensitivity to vibration were not known at the time General Plan FEIR was certified. The General Plan FEIR concluded that compliance with applicable General Plan policies and actions would require that individual development projects undergo project-specific environmental review and address potential vibration impacts associated with railroad operations. Therefore, the General Plan FEIR determined that impacts related to groundborne vibration during operation would be less than significant.

Summary of Metro Specific Plan SFEIR

Construction

The Metro Specific Plan SFEIR concluded that some construction activities could result in vibration levels in excess of significance thresholds that could result in damage to structures and vibration-related annoyance, resulting in a potentially significant impact. Development consistent with the Metro Specific Plan would be required to comply with applicable General Plan policies and actions. Future development requiring pile driving within 100 feet of an existing structure or utilizing other ground-disturbing equipment within 25 feet of existing structures would also be required to implement MM NOI-2, which requires that construction contractors implement all feasible means to

avoid damage to adjacent and nearby buildings from construction-generated vibration. MM NOI-3 requires implementation of a nighttime construction vibration control plan to reduce vibration-related annoyance impacts.

The Metro Specific Plan SFEIR concluded that even with compliance with General Plan policies and MM NOI-2 and MM NOI-3, because it is not possible to ensure that mitigation measures would reduce construction vibration to less than significant levels, construction groundborne vibration impacts would remain significant and unavoidable.

Operation

The Metro Specific Plan SFEIR indicated that while sensitive receptors could be exposed to groundborne vibration from Amtrak trains, freight trains, and BART, the Metro Specific Plan would not result in relocation or the increased use of these facilities beyond what would otherwise exist without the implementation of the Metro Specific Plan. Therefore, it concluded that rail or BART-related operational vibration impacts would not be directly affiliated with the Metro Specific Plan, and impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development in areas not previously contemplated by the General Plan and Metro Specific Plan. As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan. Therefore, the proposed project does not anticipate any additional construction vibration impacts beyond those analyzed in the General Plan FEIR and Metro Specific Plan SFEIR.

In compliance with General Plan policies and actions, buildout of the proposed project would be required to undergo project-specific environmental review and address potential vibration impacts associated with railroad operations. Furthermore, buildout of the proposed project within the Metro Specific Plan Area would be required to comply with applicable Metro Specific Plan policies and actions. Development resulting from the proposed project within the Metro Specific Plan would also be required to comply with Metro Specific Plan SFEIR MM NOI-2 and MM NOI-3, which provide mitigation to protect potentially susceptible structures from construction-generated vibration and also require individual development projects to implement a nighttime construction vibration control plan to reduce vibration-related annoyance impacts. With implementation of the goals, policies, and actions provided by the General Plan, buildout of the proposed project outside of the Metro Specific Plan Area would be less than significant.

Within the Metro Specific Plan Area, Metro Specific Plan policies and actions, and MM NOI-2 and MM NOI-3 would help reduce vibration impacts associated with the proposed project. However, similar to the conclusions of the Metro Specific Plan SFEIR, vibration impacts resulting from construction of development under the proposed project would not differ significantly from those analyzed under the Metro Specific Plan SFEIR, and as such, impacts would remain significant and unavoidable.

Implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Summary of General Plan FEIR

Impacts related to airports are discussed in Section 3.8, Hazards and Hazardous Materials, of the General Plan FEIR. The General Plan FEIR concluded that Milpitas is not located within an airport land use plan or within two miles of a public airport. Therefore, implementation of the General Plan would result in less than significant impacts related to aircraft noise.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR indicated that there are no private or public airport facilities located in the City, and concluded there would be no impact related to exposing people residing or working in the Metro Specific Plan Area to excessive aircraft noise levels.

Proposed Project Analysis and Conclusions

The area associated with the proposed project the same as the General Plan Planning Area and the Metro Specific Plan Area. As such, the proposed project is not located within an airport land use plan or within two miles of a public airport, and the proposed project would not expose people residing or working in the Planning Area or the Metro Specific Plan Area to excessive aircraft noise. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

MM NOI-1 Mechanical Equipment Noise Reduction Plan

To reduce potential noise impacts resulting from mechanical equipment (including but not limited to HVAC equipment and emergency generators), the applicants of future projects under the Metro Plan shall conduct a noise analysis to estimate noise levels of project-specific mechanical equipment. The noise analysis shall be based on the selected equipment models and design features. The applicant for the project shall create a Noise Reduction Plan to ensure noise levels of equipment, once installed, are below the applicable criteria described below.

The Noise Reduction Plan shall include any necessary noise reduction measures required to reduce project-specific mechanical equipment noise to a less than significant level. The plan shall also demonstrate that with the inclusion of selected measures, noise from equipment would be below the significance thresholds. Feasible noise reduction measures to reduce noise below the significance thresholds include, but are not limited to, selecting quieter equipment, utilizing silencers and acoustical equipment at vent openings, siting equipment farther from the roofline, and/or enclosing all equipment in a mechanical equipment room designed to reduce noise. Regarding emergency generators, additional noise reduction options include, but are not limited to, installing quieter model generators, incorporating noise-reducing emergency generator weather enclosures, and installing exhaust mufflers or silences. The results of the noise analysis and the final Noise Reduction Plan shall be provided to the City prior to the issuance of building permits.

The noise analysis and Noise Reduction Plan shall be prepared by persons qualified in acoustical analysis and/or engineering. The Noise Reduction Plan shall demonstrate with reasonable certainty that noise from mechanical equipment selected for the project, including the attenuation features incorporated into the project design, will not exceed the City of Milpitas property plane thresholds of 55 dBA during daytime hours or 45 dBA during nighttime hours for nearby residential land uses.

The applicants of future projects under the Metro Plan shall incorporate all feasible methods to reduce noise and any other feasible recommendations from the acoustical analysis and Noise Reduction Plan into the building design and operations, as necessary, to ensure that noise sources meet applicable requirements of the respective noise ordinances at receiving properties.

MM NOI-2 Protect Potentially Susceptible Structures from Construction-Generated Vibration

If a future development project in the Metro Plan requires any of the following construction activities, then this measure would apply:

- Pile driving within approximately 100 feet of an existing structure.
- Construction with other ground-disturbing equipment (e.g., jackhammers, bulldozers, excavators, etc.) within 25 feet of an existing structure.

The construction contractor shall consult with the City to determine whether adjacent or nearby structures could be adversely affected by construction-generated vibration. If buildings adjacent to construction activity are identified that could be adversely affected, the project applicant will incorporate into construction specifications for their project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby buildings. Such methods to help reduce vibration-related damage effects may include maintaining a safe distance between the construction site and the potentially affected building (e.g., at

least 100 feet for "historic and some old buildings") or using "quiet" pile driving technologies (such as predrilling piles or using sonic pile drivers).

Should pile driving be required within 100 feet of a building in the "historic or some old building" category, within 75 feet of buildings in the "older residential structures" category, and within 55 feet of buildings in the "modern industrial/commercial" category, the City will work with the construction contractor to implement a monitoring program to minimize damage to adjacent buildings and ensure that any such damage is documented and repaired. If required, the monitoring program will include the following components:

- Prior to the start of any ground-disturbing activity, the project applicant will engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of nearby affected buildings that may be considered historic. For buildings that are not potentially historic, a structural engineer or other professional with similar qualifications will document and photograph the existing conditions of potentially affected buildings within 100 feet of pile driving activity.
- Based on the construction and condition of the resource(s), the consultant will also establish a standard maximum vibration level that will not be exceeded at any building, based on existing conditions, character-defining features, soil conditions, and anticipated construction practices. Common standards are a peak particle velocity of 0.25 inch per second for "historic and some old buildings," a peak particle velocity of 0.3 inch per second for "older residential structures," and a peak particle velocity of 0.5 inch per second for "new residential structures" and "modern industrial/commercial buildings," as shown in Table 3.4-2.
- To ensure that vibration levels do not exceed the established standard, the project applicant will monitor vibration levels at each structure and prohibit vibratory construction activities that generate vibration levels in excess of the standard.
- Should vibration levels be observed in excess of the selected standard, construction will be halted, and alternative construction techniques put in practice, to the extent feasible (e.g., predrilled piles could be substituted for driven piles, if feasible, based on soil conditions, or smaller, lighter equipment could be used in some cases).
- The historic preservation professional (for effects on historic buildings) and/or structural engineer (for effects on non-historic structures) will conduct regular periodic inspections (every 3 months) of each building during ground-disturbing activity on the project site. Should damage to any building occur, the building(s) will be remediated to their pre-construction condition at the conclusion of ground-disturbing activity on the site.

MM NOI-3 Implement Nighttime Construction Vibration Control Plan to Reduce Vibration-Related Annoyance Impacts on Adjacent Land Uses

Should vibration-generating construction activities for future development under the Metro Plan be proposed outside of the daytime hours of 7:00 a.m. to 7:00 p.m., and should non-pile driving equipment be proposed within 25 feet of occupied residences or buildings where people sleep, the construction contractor for a project in the Metro Plan Area shall develop a nighttime construction vibration control plan. In addition, should nighttime pile driving activities be proposed within 100 feet of such buildings, the construction contractor for a project in the Metro Plan Area shall similarly develop a nighttime construction vibration control plan. The construction vibration control plan shall demonstrate that vibration levels at the residential land uses during nighttime hours will not exceed 0.1 PPV in/sec.

In addition, the construction contractor will appoint a project vibration coordinator who will serve as the point of contact for vibration-related complaints during project construction. The contact information for the project vibration coordinator shall be posted at the project site and on a publicly available project website for future development projects under the Metro Plan. Should residents in the project area submit complaints to the project vibration coordinator for nighttime construction vibration concerns, the project vibration coordinator shall work with the construction team to adjust activities to reduce vibration or to reschedule activities for a less sensitive time.

Mitigation Measures for the Proposed Project

Implement MM NOI-1, MM NOI-2, and MM NOI-3.

Conclusion

With regard to Noise, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No new mitigation measures or alternatives previously found not to be feasible, would in fact be feasible and would reduce one or more significant effects of the project. No new mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIRs would substantially reduce significant impacts.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XIV. Population and Housing *Would the project:*							
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Less than significant impact	No impact	No	No	No	None	None

Discussion

a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not induce substantial unplanned growth in the City, either directly or indirectly. The General Plan accommodates future growth in the City, including new businesses, expansion of existing business, and new residential uses. The General Plan FEIR also identified that as future development occurs, new roads, infrastructure, and services would be required to serve the development, and that this infrastructure would accommodate the planned growth. There are few areas within the City designated for urban land uses that are not already developed as described in the General Plan FEIR,

and new growth is focused on infill sites throughout the City with higher density uses focused around major transportation corridors. Therefore, with implementation of the General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would seek to increase housing and jobs production in the City and would increase the population within the City. However, the population growth would be considered planned because the Metro Specific Plan calls for the development of multiuse neighborhoods around transit nodes. Additionally, the Metro Specific Plan includes area-wide infrastructure improvements to accommodate residential and mixed-use development; therefore, the Metro Specific Plan SFEIR found that the plan would support the movement of individuals that would live and work in the Metro Specific Plan Area. The Metro Specific Plan would also support the population and housing goals from the 2040 General Plan, including Goals A, B, C, D, and E from the Housing Element, which aim to provide adequate sites to accommodate the City's share of the regional housing need. Therefore, because the population and employment growth would be consistent with the City's growth plans and the growth envisioned for the Bay Area, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would update the Zoning Ordinance and Zoning Map, as well as make minor technical amendments to the General Plan and General Plan Land Use Map to ensure vertical consistency among the City's planning documents. As described in Section 2.3.1 Project Summary, the potential maximum density and intensity of development would remain the same for every parcel with proposed changes. Therefore, the proposed project does not anticipate any changes to direct and indirect population growth impacts in the City beyond those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR.

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Summary of General Plan FEIR

The General Plan FEIR determined that implementation of the General Plan would not displace substantial numbers of existing people or housing. The General Plan FEIR found that the majority of developed land in the Planning Area consists of residential uses, which would not undergo significant land use changes under the General Plan. Furthermore, the General Plan focuses on infill development in vacant and underutilized areas of the City, and the General Plan would generally increase the overall number of dwelling units within the City. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would not displace substantial number of existing people or housing. The Metro Specific Plan aims to provide more housing in the Metro Specific Plan Area by providing affordable and market rate housing through changes in land use classification. Additionally, future development projects would comply with existing federal, State, and local regulations that would avoid the displacement of people and housing through requirements for replacement housing, preservation of and increases in affordable housing, rental increase limits, and landlord-tenant dispute resolution. Furthermore, the Metro Specific Plan SFEIR determined that the Metro Specific Plan's area is currently used for primarily industrial, manufacturing, and research and development (R&D) uses. Therefore, no residences would be displaced in the eastern expansion area of the Metro Specific Plan. Further, future development projects would be required to undergo environmental review pursuant to CEQA to reduce impacts related to displacing people or housing. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would update the City's current Zoning Ordinance, zoning districts, and Zoning Map to ensure conformity with current General Plan and Metro Specific Plan land use designations. The proposed project does not propose any physical development and would not lower the number of housing units allowed within the City. The land use patterns that would result from the proposed project would be similar to those envisioned and evaluated in the General Plan and Metro Specific Plan. As such, there are no areas designated for residential development that would be rezoned for nonresidential uses. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan FEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Population and Housing, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XV. Public Services *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*							
a) Fire protection?	Less than significant impact	—	No	No	No	None	NA
b) Police protection?	Less than significant impact	—	No	No	No	None	NA
c) Schools?	Less than significant impact	Less than significant impact	No	No	No	None	None
d) Parks?	Less than significant impact	Less than significant impact	No	No	No	None	None
e) Other public facilities?	Less than significant impact	—	No	No	No	None	NA

Discussion

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?

b. Police protection?

c. Schools?

d. Parks?

e. Other public facilities?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would result in additional residents and businesses in the City, which would result in increased demand for public services, including fire protection, police protection, schools, parks, and other public facilities, such as libraries. However, the General Plan SFEIR identified various policies and actions within the General Plan which would ensure that public services are provided at acceptable levels and that the City would maintain and implement public facility master plans to ensure compliance with applicable federal, State, and regional laws related to public services. While new public facilities would likely be required to serve growth contemplated by the General Plan, future development projects would be required to comply with regulations, policies, and standards in the General Plan and would be subject to CEQA review as appropriate. Therefore, the General Plan FEIR concluded that impacts related to fire protection would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would increase the demand for public services, including fire protection, police protection, schools, and parks, due to the expansion of the Metro Specific Plan Area and the additional population growth expected. The Metro Specific Plan SFEIR concluded that the Metro Specific Plan includes policies meant to minimize physical impacts on the environment due to the need for new or altered public facilities.

Fire Protection

Metro Specific Plan Policies ICS 8.1, ICS 8.2, ICS 8.4, and ICS 8.5 require the City to prepare a "standards of cover" analysis to determine impacts on the Fire Department, hire additional staff and purchase equipment, site and develop future fire stations to reduce environmental impacts, and minimize noise and traffic impacts resulting from future fire stations. New development would also be required to pay an annual special tax to cover the cost of public service provision, as applicable. However, the Metro Specific Plan SFEIR determined that a CEQA conclusion could not be made because site-specific information on future fire stations that could be required was not known. Therefore, additional CEQA review would be required as additional fire protection services are required.

Police Protection

The Metro Specific Plan includes the addition of Policy ICS 9.2, which requires an additional police substation to be built within the Metro Specific Plan Area. As such, the Metro Specific Plan SFEIR determined that it is not possible to identify the specific nature, extent, and significance of physical impacts on the environment resulting from the construction and operation of a future police facility, because site-specific information was not available.

Therefore, the Metro Specific Plan SFEIR determined that a CEQA conclusion could not be made because site-specific information on a future police station was not known. As such, additional CEQA review would be required as additional police protection services are required.

Schools

Future development associated with the Metro Specific Plan would be required to pay school impact fees to support additional school facilities and services as applicable, and therefore, the Metro Specific Plan SFEIR concluded that impacts on school services would be less than significant.

Parks

The Metro Specific Plan identifies new parks that would be constructed in the Metro Specific Plan Area and includes policies to provide recreational facilities in the form of a trail system and open space in new developments. The Metro Specific Plan requires phased projects to prioritize the development of public amenities to serve new populations, require residential and mixed-use projects to develop and maintain private public spaces, use a hybrid model of an "acres ratio" and the Recreational Value System to assess public space facilities and identify opportunities for growth, and ensure that each district will include open space with amenities suitable to serve the area.

Overall, the Metro Specific Plan SFEIR concluded that impacts related to the construction of additional recreational facilities would be less than significant.

Other Public Facilities

The Metro Specific Plan SFEIR did not discuss or analyze impacts to other public facilities. Therefore, no CEQA determination was made in the Metro Specific Plan SFEIR.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development, land use, or policy changes within the Planning Area or Metro Specific Plan Area that could result in direct or indirect population growth not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR. Additionally, the proposed project would largely maintain existing land use patterns as were envisioned and evaluated in the General Plan and the Metro Specific Plan Area and, as such, would result in similar intensity and density of development. This precludes the potential for new impacts associated with new or expanded public services beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Furthermore, future development projects would be required to comply with applicable federal, State, regional, and local laws and regulations related to public services, including the policies and actions of the General Plan and the Metro Specific Plan.

Fire Protection

Applicable policies related to fire protection include, but are not limited to, General Plan Policies SA 3-1 through SA 3-9, which involve siting, development, staffing, and equipment requirements for critical facilities within the City. Policies SA 4-1, SA 4-8, SA 4-9, and SA 4-10 related to the provision of adequate funding for police and fire facilities and personnel, fire protection in hillside areas, response time for fire and emergency medical services, and adequate water supplies, would also be applicable to future development. Furthermore, Action SA 4b requires applications for future development to be reviewed by the Fire Department to evaluate impacts and facilitate adequate fire services. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to Metro Specific Plan Policy ICS 8.1 through ICS 8.6,

which establish standards for new fire facilities, staffing, and funding, including siting standards and updated emergency and disaster response plans. Furthermore, Policy M 1.2 ensures that all streets shall meet Fire Department design requirements for access and firefighting operations.

Police Protection

Applicable policies from the General Plan and Metro Specific Plan related to police protection include, but are not limited to, General Plan Policies SA 3-1 through SA 3-9, which involve siting, development, staffing, and equipment requirements for critical facilities within the City. Policies SA 4-1 through SA 4-7, related to adequate funding for police facilities and personnel, community-based crime prevention, enhancing safety through physical site planning, and coordination with Valley Transportation Authority (VTA) security and BART Police, would also be applicable to future development. Furthermore, Actions SA 4a and SA 4d require future development to consult with the Police Department to ensure adequate police services and crime prevention measures and encourage using technology as a means of crime reduction. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to, Metro Specific Plan Policy ICS 9.1, which requires the City to hire additional police staff and purchase equipment to provide an adequate level of service.

Schools

Applicable policies from the General Plan and Metro Specific Plan include, but are not limited to General Plan Policy UCS 1-5, Action UCS-8a, and Action UCS-8c, which require the payment of applicable school impact fees for future development and require the City to develop criteria for the siting of schools. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to, Metro Specific Plan Policies ICS 10.2 and ICS 10.2 through ICS 8.6, which require coordination with school districts on facilities needed to accommodate new students and ensure that all school impact fees are paid by future projects.

Parks

Applicable policies related to parks include, but are not limited to, General Plan Policies PROS 1-1 through 1-16, which establish standards for parkland acreage within the Planning Area, require dedication of parkland within future development or payment of in lieu fees, and provide various requirements for expansion, design, and maintenance of park facilities. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to, Metro Specific Plan Policies PPS 3.1, COS 1, PPS 5.5, PPS 1.2, PPS 1.3, and M 5.1 through M 5.3, which establish standards for parks, recreational facilities, and trails within the Metro Specific Plan Area.

Other Public Facilities

Applicable policies related to other public facilities include, but are not limited to, General Plan Policies UCS 1-5, UCS 8-7, and UCS 8-8, which involve paying impact fees, supporting the provision of civic, library, and community facilities, and supporting the Santa Clara County Library District.

Conclusion

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Public Services, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XVI. Recreation *Would the project:*							
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would increase the demand for parks and recreation facilities due to an increase in population, employment, and tourism in the City. The additional demand on existing parks and recreational facilities would

increase the need for maintenance and improvements. The General Plan FEIR found that the provision of new parks and recreation facilities would reduce the potential for adverse impacts and physical deterioration of existing parks and facilities. New facilities would be provided at a pace and in locations appropriate to serve new development in order to maintain the City-adopted standard for park space of 5 acres per 1,000 residents. New neighborhood and community parks and trails would generally be accommodated in the POS and Public Facilities land use designations to accommodate new parks and trails, in accordance with General Plan Policy PROS-1.4. The General Plan FEIR concluded that future projects would be analyzed for conformance with the General Plan, Municipal Code, and other applicable regulations, including evaluation pursuant to CEQA. Additionally, the General Plan includes policies and actions to ensure that parks and recreation facilities are adequately maintained and improved to serve both existing and planned growth. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that impacts related to recreational facilities would be less than significant. The Metro Specific Plan SFEIR determined that the Metro Specific Plan's implementation would increase the demand for recreational facilities due to the expansion of the Metro Specific Plan Area and the additional population growth expected. The Metro Specific Plan identifies new parks that would be constructed in the Metro Specific Plan Area and includes policies to provide recreational facilities in the form of a trail system and open space in new developments. The Metro Specific Plan requires phased projects to prioritize the development of public amenities to serve new populations, require residential and mixed-use projects to develop and maintain private public spaces, use a hybrid model of an "acres ratio" and the Recreational Value System to assess public space facilities and identify opportunities for growth, and ensure that each district will include open space with amenities suitable to serve the area. Overall, the Metro Specific Plan SFEIR concluded that impacts related to recreational facilities would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development, land use, or policy changes within the Planning Area or Metro Specific Plan Area that could result in direct or indirect population growth not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR. Additionally, the proposed project would largely maintain existing land use patterns as imagined in the General Plan Planning Area and the Metro Specific Plan Area. This precludes the potential for new impacts associated with new or expanded parks and recreational facilities beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Furthermore, future development projects would be required to comply with applicable federal, State, regional, and local laws and regulations related to parks and recreational facilities, including the policies and actions of the General Plan and the Metro Specific Plan.

Applicable policies include, but are not limited to, General Plan Policies PROS 1-1 through 1-16, which establish standards for parkland acreage within the Planning Area, require dedication of parkland within future development or payment of in lieu fees, and provide various requirements for expansion, design, and maintenance of park facilities. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to, Metro

Specific Plan Policies PPS 3.1, COS 1, PPS 5.5, PPS 1.2, PPS 1.3, and M 5.1 through M 5.3, which establish standards for park, recreational facilities, and trails within the Metro Specific Plan Area.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Recreation, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XVII. Transportation *Would the project:*							
a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	Significant and unavoidable impact	Less than significant impact	No	No	No	None available	None
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than significant impact	Less than significant impact	No	No	No	None	None
d) Result in inadequate emergency access?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Summary of General Plan FEIR

The General Plan FEIR determined that the policies included in the General Plan would support and further the implementation of a variety of City transportation plans, including the Bikeway Master

Plan and the Trails Master Plan. The General Plan FEIR also identified that the context of the City's transportation network would be considered through policies that support interjurisdictional coordination and linking the development of transportation facilities to the surrounding land uses. Furthermore, the VTA has provided Level of Service (LOS) thresholds for intersections and roadways since the 1990s, including for intersections and roadways within the Planning Area, but LOS is no longer considered an environmental impact under CEQA. As such, the General Plan's policies focus on the development of a multimodal transportation network and the enhancement of facilities to improve walking, bicycling, and transit use. Therefore, the General Plan FEIR concluded that impacts related to conflict with a program, plan, ordinance, or policy associated with the circulation system would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would result in less than significant impacts related to conflict with programs, plans, ordinances, or policies addressing the circulation system of the Metro Specific Plan Area. The Metro Specific Plan SFEIR determined that the Metro Specific Plan would result in increased demand for pedestrian, bicycle, and transit trips in the Metro Specific Plan Area, but the addition of multi-family housing, retail development, and commercial uses would result in convenient, walkable access to a range of services and employment opportunities. The Metro Specific Plan SFEIR further identified that the increased transit demand would be accommodated by various transit providers within the Metro Specific Plan Area, such as BART, VTA light rail, VTA bus routes, Altamont Commuter Express (ACE) shuttles, and an AC Transit line. The Metro Specific Plan also includes various policies meant to minimize potential impacts to pedestrians, bicyclists, and transit users, such as Policies M 2, M 2.1.1 through M 2.1.5, M 2.2, M 2.2.1 through M 2.2.5, M 5.1, and M 8, which detail the specific transportation and circulation improvements, requirements, and Transportation Demand Management (TDM) measures to be implemented.

The Metro Specific Plan SFEIR further determined that the Metro Specific Plan would be consistent with the Draft Trail, Pedestrian, and Bicycle Plan; the City of Milpitas Transportation Analysis Policy; the Plan Bay Area 2050; the Valley Transportation Plan 2040; the Santa Clara Countywide Bicycle Plan; and VTA's Bicycle Technical Guidelines. Goals and policies developed for the Metro Specific Plan would provide enhanced connectivity to destinations throughout the City as well as improved safety and quality of active transportation infrastructure. Therefore, the Metro Specific Plan concluded that impacts related to conflicts with a program, policy, plan, or ordinance associated with the circulation system would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would result in a similar intensity and density of development within the General Plan Planning Area and the Metro Specific Plan Area, as well as result in similar land use patterns, to those imagined in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, the proposed project would not be expected to alter transportation patterns and uses or conflict with any programs, plans, policies, or ordinances associated with the circulation system. Future development projects would be required to comply with all applicable standards, policies, and regulations described above. Therefore, the proposed project would not introduce new significant

environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would result in less than significant impacts related to residential VMT and significant and unavoidable impacts related to employment-based VMT. The General Plan FEIR identified that residential uses in the City were projected to generate an average of 11.03 VMT per capita, which is below the applied significance threshold of 11.48 VMT per capita. However, the General Plan FEIR further identified that the projected VMT per employee (20.41) for the City was nearly 31 percent higher than the applied significance threshold (14.14 VMT per employee). The General Plan's land use patterns, intensities, and policies include several components that aim to reduce VMT, and individual development projects would also be required to complete VMT analyses and implement TDM measures as applicable. Although these measures would likely reduce VMT impacts to less than significant when considered at an individual project-level, the General Plan FEIR determined that they cannot be guaranteed and are not possible to fully quantify or mitigate at the programmatic level. Therefore, the General Plan FEIR concluded that impacts related to VMT would be significant and unavoidable.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Plan would substantially lower VMT per service population, per capita, and per employee as compared to both the 2040 Santa Clara countywide average and the General Plan at buildout. The Metro Specific Plan includes new residences, retail opportunities, and employment sites within the Metro Specific Plan Area located near BART and light rail stations, and therefore, the Metro Specific Plan SFEIR determined that many residents, employees, and visitors would opt to walk, bicycle, or use transit for trips. Furthermore, Metro Specific Plan Policy M 8 requires new development to implement TDM measures in order to achieve a 15 percent reduction in VMT per resident or employee compared to the countywide average. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to VMT would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would result in similar land use patterns, densities, and intensities to those envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR. As such, it is unlikely that the proposed project would result in additional impacts related to VMT. Future development projects would be required to comply with all applicable standards, policies, and regulations described above. Therefore, the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Summary of General Plan FEIR

The General Plan FEIR determined that the General Plan would not directly result in any modification to the transportation network and would have no impact related to increasing hazards related to design features. Furthermore, future facilities associated with the implementation of the General Plan would be required to meet applicable federal, State, and City design standards. General Plan Policy CIR 2-2 requires that intersections are designed to safely and comfortably accommodate all transportation modes and users. Therefore, the General Plan FEIR concluded that impacts related to hazards due to geometric design features would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that any improvements to the transportation and circulation system within the Metro Specific Plan Area would be designed and constructed to federal, regional, and local standards, and would therefore not result in hazardous design features. The design of new streets, circulation improvements, and access points would also be reviewed for compliance with safety guidelines and standards as part of the development review process. Furthermore, the Metro Specific Plan SFEIR found that sidewalks, bike lanes, and paths would be added to create a more comprehensive facilities network, thereby enhancing access and safety for nonmotorized users. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to hazards due geometric design features would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project includes zoning updates and minor General Plan Amendments that would not result in any physical development, which precludes the potential for new impacts associated with roadway safety. Future development projects, including streets, circulation improvements, and access points associated with the implementation of the proposed project would be required to comply with the applicable federal, State, and City design standards, such as General Plan Policy CIR 2-2, described above. Therefore, the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

d. Result in inadequate emergency access?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would result in modifications to the existing transportation network, which could impact emergency access response time. However, future development associated with the General Plan would be required to comply with the City's Design and Construction Standards, which include requirements for emergency access, and would be reviewed by public safety officials as part of the entitlement process. Additionally, the General Plan FEIR found that emergency vehicles are able to use vehicle

preemption technology and sirens to reduce response times, and specific locations that would experience a reduction in roadway capacity would undergo individual operations analyses to assess and mitigate potential impacts to emergency vehicle access. General Plan Policies CIR 1-1, 1-7, 1-11, and 1-13 further focus on considering safety needs as part of planning and implementing transportation improvements. Therefore, the General Plan FEIR concluded that impacts related to emergency vehicle access would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that buildout of the Metro Specific Plan would not be expected to result in inadequate emergency access. Future individual development projects within the Metro Specific Plan Area would be required to comply with City and County standards and requirements, as well as Safety, Fire, and Building Codes, and would undergo review by public safety officials as part of the approval process. Furthermore, the Metro Specific Plan SFEIR identified that the addition of a police substation within the Metro Specific Plan Area would provide broader distribution of emergency response resources, thereby resulting in reduced travel distances and response times for emergency vehicles. Additionally, the Metro Specific Plan SFEIR found that emergency vehicles are able to use vehicle preemption technology and sirens to reduce response times, and specific locations that would experience a reduction in roadway capacity would undergo individual operations analyses to assess and mitigate potentially impacts to emergency vehicle access. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to emergency vehicle access would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would result in similar intensity, density, and land use patterns to those envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, which precludes the potential for new impacts associated with emergency response. Furthermore, any future development projects associated with the implementation of the proposed project would be required to comply with the applicable City and County design standards. For example, General Plan Policies CIR 1-1, 1-7, 1-11, and 1-13 require prioritization of infrastructure and facility safety on streets, coordination with neighboring jurisdictions regarding planned developments and transportation improvements, maintenance of acceptable operations for major streets and intersections, and maintenance of updated emergency preparedness and evacuation plans and procedures. Therefore, the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Transportation, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XVIII. Utilities and Service Systems *Would the project:*							
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than significant impact	Less than significant impact (all facilities except future reservoir and pump stations, see below); No CEQA conclusion could be made at the time. Future reservoir and pump station may be subject to further review under CEQA	No	No	No	None	None
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Less than significant impact	Less than significant impact	No	No	No	None	None
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has	Less than significant impact	Less than significant impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?							
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than significant impact	Less than significant impact	No	No	No	None	None
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	Less than significant impact	Less than significant impact	No	No	No	None	None

Discussion

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Summary of General Plan FEIR

Water

The General Plan FEIR determined that the implementation of the General Plan would increase demand for water supplies, including water conveyance and treatment infrastructure, but that the projected 2040 water supplies would be adequate to meet the demand that would be generated by buildout of the General Plan. Therefore, the General Plan would not result in the need to construct or expand water supply and treatment facilities that have not been addressed in the Santa Clara Valley Water District's water master plans. Future discretionary projects would be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations, including the

requirements of CEQA. Further, the General Plan FEIR identifies several policies to ensure that water providers are consulted with during future land use changes to ensure that future supply meets demands. Future development would also be required to connect to existing water distribution infrastructure, pay the applicable water system connection fees, and pay the applicable water usage rates. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Wastewater

The General Plan FEIR determined that the implementation of the General Plan would increase demand for wastewater services. The General Plan FEIR found that there is excess treatment capacity at the Regional Wastewater Facility (RWF), and no physical plant expansions would be required as a result of the General Plan. Further, future development projects would be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations, including the requirements of CEQA. The General Plan FEIR also identified policies within the General Plan that are designed to ensure adequate wastewater treatment capacity is available to serve development. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

Stormwater Drainage

The General Plan FEIR determined that the implementation of the General Plan may result in increased areas of impervious surfaces throughout the Planning Area, requiring additional or expanded stormwater drainage, conveyance, and retention infrastructure. Future development would be required to evaluate stormwater drainage and conveyance facilities at the project level, and facilities would primarily be provided on sites with land use designations that allow such uses. Furthermore, General Plan Action UCS 4e requires compliance with the SCVURPP and the C.3 Stormwater Handbook, which includes post-construction stormwater controls on development projects. The General Plan FEIR also identifies several policies and actions designed to ensure adequate drainage infrastructure is available to serve development, minimize potential adverse effects of stormwater conveyance, and ensure that development does not move forward until adequate drainage capacity exists. All development projects would be required to demonstrate how stormwater detention and/or retention would occur on-site or be conveyed to the nearest drainage facility. Therefore, the General Plan FEIR concluded that impacts related to stormwater drainage would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would involve the relocation, construction, or expansion of numerous utility facilities. However, the additional facilities were included in the Water Master Plan, Sewer Master Plan, and Storm Drain Master Plan prepared by the City. These Master Plans were developed using modeling of the assumed buildout of the Metro Specific Plan, and as such, the demand on water, sewer, and storm drain utilities due to the growth associated with the Metro Specific Plan would be met through the utility improvements identified in the Master Plans.

Construction

The Metro Specific Plan SFEIR found that construction activities within the Metro Specific Plan Area would be served by existing utility systems and infrastructure. There would be adequate utility

service available to provide electricity during construction activities without requiring new or expanded facilities. Further, natural gas and telecommunications services are not generally used during construction, and limited construction-phase water needs would be met through the metered use of water conveyed by water trucks and tanks. The Metro Specific Plan SFEIR determined that construction would not result in substantially elevated wastewater generation levels into the local sanitary sewer system. Groundwater dewatering, required for major excavations, would be discharged into the storm drain system and subject to applicable regulatory controls. Therefore, the Metro Specific Plan SFEIR concluded that construction-related impacts to utilities and service systems would be less than significant.

Operation

The Metro Specific Plan SFEIR requires various improvements to the water system, wastewater system, and stormwater drainage system. The environmental impacts of these improvements were evaluated in various topical sections of the Metro Specific Plan SFEIR. Two improvements discussed in the Metro Specific Plan SFEIR included the implementation of a 2-million-gallon storage reservoir and a new pump station. However, because the locations of these facilities are not currently known, the Metro Specific Plan SFEIR did not make a CEQA significance determination. Future facilities would be evaluated for potential environmental impacts pursuant to CEQA prior to construction. Furthermore, the Metro Specific Plan SFEIR identified that future projects would include building design features that reduce energy consumption and increase renewable energy generation, and projects would be required to comply with the California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations, which includes green and sustainable building requirements to achieve energy efficiency. The Metro Specific Plan SFEIR thereby identified that it would not require new or expanded electrical facilities, and the Metro Specific Plan would limit the use of natural gas. The Metro Specific Plan would not require the construction of new or expanded natural gas facilities or telecommunication facilities. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The purpose of the proposed project is to establish consistency between the General Plan, Metro Specific Plan, and Zoning Code; therefore, the proposed project would result in a similar density and intensity of development as well as similar land use patterns to those envisioned and evaluated in the General Plan and Metro Specific Plan. Accordingly, the proposed project would not result in direct or indirect population growth not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR, and would not result in the need for construction or relocation of any utilities infrastructure. Additionally, the proposed project would not increase demand for water supplies or wastewater due to an increase in population and employment. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would result in increased demand for additional water supplies due to an increase in population and employment in the Planning Area, although the General Plan FEIR also found that the City would have adequate water supply to serve the General Plan's land uses with an available water supply of 17.5 million gallons per day (mgd) compared to the 13.7 mgd water demands at buildout according to the 2020 Water Master Plan Update (WMPU). Additionally, the General Plan includes various policies designed to ensure an adequate water supply for development and minimize the potential adverse effects of increased water use, such as General Plan Policies UCS 2-1 through UCS 2-8 and Actions UCS 2a through 2k, which require that the water system adequately meets the needs of existing and future development, that additional water supply sources are pursued, that new development pays its fair share of funding for water distribution, and that the use of recycled water is encouraged. Therefore, the General Plan FEIR concluded that impacts related to adequate water supplies would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would result in additional water demand. A Water Supply Assessment (WSA) was prepared for the Metro Specific Plan, which concluded that the City's water supplies would meet projected demands for the Metro Specific Plan through 2045 during normal hydrologic years. Further, once the City's groundwater wells identified in the City's 2020 Urban Water Management Plan (UWMP) start operating in 2030, the City's dry year supplies can better meet projected demands in single dry and multiple dry years. There are small supply shortfalls starting in the third year of a 5-year drought starting in 2030 and the fourth year of a 5-year drought starting in 2045, as described in the Metro Specific Plan SFEIR. The City would implement its Water Shortage Contingency Plan (WSCP) and reduce water demands as needed to address these shortfalls. Therefore, the Metro Specific SFEIR concluded that the total projected water supplies would meet the projected water demand associated with the Metro Specific Plan and impacts were determined to be less than significant.

Proposed Project Analysis and Conclusions

Refer to Impact XVIII(a).

c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not exceed the projected wastewater generation volumes described in the City's 2014 SSMP and the 2015 UWMP. The General Plan FEIR found that there would be an increased demand for water and wastewater services, including a reliable source of recycled water; however, these needs have been

addressed in the water and sewer master plans prepared for the City by West Yost Engineers and HydroScience Engineers, Inc., and the San Jose-Santa Clara Regional Wastewater Facility Master Plan. Projected future water demand will require that the districts continue to implement phased improvements to pump stations, sewer mains, and wastewater treatment plans. Furthermore, the General Plan FEIR identified various General Plan policies designed to ensure an adequate wastewater treatment capacity for development. Therefore, the General Plan FEIR concluded that impacts related to adequate wastewater treatment capacity would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would increase total wastewater demand due to the expected population growth. Metro Specific Plan policies require ultra-low-flow fixtures and encourage incorporation of water collection and retention devices. The City's overall wastewater generation, including within the Metro Specific Plan Area, would be approximately 9.22 mgd, which is well below the City's capacity of 14.25 mgd. Therefore, the Metro Specific Plan SFEIR concluded that there would be adequate capacity to serve the Metro Specific Plan's projected wastewater demand, and impacts would be less than significant.

Proposed Project Analysis and Conclusions

Refer to Impact XVIII(a).

d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Summary of General Plan FEIR

The General Plan FEIR determined that implementation of the General Plan would result in an increase of approximately 32,886.5 tons of solid waste per year. The City's projected increase in solid waste generation associated with the implementation of the General Plan is well within the permitted capacity of the Newby Island Landfill[3], which serves Milpitas. The General Plan FEIR also identified that future projects would be required to comply with applicable State and local requirements pertaining to solid waste, construction waste diversion, and recycling. Further, the General Plan includes actions to further reduce impacts on solid waste services. Therefore, the General Plan FEIR concluded that impacts related to solid waste would be less than significant.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would generate additional solid waste beyond the amount previously identified in the TASP. The Metro Specific Plan SFEIR found that the Kirby Canyon Landfill would have adequate capacity to serve the Metro Specific Plan because the solid waste generated by the Metro Specific Plan Area would only result in approximately 1.1 percent of the solid waste permitted daily. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to solid waste would be less than significant.

[3] At the time the General Plan FEIR was certified, the Newby Island Landfill provided solid waste disposal services for the City. However, the City entered a long-term agreement for landfill disposal with Kirby Canyon Landfill in 2017, as analyzed in the Metro Specific Plan SFEIR.

Proposed Project Analysis and Conclusions

The proposed project would not result in direct or indirect population growth not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR and would not result in any physical development. This precludes the potential for new impacts associated with solid waste capacity beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

e. Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Summary of General Plan FEIR

Refer to summary provided in Impact XVIII(d).

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that future development associated with the Metro Specific Plan would be required to comply with regulations requiring waste diversion, including AB 939, the City's Source Reduction and Recycling Program, and Integrated Waste Management Plan (IWMP). Furthermore, the Metro Specific Plan includes policies to provide organic waste collection services in residential and nonresidential development. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not include any physical development. Future individual development projects would be required to comply with General Plan and Metro Specific Plan policies as well as AB 939 and the City's IWMP. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Utilities and Service Systems, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Substantial Changes in Project Involving New or More Severe Impacts?	Substantial Changes in Circumstances Involving New or More Severe Impacts?	New Information of Substantial Importance Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XIX. Wildfire *If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, would the project:*							
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Less than significant impact	No impact	No	No	No	None	None
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Less than significant impact	No impact	No	No	No	None	None
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Less than significant impact	No impact	No	No	No	None	None

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Substantial Changes in Project Involving New or More Severe Impacts?	Substantial Changes in Circumstances Involving New or More Severe Impacts?	New Information of Substantial Importance Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Less than significant impact	No impact	No	No	No	None	None

Discussion

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

Summary of General Plan FEIR

The General Plan FEIR indicated that implementation of the General Plan does not include any site-specific designs or proposals that would have potential to impair an adopted emergency response plan or evacuation plan. In addition, the General Plan does not include land uses, policies, or other components that conflict with adopted emergency response or evacuation plans which would be provided by the City of Milpitas as a member of the Santa Clara County Emergency Management Organization. The City maintains adequate staffing and access for emergency services, and all new development contemplated under the General Plan would be subject to all City regulations, reviews, and requirements related to emergency services, as well as CEQA analysis of project-specific impacts.

The General Plan FEIR concluded that implementation of the policies and actions contained in the General Plan would ensure resiliency and functionality in the event of a natural disaster. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact regarding impairment of adopted emergency response plans or emergency evacuation plans.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR found that the area surrounding the Metro Specific Plan Planning Area is generally developed and lacking features that exacerbate wildland fire risks. The Metro Specific Plan SFEIR is not located within or near a State Responsibility Area (SRA) or VHFHSZ.

In addition, it was determined that implementation of the Metro Specific Plan would not result in new or substantially more severe effects that were not analyzed in the General Plan FEIR. Therefore, the Metro Specific Plan SFEIR concluded that there would be no impact related to wildfire.

Proposed Project Analysis and Conclusions

The proposed project does not include any specific development proposals. Future development and associated land use activities would be subject to General Plan and Metro Specific Plan policies, as applicable, including provisions associated with fire safety.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to wildfires to create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Summary of General Plan FEIR

The General Plan found that the City of Milpitas does not contain any areas determined to have either a High or Very High fire threat to people within city limits. While the General Plan does not include any site-specific design or proposals or entitlements with the potential to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, all future development contemplated under the General Plan is required to comply with all applicable federal, State, and local policies and regulations related to wildland fire safety hazards, such as General Plan Policies SA 4-1, 4-8 through 4-11, and 6-7, which require ensuring adequate water supplies are available for fire suppression throughout the City, providing adequate funding for fire facilities and personnel, and maintaining a response time of 4 minutes or less for urban service areas.

The General Plan FEIR concluded that nothing in the General Plan will substantially alter the slope, prevailing winds, or other factors that would increase exposure of Milpitas residents to wildfires. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact regarding the exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan Area is not located in an SRA or VHFHSZ. Refer to summary provided in Impact XIX(a).

Proposed Project Analysis and Conclusions

The proposed project does not include any specific development proposals. Future development and associated land use activities would be subject to the General Plan policies and Metro Specific Plan policies, as applicable, including provisions associated with fire safety.

Applicable policies include, but are not limited to, General Plan Policies SA 4-1, 4-8 through 4-11, and 6-7, detailed above. General Plan Actions SA 4b, SA 4c, and SA 6g further require development applications to be reviewed by the Public Works Department and Fire Department and to incorporate a climate vulnerability assessment and strategies to safeguard human health and community assets into relevant plans, such as the Emergency Preparedness Plan, Local Hazard Mitigation Plan, and CAP.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to wildfires to create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Summary of General Plan FEIR

The General Plan FEIR found that proposed construction projects contemplated under the General Plan would be located in areas that are already urbanized and served by infrastructure. However, all development would be required to comply with applicable provisions from the California Fire Code (CFC), the California Code of Regulations, and the California Public Utilities Commission (CPUC). The General Plan also includes requirements for adequate water supply and flow availability and access for fire suppression.

The General Plan FEIR concluded that implementation of the policies and actions included in the General Plan and described above would ensure that wildland fire hazards would not be exacerbated by local infrastructure. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact regarding installation or maintenance of infrastructure and wildfire risk.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan Area is urbanized and contains infrastructure typically associated with urbanized areas. Refer to summary provided in Impact XIX(a).

Proposed Project Analysis and Conclusions

The proposed project does not include any specific development proposals. Future development and associated land use activities would be subject to the General Plan policies and Metro Specific Plan policies described above, as applicable, including provisions related to infrastructure and fire risk.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to infrastructure-related fire risk to create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Summary of General Plan FEIR

The General Plan FEIR found that a large portion of central Milpitas and areas along Coyote Creek are located within a mapped portion of 100-year and 500-year FEMA flood zones, according to the FEMA Flood Hazard Map Viewer. The General Plan Planning Area has not been impacted by fires, as wildfire areas within the City's SOI are located in the hillside areas outside of city limits. The topography in the urban areas of the Planning Area is generally flat and would not be at risk due to debris flows. However, as stated above, all future development under the General Plan will be evaluated for conformance to the CBC as well as the Zoning Ordinance and other City policies, and will be required to prepare a project-specific SWPPP by the RWQCB.

The General Plan FEIR concluded that proposed future development contemplated under the General Plan would not be subject to debris flows, as the topography of the urban portions of the General Plan Planning Area are generally flat, and portions of the Planning Area adjacent to hillside areas subject to landslides and debris flows are sparsely developed. Therefore, the General Plan would result in a less than significant impact regarding the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage change.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan Area is generally characterized by flat topography. Refer to summary provided in Impact XIX(a).

Proposed Project Analysis and Conclusions

The proposed project does not include any specific development proposals. Future development and associated land use activities would be subject to the General Plan policies and Metro Specific Plan policies as applicable, including provisions associated with fire safety and flood hazard protection, such as General Plan Policies SA 2-1 through 2-11, which include various provisions related to flood hazards and flood control facilities.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to risks from downslope or downstream flooding resulting from runoff or post-fire slope instability or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan SFEIR Mitigation Measures

None.

Mitigation Measures for the Proposed Project

None required.

Conclusion

With regard to Wildfire, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
XX. Mandatory Findings of Significance							
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	Less than significant impact	Less than significant impact	No	No	No	None	None
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a	Significant and unavoidable impact	Significant and unavoidable impact	No	No	No	None	MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM GHG-1, MM GHG-2,

Environmental Issue Area	Conclusion in General Plan FEIR	Conclusion in Metro Specific Plan SFEIR	Do the Proposed Changes Involve New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Requiring New Analysis or Verification?	General Plan FEIR Mitigation Measures	Metro Specific Plan SFEIR Mitigation Measures
project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?							MM GHG-3, MM NOI-1, MM NOI-2, and MM NOI-3.
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	Significant and unavoidable impact	Significant and unavoidable impact				None	MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM GHG-1, MM GHG-2, MM GHG-3, MM NOI-1, MM NOI-2, and MM NOI-3.

Discussion

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Summary of General Plan FEIR

The General Plan FEIR determined that the General Plan would have less than significant impacts related to biological resources, cultural resources, and TCRs. Future individual development projects would be required to comply with the policies and actions of the General Plan, which would require site-specific review of project sites to determine whether movement corridors, sensitive habitat, special-status species, and potential cultural resources and TCRs are present. If any of these are

determined to be present, future projects would be required to mitigate and reduce impacts to the greatest extent feasible. Therefore, the General Plan FEIR concluded that the General Plan would not substantially degrade the quality of the environment, reduce special-status species habitats, or eliminate important examples of the major periods of California history or prehistory.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would have less than significant impacts related to biological resources and cultural resources, including historical and archaeological resources. Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would not substantially degrade the quality of the environment, reduce special-status species habitats, or eliminate important examples of the major periods of California history or prehistory.

Proposed Project Analysis and Conclusions

The proposed project would result in a similar intensity and density of development, as well as similar land use patterns, to those envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, the proposed project would have similar environmental effects related to biological resources, cultural resources, and TCRs as evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Summary of General Plan FEIR

The General Plan FEIR found that the General Plan would result in a significant and unavoidable cumulative impact related to noise because traffic noise increases would exceed the applicable noise exposure criteria. The General Plan would also result in a significant and unavoidable cumulative impact on the transportation network because it is unlikely that the 31 percent VMT reduction needed to reach the applied significance threshold would be obtained, since VMT reductions cannot be guaranteed and could not be fully quantified or mitigated at a citywide level in the programmatic General Plan. Therefore, the General Plan FEIR concluded that the implementation of the General Plan would have cumulatively considerable impacts related to noise and transportation.

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would not contribute to cumulatively considerable impacts on most resource areas. However, the Metro Specific Plan SFEIR further identified that the Metro Specific Plan would have potential impacts on air quality, GHG emissions, land use and planning, noise, population and housing, public services, recreation, transportation, and utilities and service systems. As discussed in the various environmental impact

sections of this document, the Metro Specific Plan SFEIR concluded that the implementation of the Metro Specific Plan would result in significant air quality impacts related to a net increase in criteria pollutants and exposing sensitive receptors to pollutant concentrations; significant GHG impacts related to conflict with applicable plans, policies, or regulations reducing GHG emissions; and significant noise impacts related to increases in ambient noise levels, and excessive groundborne vibration or noise levels. Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would have cumulatively considerable impacts related to air quality, GHG emissions, and noise.

Proposed Project Analysis and Conclusions

The proposed project would result in a similar intensity and density of development, as well as similar land use patterns, to those envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, because the proposed project would ensure consistency between the Zoning Ordinance, the General Plan, and the Metro Specific Plan. Accordingly, the proposed project would have similar environmental effects related to noise, air quality, transportation, and GHG emissions, as evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Summary of General Plan FEIR

The General Plan FEIR determined that the General Plan would result in a significant and unavoidable cumulative impact related to traffic noise, which could have adverse effects on human beings. Refer to summary provided in Impact XX(b).

Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would have significant and unavoidable impacts related to air quality, GHG emissions, and noise, as discussed in the summary provided in Impact XX(b). Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would have an adverse impact on human beings, either directly or indirectly, from air pollutants, GHG emissions, and noise.

Proposed Project Analysis and Conclusions

The proposed project would result in a similar intensity and density of development, as well as similar land use patterns, as envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR because the proposed project would ensure consistency between the Zoning Ordinance, the General Plan, and the Metro Specific Plan. Accordingly, the proposed project would have similar environmental effects related to noise, air quality, and GHG emissions, as evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create

substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

Mitigation Measures

General Plan FEIR Mitigation Measures

None.

Metro Specific Plan FEIR Mitigation Measures

MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM GHG-1, MM GHG-2, MM GHG-3, MM NOI-1, MM NOI-2, and MM NOI-3.

Mitigation Measures for the Proposed Project

Implement MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM GHG-1, MM GHG-2, MM GHG-3, MM NOI-1, MM NOI-2, and MM NOI-3.

Conclusion

With regard to Mandatory Findings of Significance, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No new mitigation measures or alternatives previously found not to be feasible, would in fact be feasible and would reduce one or more significant effects of the project. No new mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIRs would substantially reduce significant impacts. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

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Summary of General Plan Amendment
In conjunction with Phase 1 of Comprehensive Zoning Update
City of Milpitas

GENERAL PLAN LAND USE MAP AMENDMENT

Miscellaneous Parcels

Parcel APN	Current GP Land Use	Proposed Rezoning	GP Map Amendments	Notes
8319027	BPRD	*None*	Change GP land use to Public Facilities (PF)	This is Milpitas Fire Station No. 4. The parcel is currently zoned "I" (Institutional). The GP land use designation should be updated to Public Facilities (PF) to be consistent with the "I" zone.
2259085	HDR	*None*	Change GP land use to Permanent Open Space (POS)	This parcel is a waterway and has a current zoning description of "Waterways." The GP land use designation should be changed to Permanent Open Space (POS).
2201021	MFG	Rezone to POS	Change GP land use to Permanent Open Space (POS)	These are two City-owned natural/open space parcels and should have both GP land use and zoning of POS.
2237002	INP	Rezone to POS	Change GP land use to Permanent Open Space (POS)	
8326002	MGSP	*None*	Change GP land use to Permanent Open Space (POS)	These three parcels were formerly located in the Milpitas Gateway Specific Plan (MGSP) Area. The City recently adopted chanes to the boundaries of that specific plan area. Subsequently the City approved General Plan map amendments to change the land use designations of properties removed from the plan area from MGSP to new, appropriate designations under the General Plan. These three parcels were inadvertently left out of that effort. All three are currently zoned POS (Park & Public Open Space District) and must have the General Plan land use designations updated to match zoning.
8327051	MGSP	*None*	Change GP land use to Permanent Open Space (POS)	
8334002	MGSP	*None*	Change GP land use to Permanent Open Space (POS)	

Granada Residential Subdivision (PUD 11)

Parcel APNs	Current GP Land Use	Proposed Rezoning	GP Map Amendments	Notes
Multiple (8305009 through 8308244)	MDR	*None*	Change GP land use to High Density Residential (HDR)	Changing the land use designation to HDR will make the General Plan Land Use Map and the zoning consistent for these properties.

City of Milpitas

New Zoning Districts
(Zoning Ordinance Update Phase I)

Public Hearing Draft | April 2024

Prepared for:

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*Section 2 Definitions**

* Prior ordinance history: Ords. 38, 38.19, 38.22, 38.39, 38.227, 38.339, 38.342, 38.355, 38.395, 38.485, 38.541, 38.551, 38.591, 38.603, 38.629, 38.646, 38.654, 38.667, 38.688, 38.694, 38.697, 38.702, 38.708, 38.710, 38.713, 38.754, 38.759, 38.760, 38.761, 38.763, 38.767, 38.770, 38.776 and 124.27.

XI-10-2.01 Purpose and Intent

The purpose of this chapter is to ensure precision in interpretation of this title. This section provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this chapter, or other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

(Ord. 38.780 (2) (part), 8/19/08)

XI-10-2.02 General Definitions

A. The word "shall" is mandatory and not discretionary. The word "may" is permissive and discretionary.

B. The word "should" indicates a guideline that must be followed in the absence of compelling considerations to the contrary.

C. In the case of any difference of meaning or implication between the text of any provision and any caption or illustration, the text shall control.

D. Unless the context clearly indicates to the contrary, words in the present and the future tense are interchangeable, and words in the singular and plural are interchangeable.

E. Unless the context clearly indicates to the contrary, the following conjunctions shall be interpreted as follows:

   1. "And" indicates that all connected items or provisions shall apply;

   2. "Or" indicates the connected items or provisions apply singly; and

   3. "And/or" indicates the connected items or provisions may apply singly or in any combination; and

   4. "Either…or" indicates that the connected items or provisions shall apply singly but not in combination.

F. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied, or intended to be utilized.

G. The words "Planning Director" shall mean the Planning Director of the City or designee.

H. The words "Planning Division" shall mean staff representing the City in implementing this chapter, the General Plan, and other regulations affecting land use.

I. The words "City Engineer" shall mean the City Engineer of the City or designee.

J. The words "Building Official" shall mean the Building Official of the City or designee charged with the administration and enforcement of the Building Code of the City of Milpitas.

K. The words "City Manager" shall mean the City Manager of the City or designee.

L. The words "Planning Commission" or "Commission" shall mean the City Planning Commission.

M. The word "Council" shall mean the City Council, the governing body of the City.

N. The word "City" shall mean the City of Milpitas.

O. The word "County" shall mean the County of Santa Clara.

P. The word "State" shall mean the State of California.

Q. The words "Zoning Ordinance" or "this Chapter" or "Zoning Code" shall mean Title XI, Chapter 10 of the Municipal Code of the City.

R. The words "General Plan" shall mean the General Plan of the City.

S. The word "code" shall mean the municipal code of the City.

T. Unless otherwise indicated, reference in this Chapter to whole numbers of sections includes all of the decimal-numbered paragraphs listed under such whole number section; i.e., a reference to Section 1.00 includes Subsections 1.01, 1.01-1 where the same are applicable.

U. The word "lot" includes "plot".

V. The word "building" includes "structure" except as specified.

W. The words "Enforcement Officer" mean that person or persons specifically designated by the City Manager to enforce the provisions of this Chapter.

X. The words "Zoning Administrator" shall mean the City Zoning Administrator.

(Ord. No. 38.834 , § 4, 8/20/19; Ord. 38.780 (2) (part), 8/19/08)

XI-10-2.03 Definitions

A

"Abate" shall mean to repair, replace, remove, destroy or otherwise remedy the condition in violation of this Chapter.

"Accessory Building or Use" means a subordinate building or use, whose purpose is clearly incidental to that of the main building or the use of the land, and which shall not contain living or sleeping quarters or storage for commercial vehicles in excess of three-quarter (¾) ton size. Accessory dwelling units, as defined in subsection XI-10-13.08 "Accessory Dwelling Units," are exempted from the prohibition against living and sleeping quarters. An accessory building shall be considered attached to the main building if:

1. It shares a common wall with the main building; or
2. It shares an integral roof structure having the same framing system and roof covering as the main building and is separated from the main structure by no more than ten (10) feet at any given point.

"Accessory Structure" means a structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. An accessory structure is that which an accessory building is not, by definition. Examples include, but are not limited to fences, trellises, covered patios, and porte cocheres.

"Active Use" means a use that attracts walk-in visitors and has a high degree of transparency from the street. Active uses include but are not limited to retail, restaurants, bars, markets, theaters, salons, yoga studios, art studios/galleries, banks, offices, and clinics. Active uses also include ground floor residential shared amenities, such as a lobby, gym, or conference room.

"Adjacent" means having a common border with, or being separated from such a common border by a right-of-way, alley or easement. Properties separated by a street, alley, intersection, or other public right-of-way (other

than an elevated interstate freeway), shall be considered abutting when their property lines would touch in any way if drawn to the center line of such street, alleyway, intersection, or other public right-of-way.

"Advanced Manufacturing" means the use of innovative technologies to create existing and new products or to improve products and processes. Advanced manufacturing focuses on the rapid transfer of science and technology into production activities and may incorporate high technology elements such as information, automation, computation, software, sensing, and networking. Advanced manufacturing may include storage space for raw materials and/or finished goods that actively supports the primary use.

"Airport" means any area of land or water designed, used, or intended to be used or set aside for the landing and taking off of aircraft. The term "Airport" includes all necessary taxi-ways, aircraft storage and tie-down area, hangars and other necessary buildings and open spaces.

"Alley" means any public thoroughfare which affords only a secondary means of access to abutting property.

"Alteration, Structural" means any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

"Amateur Radio Facility" means a wireless communication facility operated by an FCC licensed amateur radio operator within the Amateur Radio Service (USC Title 47, Part 97).

"Amateur Radio Operator" means a person holding written authorization to be the control operator of an Amateur Radio facility. This authorization may be in the form of a license or permit issued by the Federal Communications Commission or a foreign national or multi-national license or permit recognized by treaty as valid in the United States.

"Antenna" means any system of towers, poles, panels, rods, wires, drums, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves. See also "Satellite dish or satellite antenna."

Apartment House. See "Dwelling, Multiple-Family."

Apartment, Efficiency. Efficiency apartment means a dwelling unit in a multi-family building consisting of not more than one (1) habitable room, together with kitchen or kitchenette and sanitary facilities.

~~**"Assembly"** means the provision of activities for assembled groups of participants at institutions or facilities including but not limited to private and nonprofit clubs; social or fraternal organizations; and churches, temples, synagogues and other places of worship. Assembly uses in the context of groups of people is distinct from and unrelated to the definition of the industrial use "Assembly from pre-processed materials."~~**"Assembly"** see "Places of Assembly."

"Assembly from pre-processed materials" means assembling, packaging, or distributing from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, electric or electronic instruments and devices such as television, radios, and pharmaceutical products. Assembly in the context of industrial manufacturing is distinct from and unrelated to the definition of "Places of Assembly" involving groups of people.

"Auto" means any motor vehicle requiring a license pursuant to the California Vehicle Code.

~~**"Automobile Service Station"** means any premises used for supplying gasoline and oil at retail, direct to the customer, including minor accessories and services for automobiles, but not including automobile repairs.~~

"Auto Repair shop" means any shop, building, room, place or space wherein, for compensation, any automobile, other motor vehicle, or any parts thereof, are repaired, remodeled, overhauled, reconditioned, or painted.

"Automobile and Trailer Sales Area" means an open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed or sold on the premises.

"Automobile Wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

B

"Bar or nightclub" means a commercial establishment serving alcoholic beverages for consumption on the premises where the service of food is only incidental to the consumption of such beverages. Dancing and live entertainment may also be conducted within the establishment.

"Basement" means a story, partly or wholly, underground. For purposes of height measurements, a basement shall be counted as a story where more than one-half (½) of its height is above the average level of the adjoining ground.

"Bay Window" means a window or set of windows jutting out from the wall of a building, rising from the ground and forming an alcove which may or may not add additional floor area or a sitting area within.

"Bedroom" means any room which meets the minimum requirements of both the Zoning Ordinance and the Building Code for a Habitable Room, which is constructed in such a manner that less than fifty (50) percent of one (1) wall is open to an adjacent room or hallway and which can be readily used for private sleeping purposes, shall be counted as a bedroom in order to determine parking or other requirements. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a "bedroom": one (1) kitchen, one (1) living room; one (1) family or recreation room; one (1) dining room; and the customary sanitary facilities. Planning staff shall determine whether or not a room qualifies as one of the above exceptions.

"Billiard Center" means a place for the public to view and participate in cuesports, such as, but not limited to, billiards, pocket billiards (e.g., pool), snooker, and the various forms of carom billiards.

"Billiards" means a "Recreation and Entertainment facility" for the public to view and participate in cue sports, such as but not limited to billiards, pocket billiards (e.g., pool), snooker, and the various forms of carom billiards.

"Block" means that property so designated on an official map of the City, or part of the City, or bounded by streets, or by a street or streets, and railroad right-of-way, canal right-of-way, or unsubdivided acreage.

"Boarding House" means an establishment where lodging is provided for compensation, generally for stays of more than 30 days, for up to 8 persons. Boarding houses typically have individual rooms for guests, shared bathroom facilities and a single common kitchen. Meals may be served for guests and included as part of the cost of lodging.

"Breezeway" means a covered passageway between buildings which does not exceed ten (10) feet in width and which has at least one side open, except for necessary supporting columns.

"Building" means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels. Where a dwelling is separated by a division wall without openings, each portion of such dwelling shall be deemed a separate building.

Building, Height of. "Height of building" means the vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, then the height may be measured from the average elevation of the finished grade along the front of the building.

Building, Main. "Main building" means a building in which is conducted the principal use of the lot on which it is situated. The main building shall contain all area within the interior faces of the building, including enclosed areas that are attached. In any "M" district any dwelling shall be deemed to be the main building on the lot on which the same is situated.

Building, Unit Group. "Unit group building" means two (2) or more buildings (other than dwellings) grouped upon a lot and held under single ownership such as universities, hospitals, institutions and industrial plants.

Business, Retail. "Retail business" means retail sale of any article, substance, or commodity for profit or livelihood conducted within a building, but not including the sale of lumber or other building materials or the sale of used or second-hand goods or materials of any kind.

"Business Support Services" means establishments primarily within structures that provide other businesses with ancillary services that further or facilitate the other businesses' primary activity. This term does not include activities or uses that are specifically listed as a conditionally permitted or prohibited use in the applicable zone. Examples of business support services include but are not limited to:

1. Business equipment repair services (except vehicle repair);
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying and quick-printing services;
5. Equipment rental businesses within structures;
6. Heavy equipment repair services where repair occurs ~~on the client site~~;
7. Janitorial services;
8. Mailbox rentals;
9. Mail advertising services (reproduction and shipping);
10. Other "heavy service" business services;
11. Outdoor advertising services;
12. Protective services (other than office related);
13. Rental, repairs and distribution of office or business equipment;
14. Window cleaning.

~~**Business, Wholesale.** "Wholesale business" means the wholesale handling of any article, substance or commodity for profit or livelihood, but not including the handling of lumber or other building material or the open storage or sale of material or commodity, and not including the processing or manufacture of any product or substance.~~

C

Camp, Trailer. "Trailer camp" means an area or tract of land used or designed to accommodate two (2) or more automobile or house trailers.

"**Catering establishment**"#means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for serving and consumption.#

"Candidate" means any person, party, referendum, initiative or other ballot measure.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

"Child Care Center" means any child care facility other than a family child care home, in which less than twenty-four (24) hour per day non-medical care and supervision are provided to children in a group setting. It

includes infant centers, preschools, and extended child day care facilities, but does not include after school programs.

"Class A Office Space" means a high quality, modern building with large floor plates and amenities that typically attracts rents in the top twenty-five percent (25%) bracket.

"College and University, Private" means a privately owned and operated college, community college, or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

"Commercial Athletic Facility" means a building or site equipped for physical training or athletic type games and sports, such as but not limited to, health spas, tennis, gymnasiums, handball courts, racquetball courts; also including ancillary uses when incidental to the primary use, such as but not limited to, steam baths, weight training, aerobic classes, massage, saunas, and the retailing of athletic supplies to be used in the facility.

"Commercial Fueling Facility" means a fueling facility designed for commercial customers which dispenses gasoline, diesel, or similar vehicle fuels, and which is not open to the general public, has no cash sales and provides no personal services on-site, provided that said facility is located not closer than five hundred (500) feet from any residentially zoned district or any area designated on the General Plan as being "residential" or any mobile home park.

"Commercial Laboratory" means a facility for scientific research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, films and fibers.

"Commissary" means a fixed-location kitchen where food is stored and prepared for off-site vending from mobile food vehicles. Commissaries serving mobile food vendors may include shared-use commercial kitchens, private commercial kitchens, restaurant kitchens, and kitchens associated with civic and community organizations such as churches or social clubs; but do not include catering service establishments.

"Community Garden " means an area where neighbors and residents have the opportunity to contribute to and manage the cultivation of plants, herbs, vegetables, and fruits, generally on property under public or non-profit ownership. May consist of individually tended plots on a shared parcel or many be communal on a single plot.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either of the following:

1. An estate of inheritance or perpetual estate.
2. An estate of life.
3. An estate for years, such as leasehold or sub-leasehold.

"Condominium Conversion" means a change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, to that defined for a condominium project or a community apartment project regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.

"Conference Center" means a facility used for holding conventions, seminars, workshops or similar activities, including dining facilities and lounges for use by participants, as well as compatible accessory facilities such as offices and business centers.

"Continuing Violation" means a violation, infringement or breach of a provision of this chapter that is uninterrupted and lasts for a continuous period in excess of 24 hours.

"Contractor's Shop" means an establishment for specialized business activities related to building construction. This classification includes establishments for trades such as painting, carpentry, plumbing, glassworking, heating, air-conditioning, roofing, landscaping, cabinetmaking, and sign-making.

"Convenience Store" means a retail establishment selling food, beverages, and small convenience items such as personal hygiene products, cigarettes, magazines, etc. Food and beverage products sold primarily consist of packaged and canned goods, prepared foods and hot drinks for immediate consumption, fountain sodas, etc., with less than 10 percent of net retail floor area allocated for the sale of fresh fruits, fresh vegetables, fresh meat and dairy products, and other similar perishable items. Convenience stores are smaller in floor area than supermarkets/grocery stores (typically 4,000 square feet or less) and have long or late hours of operation (open before 7:00 am or after 10:00 pm).

"Court Dwellings" means a residential development in which there are several freestanding single-family or two-family dwellings with separate walls clustered on a single lot. Units are typically arranged to face around a common open space or drive aisle. If subdivided, a maintenance agreement or homeowners association may govern common areas like driveways or open space.

"Court" means an open unoccupied space, other than a yard, on the same lot with a building or buildings, and bounded on two (2) or more sides by a building, or buildings, including the open space in a dwelling group providing access to the units thereof.

"Court Apartment" means one (1), two (2) or three (3) multiple dwellings arranged around two (2) or three (3) sides of a court which opens onto a street, or a place approved by the Commission.

"Curb Grade" means the elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the City Engineer shall establish such curb grade or its equivalent for the purpose of this Chapter.

"Custom and Artisan Manufacturing" means an establishment primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include metalworking, pottery and ceramic studios, film processing, photo finishing, printmaking, lithography, glass furnace, or woodworking.

D

"Data Center" means a facility for the storage of computer systems and associated components.

"District" means a portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this Chapter.

"Drive Through Uses" means any component or part of a building or structure which attracts or invites persons in motor vehicles to drive their vehicles upon the premises, and which is used to conduct business or used for the purpose of selling merchandise from the inside of said building to the occupants of motor vehicles.

"Dry-Cleaning Plant" means an establishment providing onsite, high-volume laundry and garment cleaning services, typically with the use of volatile solvents, including dry cleaning and garment pressing, diaper services, commercial laundries, and linen supply services. These facilities may include incidental onsite customer pick-up services.

"Dwelling" means a building or portion thereof designed exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels.

Dwelling, Group. "Group dwelling" means one (1) or more dwellings, other than a tourist court, arranged around two (2) or three (3) sides of a court, which opens onto a street, or a place approved by the commission, including single-family, two-family or multiple-family dwellings and court apartments. Group dwelling include homeless shelters and transitional housing.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-Family. "Single-family dwelling" means a detached building designed exclusively for occupancy by one (1) family for living purposes and having only one (1) kitchen.

Dwelling, Two-Family. "Two-family dwelling" means a building designed exclusively for occupancy by two (2) families living independently of each other.

"Dwelling Unit" means a habitable room or group of habitable rooms (e.g., living room, bedroom, den, library, recreation, studio, etc.) designed for occupancy by one (1) or more persons living as a family or single household unit with common interior access to all living, kitchen and bathroom areas. No dwelling unit may have more than one (1) kitchen.

E

"EcoPass" means a program offered by the Valley Transportation Agency (VTA) in which employers or property owners purchase annual EcoPass stickers that allow their employees, tenants or residents to ride all VTA bus and light rail vehicles at no cost. ~~"Educational Institution" means a college or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.~~

"Electronic Smoking Device" means an electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vaporizer or any other product name or descriptor.

"Elevation" means:

1. A scale drawing of the front, rear or side of a building or structure; or
2. A vertical distance above or below a fixed reference level.

Emergency Cache, Community. "Community emergency cache" means a collection of disaster response supplies approved by the City's Office of Emergency Services that would benefit the surrounding community.

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay as set forth in the California Health and Safety Code Section 50801(e), as may be amended.

"Erosion" means the wear and removal of the material in the earth's crust from one site and the deposition at another.

"Extended Stay Hotel" means a commercial establishment providing lodging for a fee for guests, generally marketed to long-term visitors on a temporary basis, which contain furnishings and facilities for sleeping, bathing, food preparation and cooking, Kitchen facilities within individual units may include, but are not limited to, counters, refrigerators, stoves, and ovens.

F

"Family" means an individual, or two (2) or more persons related by blood or marriage or legal adoption or joined through a judicial or administrative order of placement or guardianship, or unrelated persons who function together as a single household unit.

"Family Child Care Homes" means a home in which care, protection, and supervision of fourteen (14) or fewer children is regularly provided, in the caregiver's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away. Such homes are licensed by the State of California and include the following:

1. **"Large family child care home"** means a home in which family child care is provided to nine (9) to fourteen (14) children, including children under the age of ten (10) who reside at the home.

2. **"Small family child care home"** means a home in which family day care is provided to eight (8) or fewer children, including children under the age of ten (10) who reside at the home.

"Farmers' Market" means an event offering for sale produce, food items, and related goods and merchandise by certified growers authorized to sell, directly to consumers, products that are produced on land the producer controls or taken in consignment from other producers. Excludes flea markets.

"Floor Area Ratio (FAR)" is defined for nonresidential Zoning Districts as the maximum permitted ratio of gross floor area to site area and is calculated as follows:

$$FAR = \frac{\text{Total of Gross Floor Area for All Structures on Site}}{\text{Site Area}}$$

"Frontage" means all the property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or city boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

G

Garage, Private. "Private garage" means a detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

Garage, Public. "Public garage" means a building, other than a private garage, used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

Game Machine, Mechanical or Electronic. "Mechanical or electronic game machine" means any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, token, or any other article or device, or by paying therefore either in advance or after use, involving in its use either skill or chance, including, but not limited to tape machine, card machine, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, basketball game machine, baseball game machine, football game machine, electronic video game or any other similar machine or device, exclusive of food, beverage and tobacco vending machine.

Grade, Finished. "Finished grade" means the final elevation of the ground surface after development, as shown on a precise Grading Plan.

"Grocery Store" means any premises wherein any of the following are exposed, offered for sale, or sold by retail: fresh fruits; fresh vegetables; bakery; meat; poultry, or fish products; frozen foods; and processed and pre-packaged food.

"Grocery Store, Small" means any premises less than 15,000 gross square feet in area wherein any of the following are exposed, offered for sale, or sold by retail: fresh fruits; fresh vegetables; bakery; meat; poultry, or fish products; frozen foods; and processed and pre-packaged food.

"Gross Acreage" means the total area within the boundaries of a legal lot or parcel, including any area proposed to be dedicated or reserved for public right-of-way. Adjacent lands already dedicated for public right-of-way, including public roadways, easements or other areas, shall not be included as part of the gross acreage.

"Gross Floor Area" means the total of all floors measured from the interior faces of the building, but not including areas for parking, basements, shaft enclosures, or unroofed inner courts unless any outdoor areas are used for retail purposes.

"Group Living Accommodations" means a building or portion of a building designed for or accommodating a residential use by persons not living together as a household. This use includes dormitories, convents and monasteries, and other types of organizational housing. This use does not include residential care facilities, nursing homes, hotels, single room occupancy residences, or boarding houses. Group living accommodations typically provide shared living quarters without separate kitchen or bathroom facilities for each room or unit.

"Guest House Accessory Building" means a one accessory structure, used for the accommodation of guests. Said guest house shall not contain any kitchen or cooking facilities but may contain one (1) bedroom, one (1) living area and one (1) bathroom, and shall be limited in floor area to a maximum of twenty (20%) percent of the total floor area of the main residence.

H

"Habitable Space" means a room designed for living, sleeping, eating or food preparation, including but not limited to a den, study, library, home office, sewing room or recreational room and excluding such areas as garages.

"Hazardous Material" means a material identified as hazardous by California Health and Safety Code Section 25502(n).

"Head/Smoke/Tobacco Shop" means a retail establishment primarily engaged in the selling of smoking and tobacco products and accessories, and other products, devices and components reasonably assumed to be used for smoking and/or the inhalation or ingestion of any substances. Tobacco products may include but are not limited to cigarettes, cigars, loose leaf tobacco, tobacco pipes, Electronic Smoking Devices and accessories, vaporizers and accessories and any other product, device or component used in the inhalation of tobacco, nicotine or other substance. For the purposes of this definition only, "primarily engaged" means when thirty percent (30%) or more of products sold at the retail establishment are smoking and tobacco products and accessories, and other products, devices and components reasonably assumed to be used for smoking and/or the inhalation or ingestion of any substance.

"Home Occupation" means a business enterprise conducted within a dwelling by the residents of the dwelling and which is incidental and secondary to the use the dwelling for residential purposes.

"Hospital" means an institution that maintains and operates facilities for primarily inpatient medical care, including x-ray, laboratory and surgical, for the diagnosis, care and treatment of human illness, injury and disease (physical or mental).

"Hotel" means a commercial establishment providing lodging accommodations for a fee for transient guests, generally for stays of 30 days or less, with access to rooms or units primarily from interior lobbies, courts or halls. A hotel may include limited facilities for storage and preparation of food and beverages within individual rooms, such as coffee makers, mini refrigerators and microwave ovens.

I

"Individual Violation" means a noncontinuous condition or occurrence in violation, infringement or breach of a provision of this chapter that does not exceed twenty-four (24) hours in duration. An Individual Violation may be recurrent. Examples of "Individual Violations" for the purposes of this Chapter include, but are not limited to, the illegal outdoor storage of materials, entertainment events, or outdoor seating in violation of a use permit.

"Instruction, group and private" means the provision of instructional services, including but not limited to photography, fine arts, crafts, dance or music studios, driving schools, diet centers, yoga, martial arts studios, after school programs or similar uses. This definition does not include instruction received through trade or vocational schools nor a post-secondary school or child care centers. Private instruction includes fewer than six (6) students or clients at any one time and group instruction includes six (6) or more students or clients at any one time.

"Intensity" means the degree to which land is used, measured by a combination of the type of land used and the amount of land or floor area devoted to that use.

"Intensification of Use" means to alter the character of a use to the extent that the use generates new or different impacts on the health, safety, or welfare of the surrounding neighborhood, including but not limited to the level or amount of traffic, noise, light, smoke, odor, vibration, outdoor storage, or other similar conditions associated with the use.

J

"Junk Yard" means the use of more than one hundred (100) square feet of the area of any lot for the storage of junk, including scrap materials and metals, or wrecked vehicles and machinery, whether or not sale of such junk is made or proposed.

K

"Kennel" means any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept.

"Kitchen (for residential uses)" means a residential kitchen shall be enclosed and interior to the dwelling unit utilized for the preparation of food and include two (2) or more of each of the following:

1. A sink (typically larger than 14" × 17");
2. A full size refrigerator (typically larger than 24" × 64");
3. A 220-V electrical service outlet (typically used for major cooking appliances such as a stove, oven or cooking range).

L

"Laundromat" means a primarily self-service facility where customers wash and dry clothing and other textiles in on-site machines, and where ancillary full-service laundry services may also be offered.

"Live-Work Unit" means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be occupied by the same tenant. Live-work uses allow one non-residential employee, more customers, and a broader range of uses than permitted in Home Occupations. See XI-10-13.12 within Special Uses for Live-Work Unit purpose, intent, and regulations.

Uses permitted or conditionally permitted within the underlining zoning district apply unless otherwise prohibited in Section 10-13.12(E). Additional uses covered by this designation include, but are not limited to:

Art and craft work;

Offices, Business and Professional;

Artists and artisans;

Fashion.

"Loading Area" means an open area, other than a street or alley, used for the loading or unloading of vehicles.

"Loading Space" means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

"Lot" means land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by this Chapter and having its principal frontage upon a street or a place approved by the Commission.

1. **"Corner lot"** means a lot, or portion thereof, not greater than seventy-five (75) feet in width and situated at the intersection of two (2) or more streets.

2. **"Flag lot"** means a lot having access or an easement to a public or private street by a narrow, private right-of-way.

3. **"Interior lot"** means a lot other than a corner lot.

4. **"Key lot"** means a lot with a side line that abuts the rear line of any one (1) or more adjoining lots.

5. **"Reversed corner lot"** means a corner lot the street line of which is substantially a continuation of the front line of the lot to its rear.

6. **"Through lot"** means a lot having frontage on two (2) paralleled or approximately paralleled streets.

"Lot Dimensions."

1. **"Lot Area"** means the total horizontal area within the lot lines of a lot.

2. **"Lot Depth"** means the horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

3. **"Lot Lines"** means the lines bounding a lot as defined herein.

    a. In the case of an irregular shaped lot or a lot with more than four (4) sides where there is question as to which are the front, side, and rear property lines in order to determine setbacks and required yards, there shall be at a minimum of one (1) front property line and one (1) rear property line. The rear property line shall be the lot line directly parallel to the front property line and of a width of at least thirty (30) feet in length. If no such lot line exists, the Director of Planning shall make the final determination as to the rear property line of such lot.

4. **"Lot Width"** means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

M

"~~Manufacture~~Manufacturing" means the preparation, making, treatment, or processing of articles as merchandise.

"Massage Establishment" means any establishment having a fixed place of business where any person, firm, association, partnership, corporation or other entity engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any massage for compensation. For the purpose of this Chapter, the term "massage establishment" shall also include, but not be limited to, any business providing off-premises massage services.

"Massage Establishment, Accessory" means an establishment that provides massage which is incidental to the primary business, where the owner of the primary business is responsible for the massage services and conduct of the massage technician(s) employed at the location.

"Medical and Dental Offices" means a building or place where (a) member(s) of the medical profession, dentists, chiropractors, osteopaths, acupuncturists, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation rooms, pharmacy and x-ray providing that all such uses have access only from the interior of the building or structure.

"Medical and Dental Clinics" means the same as Medical and Dental Offices, except they also include minor operating rooms and out-patient surgery with no overnight stay.

"Medical Support Laboratory" means a facility for scientific laboratory analysis of medical resources. The analysis is generally performed for an outside customer, to support the work of that customer.

"Micromobility Device" means a small, lightweight vehicle operating at a speed typically below 15 miles per hour and driven by the individual user, such as bicycles, e-bikes, and electric scooters.

"Mixed Use Development" means a development that consists of vertical or horizontal combination of residential and commercial uses within a single building or site.

"Mobile Fueling" means a commercial service that offers on-demand fueling of motor vehicles at a specified location instead of at a service station. Mobile fueling may be provided to individual customers via the use of a mobile app, with fuel delivered to a home, office, or other location requested by the customer. Mobile fueling may also be provided for operators of fleet vehicles at a fixed, semi-permanent or permanent location.

"Mobile Home" means a transportable structure designed to be used as a dwelling unit when connected to required utilities.

"Mobile Home Accessory Building or Structure" means any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobile home.

"Mobile Home Lot" means a portion of mobile home park designated or used for the occupancy of one mobile home.

"Mobile Home Park" means any areas or tract of land where mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

"Mobile Home Stand" means the area on which the mobile home is placed when it is stationed on the lot, including the land lying under the mobile home.

"Mobile Recycling Unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles or bins, boxes or containers transported by a truck, van or trailer, and used for the collection of recyclable materials.

"Motel" means a building or group of attached or detached buildings providing lodging accommodations for a fee for transient guests, generally for stays of 30 days or less, with access to each room or unit through an exterior door. Motels are distinguished from hotels primarily in that the former provide direct independent access to, and adjoining parking for, guest rooms and do not provide 24-hour guest services.

N

"Natural Land Slope" means the average slope of the lot in percent, determined by observation on simple slopes, or more precisely by the formula:

$$S = 100 \, I \, L \, A$$

Where:

I is the contour interval in feet;

L is the combined length of the contour lines in scale feet; and

A is the net area of the lot in square feet.

"Nonconforming Building" means a building or structure or portion thereof lawfully existing at the time this Chapter became effective, which was designed, erected or structurally altered, for a use that does not conform to the use regulations of the district in which it is located. A nonconforming building shall also mean any building or structure built in compliance with all city land use and zoning laws in existence at the time and which does not comply with current development standards, including but not limited to height, setbacks, floor area ratio, maximum lot coverage, maximum size of residence, front yard paving and impervious surface coverage.

"Nonconforming Use" means a use which lawfully occupied a building or land at the time this Chapter became effective and which does not conform to the use regulations of the district in which it is located.

O

"Occupation" means a principal business, profession or vocation in which one is regularly and habitually engaged for the purpose of compensation for a livelihood.

"Offices, Business and Professional" means offices of firms or organizations providing professional, management, or administrative services, including but not limited to~~:~~

~~Accounting;~~

~~Architectural;~~

~~Business~~ accounting, architectural, business and management consulting~~;~~

~~Computer~~, computer and technology~~;~~

~~Engineering; Insurance;~~

~~Insurance;~~

~~Interior~~, engineering, insurance, interior design~~;~~

~~Graphic~~, graphic design~~;~~

~~Real~~, real estate~~;~~

~~Title~~, title companies~~;~~

~~Legal~~, and legal services

. This classification ~~does~~includes co-working spaces designed to accommodate different organizations that provide such services. Does not include medical and dental offices~~, which have a separate definition.~~ or financial institutions such as retail and commercial banks.

"Open-Air Business" means drive-in business where persons are served in automobiles.

"Outdoor Music" means live music, both acoustic and amplified, including live individual musicians, bands, and disc jockeys (DJs), but not including karaoke, that takes place on a patio or other outdoor space. Outdoor music as defined and regulated in this Chapter shall also include recorded background music played outdoors at a public establishment such as a restaurant, bar, retail store, or other business.

"Owner/Occupant" means any person owning property, as shown on the last equalized assessment roll for City taxes, or the lessee tenant, or other person having control or possession of the property.

P

"Parcel" shall mean a legal lot of record.

"Parcel Hub" means a "last mile" warehouse or similar establishment for the processing and/or redistribution of parcels or products to end-user customers. A Parcel hub's primary function is moving a shipment from one mode of transport to vehicles with rated capacities less than 10,000 pounds, for delivery directly to consumers or end-users primarily within a ten-mile radius.

Parking Area, Private. "Private parking area" means an open area, other than a street or alley, used for the parking of the automobiles of occupants of a building.

Parking Area, Public. "Public parking area" means an open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

Parking Space, Automobile. "Automobile parking space" means a space within a building or a private or public parking area for the parking of one (1) automobile.

"Parking Structure" means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an

underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

"Patio Cover" means a one-story structure, not exceeding twelve (12) feet in height and open on one (1) or more sides (provided, however, that the open sides may be closed with insect or plastic screening that is permeable material and not in any manner that would obstruct the free passage of light or air) used for recreational, outdoor living purposes only and not as carports, storage rooms or habitable rooms.

"Person" means a natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

"Personal Services" means a commercial establishment which provides services of a personal or aesthetic nature directly to consumers, including but not limited to:

1. Beauty salons and barber shops;
2. Nail salons;
3. Tanning salons;
4. Hair removal salons;
5. Tattoo studios;
6. Body piercing studios.

"Place" means an open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

~~**"Places of Assembly."** See "Assembly"~~**"Places of Assembly"** means an institution or facility that offers or hosts activities for assembled groups of participants, including but not limited to private and nonprofit clubs; social or fraternal organizations; and churches, temples, synagogues, and other places of worship. This use is distinct from and unrelated to the industrial use "Assembly from pre-processed materials."

"Private Recreational Areas" means any usable open space or recreational facility available for use by all of the site's residents.

"Property" means all real property and fixtures, including, but not limited to, parking lots, sidewalks, gutters, driveways, walkways and any building and structure located on such property.

"Public Right-of-Way" as defined in Section V-500-1.13 of the Milpitas Municipal Code, shall mean the full width of the right-of-way of any street or bicycle pathway, as defined in the California Vehicle Code used by the general public, whether or not such street or path has been accepted as and declared to be part of the City system of streets and paths, including streets forming a part of the State Highway System. "Public right-of-way" also includes easements where the City is the grantee of the easement and property owned by the City of Milpitas or the Milpitas Redevelopment Agency and any public park, trail, or right-of-way within the City of Milpitas.

"Public Safety Use" means facilities for public safety or emergency services, including police and fire protection.

"Public Service Use" means facilities owned and operated by governmental agencies that provide services to the general public, including but not limited to federal, state and municipal administration buildings, courthouses, and post offices.

"Public Use" means a use intended to serve the whole city and/or region and operated by a public institution or entity. Such uses have the purpose primarily of serving the general public and include public schools, recreational facilities, government housing, government clinics, and the like.

"Public Utilities" means facilities for the production, storage, treatment, transmission and/or distribution of electricity, natural gas, water, wastewater, and telecommunications and other similar essential services. Also includes service facilities, electric transmission and distribution substations and public utility service centers.

Q

"Quasi-Public Use" means a use intended to serve the whole city and/or region and are operated by a private, nonprofit, educational, religious, recreational, or charitable, and having the purpose primarily of serving the general public. Such uses include religious facilities, private schools, community theaters, community and club organizations, private hospitals, places of assembly and the like.

~~r~~

R

"Recreation or Entertainment Facility" means a commercial establishment (indoors or outdoors) where patrons can actively participate in entertainment or recreation activities either independently or in conjunction with other uses.

"Recyclable Material" means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code.

"Recyclable Processing Facility" means a building or space used for the collection and processing of recyclable materials. Processing means the preparation of material for shipment by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, cleaning and remanufacturing.

"Repair and Cleaning, Small Items" means a commercial establishment that performs cleaning, repair, and alteration of small consumer and household items, such as laundromats (self-service laundries), dry cleaning pick-up stores (where cleaning is done off-site), tailors, shoe repair shops, jewelry and watch repair shops, and locksmiths. Excludes dry-cleaning plants, business equipment and computer repair, heavy equipment and machinery repair, repair and servicing of large and bulky household items such as appliances and furniture, or vehicle repair.

"Research and Development (R and D) Uses" means ~~one~~industrial or ~~more buildings which feature a combination of offices, manufacturing, assembly, warehousing, distribution, laboratories~~scientific research for the design, development, engineering and testing of high technology, clean ~~rooms,~~technology, industrial, or scientific products. Research and ~~ancillary~~development uses ~~such~~may include limited manufacturing as ~~cafeterias~~necessary for the production of prototypes, but exclude the full-scale manufacturing of final products. Research and ~~employee fitness~~development uses may also include storage space for raw materials and/or finished goods that actively supports the primary use.

"Residential Care Facility" means a facility licensed by the State of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance for sustaining the activities of daily living for more than six individuals. Living accommodations are group homes or shared living quarters with or without separate kitchen or bathroom facilities~~.~~ for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions.

"Restaurant" means an establishment in which the principal use is the preparation and sale of food and non-alcoholic beverages. If approved, the service of alcoholic beverages is incidental to the principal use.

1. **"Drive-in"** means a restaurant that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.
2. **"Drive-thru"** means a restaurant which includes one (1) or more drive-through lanes for the ordering and receipt of foods and/or beverages by patrons remaining in their vehicles.

3. **"Fast-food"** means a restaurant that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared. Orders are generally not taken at the customer's table, and food is generally served for consumption either on or off the premises. For the purposes of parking requirements, the ordering or take-out area is defined as the counter and the area between the counter and the main entry to the establishment.

4. **"Take-out"** means a restaurant where foods and/or beverages are sold directly to the customer in a ready-to-consume state for consumption off site with no seats onsite. For the purposes of parking requirements, the ordering or take-out area is defined as the counter and the area between the counter and the main entry to the establishment.

"Retail ~~Stores, General Merchandise~~, Limited" means ~~retail trade establishments selling lines~~an establishment which offers the sale of a limited line of merchandise~~.~~ that is generally necessary or desirable for everyday living or everyday business activities. Examples ~~of general retail~~include small grocery stores offering primarily prepared or pre-packaged food and ~~lines of merchandise include but are not limited to:~~

~~1. Art supply;~~

~~2. Antiques;~~

~~3. Bakeries (retail only);~~

~~4. Bicycles;~~

~~5. Books;~~

~~6. Candy~~beverage items, small drugstores and variety stores~~;~~

~~7. Clothing and accessories;~~

~~8. Collectables;~~

~~9. Fabrics and sewing supplies;~~

~~10. Floral;~~

~~11. Gifts (novelties and souvenirs);~~

~~12. Hobby materials;~~

~~13. Jewelry;~~

~~14. Luggage and leather goods;~~

~~15. Music stores;~~

~~16. Office supplies and~~, small stationery~~;~~

~~17. Sporting goods and equipment;~~

~~18. Toys and games;~~

~~19. Tuxedo and formalwear rental;~~

~~20. Variety~~, office supply stores, shops selling other small household goods, and walk-out retail stores~~;~~

~~21. Video rentals and sales.~~. This classification excludes convenience stores.

"Retail Stores, General Merchandise" means retail trade establishments selling lines of merchandise. This classification excludes convenience stores. Examples of general retail stores and lines of merchandise include but are not limited to:

1. Art supply;

2. Antiques;
3. Bakeries (retail only);
4. Bicycles;
5. Books;
6. Candy stores;
7. Clothing and accessories;
8. Collectables;
9. Fabrics and sewing supplies;
10. Floral;
11. Gifts (novelties and souvenirs);
12. Hobby materials;
13. Jewelry;
14. Luggage and leather goods;
15. Music stores;
16. Office supplies and stationery;
17. Sporting goods and equipment;
18. Toys and games;
19. Tuxedo and formalwear rental;
20. Variety stores;
21. Video rentals and sales.

"Reverse Vending Machine" means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic containers, and issues a cash refund or a redeemable credit slip. A reverse vending machine sorts, and processes containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reserve vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

S

"Satellite Dish Antenna or Satellite Antenna" means any device incorporating a reflective surface that is solid, open mesh or bar configured to form a shallow dish, cone, horn or cornucopia used to transmit and/or receive electromagnetic signals. This definition includes antennas that are sometimes called "SES," "TVRO," "TVBS," and "DBS."

"School: Elementary, Middle, or High" means an institution which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California.

"School, trade and vocational" means an establishment where training is received to learn a particular trade or craft that involves skilled labor. Trades and crafts include but are not limited to the various construction trades, auto mechanics, machining, HVAC installation/repair/maintenance and similar trades and crafts.

"Service Station" means any premises used for supplying gasoline and oil at retail, direct to the customer, including minor accessories and services for automobiles, but not including automobile repairs.

Setback. See "Yard."

"Self-Storage or Mini-Storage" means the storage, generally of furniture and/or other household items, in small individual units (typically 400 square feet or less) that are available for rental by the general public.

"Short-Term Rental Unit" or **"Short-Term Rental"** or **"STR"** means the use of a dwelling unit, including, without limitation, a single-family, two-family, or multiple-family dwelling unit, mobile home, or any portion of such dwellings, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of 30 or fewer calendar days, counting portions of days as full calendar days.

Signs. For purposes of Section XI-10-24, Sign Regulations, of this Chapter, the following definitions shall apply:

1. **"Abandoned Signs"** means any sign used for advertising or other purposes where the business it advertised or the use or event it supported has ceased operation for or occurred more than ninety (90) days prior to the sign's posting.
2. **"Abate"** means to repair, replace, remove, destroy, or otherwise remedy the condition in violation of this Chapter.
3. **"A-Frame Sign"** means and includes a sign that is portable, is capable of standing without support or attachment, and folds open in the form of an "A" or "sandwich-board".
4. **"Ancillary services sign"** means a sign displaying ancillary services such as smog services, lotto, or that represent trade affiliations, such as credit card services, or other similar services and not for the purpose of displaying products being sold.
5. **"Approved Plastics"** means those materials specified in the U.B.C. Standard No. 52-1 which have a flame spread rating of 225 or less and a smoke density not greater than that obtained from the burning of untreated wood under similar conditions when tested in accordance with U.B.C. Standard No. 42-1 in the way intended for use. The products of combustion shall be no more toxic than the burning of untreated wood under similar conditions.
6. **"Architectural Sign"** means and includes a sign used for advertising purposes which constitutes an integral part of a roof or marquee and is designed with an intent and purpose to relate to the architectural style of the main building.
7. **"Area Identification Sign"** means and includes a permanent sign which serves to identify an area.
8. **"Awning sign"** means any sign or graphic attached to, painted on or applied to an awning or canopy.
9. **"Balloon Sign"** means and includes any large [over three (3) cubic feet in size] inflatable hot/cold air or helium balloon that is used as an advertising device for any business or promotional event.
10. **"Banner Sign"** means and includes a temporary sign composed of lightweight, flexible, non-rigid material either enclosed or not enclosed in a rigid frame.
11. **"Blade Sign"** means a pedestrian oriented sign, adjacent to a pedestrian walkway or sidewalk, attached to a building wall, marquee, awning, or arcade with the exposed face of the sign in a plane that is perpendicular to the plane of the building wall.
12. **"Building Perimeter"** means the total exterior wall length for any and all buildings intended for human occupancy, as measured at the ground elevation. No second story or subsequent upper story areas shall be considered as a part of this calculation.
13. **Canopy Sign.** See awning sign.

14. **"City Identification Sign"** means and includes a sign placed at the point of entry to the City of Milpitas for the purpose of informing a person that they are entering the City of Milpitas.

15. **"Construction Sign"** means and includes a sign placed on the property where site work, building construction and/or a tenant improvement within an existing building is in progress. The sign may denote that a business will be opening soon, the opening date, names of the architect, engineer, contractor, future business and lending agency.

16. **"Directional Sign"** means a sign which guides and directs motorists to a specified destination in the most direct manner possible.

17. **"Display Surface"** means the area made available by the sign structure of building surface for the purpose of displaying the advertising message.

18. **"Electric Sign"** means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

19. **"Erect"** means to build, construct, attach, hang, place, suspend or affix.

20. **"Exposed raceway"** means an enclosure or conduit that is used to conceal wiring for a lighted sign and is visible from any elevation, typically located between the sign and the building to which the sign is attached.

21. **"Flag"** means a visual device with no commercial copy, usually rectangular in shape and made of a cloth material suspended by, or attached to, a pole or post and may be raised or lowered.

22. **"Flag sign"** means a visual display device with commercial copy, usually rectangular in shape and made of a cloth material suspended by, or attached to, a post, or pole and may be raised and lowered.

23. **"Freestanding Sign"** means a sign which is supported by one or more uprights, poles, or braces in or upon the ground, or partially supported and attached to any building, other structure, or foundation on the ground.

24. **"Garage Sale Sign"** means a sign used primarily for the purpose of advertising a "garage sale" and/or "yard sale" at a residence.

25. **"Grand Opening Sign"** means and includes banners, pennants, flags, balloons, and similar advertising devices when used only for bona fide grand-opening functions, new ownership, name change, or the reopening of a business that has completely closed for remodeling for at least two weeks.

26. **Graphic Panel, Freestanding.** Freestanding graphic panel means a freestanding sign located within five feet of the main building wall, which relates to the architecture of the building and depends primarily on a graphic image for delivering its advertising message. Graphic panels do not count as freestanding signs. The display area on graphic panels counts towards overall sign area.

27. **"Impact Resistive Plastic"** means any plastic material capable of resisting fifty (50) foot pounds of force as tested in accordance with ANSI/UL 972 Multiple Impact Test or any similar test procedure.

28. **"Information Sign"** means and includes signs providing courtesy information, or direction to the public without advertising the business products, or services such as hours, entrance, exit, self-serve, credit cards, restrooms, telephone drive-up, or which serves to direct motorist and pedestrians on private property.

29. **"Joint Use Sign"** means and includes a freestanding sign for a commercial district under multiple ownerships where freestanding signs for each parcel for which signage is desired is infeasible. The commercial district shall be characterized by close proximity of the businesses and small parcel size. A common parking field and common vehicular circulation are encouraged.

30. **"Logo"** means a trademark, or symbol of an organization which is registered with the federal or State government and consistently used in conducting the business activities of said organization.

31. **"Marquee"** means a permanent roofed structure, attached to, and support by the building and projecting beyond the main building.

32. **"Multi-use Structures"** means any commercial, industrial, quasi-public, or agricultural farm products sales use, containing five or more stores, or businesses on a single parcel of land.

33. **"Mural"** means a display, or illustration painted on a building, or wall within a public view not intended to advertise a product, service, or business, and therefore is not considered a sign.

34. **"Mural sign"** means a display, or illustration painted on a building, or wall intended to advertise a product, service, or business.

35. **"Noncombustible Material"** means any material which will not ignite at, or below a temperature of one thousand two hundred (1,200) degrees during an exposure of five (5) minutes, and which will not continue to burn or glow at that temperature. Tests shall be made as specified in U.B.C. Standard No. 4-1.

36. **"Nonstructural Trim"** means the molding, battens, capping, nailing strips, latticing, cutout, or letters and walkways which are attached to the sign structure.

37. **"Off-site Advertising Display"** means any sign that advertises, or informs about a business organization, event, goods, products, services, or uses not available on the property upon which the sign is located.

The term "Off-site Advertising Sign" does not include Joint Use Sign, Temporary Tract Advertising Signs for subdivisions under construction in the City, Open House Directional Signs, Garage Sale Signs, Off-site Public Information Signs, off-site directional signs for purposes of identifying regional shopping centers, and Temporary Tract Advertising Signs.

38. **"Off-site Directional Sign"** means any sign that provides direction to retail, community, and cultural events not available on the property upon which the sign is located.

The term "Off-site Directional Sign" does not include Garage Sale Signs, Joint Use Signs, Official City or City-sponsored signs, Off-site Directional Signs identifying regional shopping centers, Off-site Public Information Signs, Open House Directional Signs, and Temporary Tract Advertising Signs.

39. **"Off-site Public Information Sign"** means a sign that is placed proximate to a major city entry on privately owned property that is used to provide non-advertising information and/or identification symbols or plaques to the public for civic organizations, service clubs or other quasi-public uses and is erected within the public right-of-way.

40. **"Open House Directional Sign"** means a sign, no larger than six (6) square feet in sign area per side, used primarily for the purpose of directing traffic to a house being offered for sale or lease.

41. **"Other Advertising Structure"** means any device erected or used for the same purpose as a sign, whether erected, or used:

    a. Exclusively for advertising purposes, upon which any poster bill, printing, painting device, or other advertisement or identification of any kind whatsoever may be placed, posted, painted, fastened, or affixed.

    b. Exclusively for advertising purposes and including any spectacle, display or advertising statuary.

42. **"Permanent Sign"** means every sign except temporary sign as defined herein.

43. **"Political Sign"** means a sign which is designated to influence the action of the voters, and election, or defeat of a candidate for the nomination, or election to any public office, or a measure appearing on the ballot at any national, state, district, or local election.

44. **"Portable"** means an object that is capable of being borne or carried, easily transported, or conveyed without difficulty.

45. **"Portable Sign"** means and includes a sign that is portable and capable of being borne, or carried, easily transported, or conveyed without difficulty, is capable of standing without support or attachment, is unattached to any structure, and is used for advertising purposes.

46. **"Projection"** means the distance by which a sign extends over public property or beyond the building line.

47. **"Projecting Sign"** means a sign other than a wall sign which projects from, and is supported by a wall of a building or structure.

48. **"Public Information Sign"** means a sign erected for the sole purpose of displaying advertising for community activities and/or identification symbols or plaques for civic organizations or service clubs.

49. **"Public Street Frontage"** means a publicly owned street immediately adjacent to the parcel, for purposes of sign area and height calculations. Public streets for which the parcel does not have access rights are not included for purposes of any sign calculations.

50. **Raceway.** See "exposed raceway."

51. **"Regional Shopping Center"** means any commercial development on one (1) or more parcels of land which are contiguous, or across from a right-of-way which contains a gross land area of at least thirty (30) acres or a gross building area of at least 200,000 square feet. Current regional shopping centers are McCarthy Ranch Marketplace, the Town Center shopping center, and the Great Mall and its out-parcels zoned General Commercial.

52. **"Roof Sign"** means a sign erected upon or above a roof or a part of a parapet of a building or structure.

53. **"Scoreboard Sign"** means a sign located on scoreboard structures located in an adult or youth outdoor playing field on public property and shall be for products or businesses available to persons of all ages.

54. **"Shopping Center"** means any commercial development containing five (5) or more stores or businesses on one (1) or more parcels of land operating as an integrated use and having a gross parcel area of five (5) or more acres.

55. **"Shopping Center Identification Sign"** means a sign located on the site of a shopping center or regional shopping center that states the name of the shopping center or regional shopping center.

56. **"Sign"** means every announcement, declaration, demonstration, display, illustration insignia, surface, or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person.

57. **"Sign Area"** means the area of a sign to be calculated that includes all lettering, wording, and accompanying designs or symbols, together with any background of a different material or color than the remainder of the wall of the building to which is affixed or upon which it is painted. In the case of a freestanding sign, the supports or uprights on which any sign is supported should not be included in determining the sign area unless such supports or uprights are designed in a manner as to form an integral background of the sign.

Where the sign consists of individual letters or symbols, the area shall be considered to be that of the smallest rectangle, circle, square, or triangle which can be drawn to encompass all of the letters. Provided however, that where such individual type letters or symbols are separated more than thirty-six (36) inches from each other, those letters or symbols shall be calculated separately.

If the sign has more than one (1) advertising surface, the sum of all the areas of all such surfaces shall be the area of the advertising surface of such sign except that, if two (2) surfaces on the same face in opposite directions (i.e., the relative angles between the directions they face is one hundred eighty (180) degrees) and the distance between such two (2) surfaces is not more than twenty-four (24) inches, then the area of only one of the two surfaces (the largest if they are not equal) shall be included in the computation.

58. **"Sign Program"** means a specific set of design standards established for the purpose of unifying a variety of signs associated with a multitenant or multiuse project, building or complex of buildings.

59. **"Sign Surface"** means the surface of the sign upon, against or through which the message is displayed or illustrated.

60. **"Snipe sign"** means temporary or portable signs advertising events that are fastened to fences, trees, utility poles, or other structures or fixtures and also including signs on sticks stuck in the ground and usually found off-site. These do not include real estate, political or open house signs.

61. **"Statuary Sign"** means statuary used for advertising purposes or representing the logo of a business.

62. **"Temporary Sign"** means any sign, banner, flag, valance, pennant, streamer, whirligig or advertising display, constructed of cloth, canvas, fabric, cardboard, plywood or other light material with or without a frame, whether attached or portable, and designed or intended to be displayed for a short period of time.

63. **"Temporary Promotional Sign"** means any temporary Balloon Signs, banners, and similar advertising devices when used only for special promotional events.

64. **"Temporary Tract Advertising Sign"** means a uniformly designed sign which advertises a residential development.

65. **"Vehicle-Mounted Sign"** means a sign, used for the purpose of advertising, larger than three (3) feet by three (3) feet mounted on, attached to or capable of being borne or carried, easily transported or conveyed without difficulty by a vehicle, where that vehicle is parked on public or private property. This definition does not include signs on delivery vehicles in the act of making a delivery or signs on vehicles parked on residential driveways or public streets.

66. **"Wall Sign"** means any sign painted on, attached to or erected against the wall of a building or structure.

67. **"Window Sign"** means any sign painted, attached, glued or otherwise affixed to the interior or exterior surfaces of a window or suspended or located within three (3) feet of the window for the primary purpose of being visible from the exterior of the building.

"Single Household Unit" means the functional equivalent of a traditional family, whose members are a non-transient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas which are not compartmentalized, such locked cabinets or doors. A single housekeeping unit shall be limited to one (1) kitchen and shall have permanent internal access to all rooms within the dwelling unit, except as provided for Accessory Dwelling Units.

"Single Room Occupancy (SRO) Residence" means a multi-tenant building consisting of single room dwelling units that are the primary residence of its occupants, containing either individual or shared kitchen and bathroom facilities. These units are small (generally less than 350 square feet), and provide a valuable source of affordable housing for individuals and can serve as an entry point into the housing market for formerly homeless people.

Slope. Same as "Natural Land Slope."

"Specific plan" means a detailed plan for the development of a specific area. Specific plans are a significant tool to implement the General Plan. A specific plan documents the proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal,

energy, parks and other essential facilities proposed to be located within or needed to support the land uses described in the plan, as well as implementation and financing methods and added benefits to the City as a whole.

Stable, Private. "Private stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, Public. "Public stable" means a stable other than a private stable.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

Story, Half. "Half story" means a story under a gable, hip or gambrel roof, the wall plates on which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

"Street" means a permanently reserved thoroughfare which affords principal means of access to abutting property.

"Structure" means anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground.

"Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population as defined in Section 11302 of Title 42 of the United States Code, as may be amended, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community as defined in the California Health and Safety Code Section 50801(e), as may be amended.

T

"Thrift Store" means any profit or nonprofit business, organization, group or otherwise that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose goods and merchandise are donated or primarily donated. A specialty retail store that sells used goods or merchandise not donated for sale, including but not limited to used record stores, used book stores, used furniture stores, and sports trading card stores, shall not be considered a thrift store for the purpose of this Chapter.

"Townhouses" means dwelling units that are attached at their sides in groups of three or more and are sited on individual lots with vehicular access from driveways. Private rear yards or patios and common open space may be part of a townhouse development.

Trailer, Automobile. "Automobile trailer" means a vehicle without motive power designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

"Transitional Housing" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months as defined in the California Health and Safety Code Section 50801(e), as may be amended.

"Tri-laminate Asphalt Composition" means an asphalt composition roof material that is comprised of three layers of tile adhered together to create one shingle and when installed overlap with another row of three-layered tile for a total minimum thickness of ⅞ inches.

"Tutoring Centers" means facilities offering academic instruction to individuals or groups in a classroom setting.

"Two-unit Project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot.

U

"Unreasonable Period of Time" means not less than thirty (30) calendar days following notification by the City to the owner/occupant pursuant to this Chapter that the property is in violation of this Chapter. The City Manager, upon a finding that the violation in question constitutes a threat to the health and safety of any person may designate a time period of thirty (30) calendar days or less upon notice to the owner/occupant to abate the nuisance. Prior notice shall not be required for summary abatement pursuant to this Chapter.

"Urban Lot Split" means the subdivision of an existing, legally subdivided lot into two lots.

"Usable Open Space" means any open space, the smallest dimension of which is at least six (6) feet and which is not used as storage or for movement of motor vehicles. Yards abutting a public street, which are not adequately screened for privacy, in the opinion of the Planning Commission, shall not qualify as usable open space.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

V

"Video Sales and Rental Store" means any place of business which includes the sale or rental of prerecorded video tapes, laser discs, compact discs, or any other medium which projects pictures on a screen.

W

"Warehousing and Distribution" means a facility, primarily within an enclosed building, for the storage of commercial or industrial goods, products and materials and the associated on-site sorting, packing, staging, shipping, receiving, and distributing of goods to wholesale and retail outlets, including ancillary truck parking and dispatching. Also includes long-term, passive storage of furniture, household goods, or other commercial goods; and of industrial equipment, products, and materials. Warehousing and distribution facilities may include, but are not limited to, wholesale distribution, distribution centers, moving and transfer storage, cross-dock facilities, package handling centers, order fulfilment centers, and logistics centers. Excludes storage of raw materials and/or finished products as part of an active primary use such as General Manufacturing, Advanced Manufacturing, or Research and Development. Excludes Parcel Hubs.

Wireless Communications Facilities Definitions. For the purposes of wireless communications facilities, the following definitions shall apply:

1. **"Commercial Wireless Communication Facility"** means a wireless communication facility operated by a for-profit business or for-profit purposes. See by contrast, "Noncommercial wireless communication facility."
2. **"Noncommercial Wireless Communication Facility"** means a wireless communication facility operated by a government agency, a nonprofit organization, a for-profit business for nonprofit purposes or a private citizen for personal use. It includes all amateur radio facilities. See by contrast, "Commercial wireless communication facility."
3. **"Stealth Wireless Communications Facility"** means any antenna designed to be architecturally integrated into a building that is architecturally consistent with the building design. Examples include a steeple, cupola or tower element on a building and do not include flag poles, monopoles or other structures designed to house antenna and resemble natural features.
4. **"Wireless Communication Facility"** means the equipment and associated structures needed to transmit and/or receive electromagnetic signals. A wireless communication facility typically includes antennas, supporting structures (including, but not limited to, monopoles, utility structures, buildings and accessory structures), enclosures and/or cabinets housing associated equipment, cable, access roads and other accessory development.

"Wholesale Sales" means the selling and/or distributing of merchandise to retailers; industrial, commercial, or institutional buyers; or other wholesalers; or acting as agents or brokers in the buying and selling of merchandise to or for such entities.

Y

"Yard" means an open space, other than a court, on a lot, unoccupied and unobstructed, except by eaves, from the ground upward, except as otherwise provided in this Chapter. Where applicable, yards shall be measured perpendicularly from the property line to the face of the nearest exterior wall of any main building, except as otherwise provided in this Chapter (See Subsection XI-10-55.04-11). Setback shall be synonymous with yard.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the most rear main building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest exterior wall of the main building.

Yard, Side. "Side yard" means a yard between the main building and the side lot line extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest exterior wall of the main building.

Z

Zone. See "district."

(Ord. No. 38.848 , § 4, 11/15/22; Ord. No. 38.846 , § 4, 10/19/22; Ord. No. 38.847 , § 5, 8/16/22; Ord. No. 38.844 , § 4, 12/14/21; Ord. No. 38.841 , § 4, 5/4/21; Ord. No. 38.835 , § 4, 3/3/20; Ord. No. 38.839 , §§ 4, 5, 12/3/19; Ord. No. 38.837 , § 4, 11/5/19; Ord. No. 38.836 , § 4, 9/3/19; Ord. No. 38.833, § 4, 5/7/19; Ord. No. 38.823, § 3, 11/17/15; Ord. No. 38.816, § 3, 9/2/14; Ord. No. 38.813, § 2, 4/1/14; Ord. No. 38.810, § 3, 12/3/13; Ord. No. 38.808, § 2, 5/21/13; Ord. No. 38.803, §§ 2—5, 4/17/12; Ord. No. 38.793, § 2, 5/17/11; Ord. No. 38.788, §§ 4—6, 9/7/10; Ord. No. 38.795, §§ 3—15, 4/6/10; Ord. No. 38.792, § 2, 8/4/09; Ord. No. 38.789, §§ 2—7, 4/21/09; Ord. No. 38.785, § 2, 4/7/09; Ord. 38.780 (2) (part), 8/19/08)

Section 3 Zoning Districts

XI-10-3.01 Districts

In order to carry out the purpose and provisions of this Chapter, the City is hereby divided into districts known as:

Full Name	Short Name
"R1" Single-Family District	"R1" District
"R2" One and Two-Family District	"R2" District
"R3" Multiple-Family District	"R3" District
"R3-Metro" Metro Multi-Family High Density Residential District	"R3-Metro" District
"R4" Multiple Family Very High Density District	"R4" District
"R4-Metro" Metro Multi-Family Very High Density Residential District	"R4-Metro" District
"R5" Urban Residential District	"R5" District
"R5-Metro" Metro Urban Residential District	"R5-Metro" District
"AR" Agricultural Residence District	"AR" District
"CO" Administrative and Professional Office District	"CO" District
"C1" Neighborhood Commercial District	"C1" District
"C2" General Commercial District	"C2" District
"HS" Highway Service District	"HS" District
"TC" Town Center District	"TC" District
"MXD" Mixed Use District	"MXD" District
"MXD2" High Density Mixed Use District	"MXD2" District
"MXD2-Metro" Metro High Density Mixed Use District	"MXD2-Metro" District
"MXD3" Very High Density Mixed Use District	"MXD3" District
"MXD3-Metro" Metro Very High Density Mixed Use District	"MXD3-Metro" District
"M1" Light Industrial District	"M1" District
"M2" Heavy Industrial District	"M2" District
"MP" Industrial Park District	"MP" District
"BPRD" Business Park Research and Development District	"BPRD" District
"BPRD-Metro" Metro Business Park Research and Development District	"BPRD-Metro" District
"BPRD-R-Metro" Metro Business Park Research and Development, Limited Residential District	"BPRD-R-Metro" District
"A" Agricultural District	"A" District
"I" Institutional District	"I" District
"POS" Park and Open Space District	"POS" District
"PD" Planned Development District	"PD" District

(Ord. 38.814, § 3, 4/15/14; Ord. 38.777 (4), 6/17/08: Ord. 38.759 (part), 4/2/02; Ord. 38.733 (part), 1/6/98; Ord. 38 (part), 3/15/55)

XI-10-3.02 Combining Regulations

In addition to the foregoing district certain combining regulations are established as set forth in this Chapter, said combining regulations being as follows:

Full Name	Short Name
"HR" High Rise Overlay District	"HR" District
"H" Hillside Combining District	"H" District
"MHP" Mobile Home Park ~~Combining~~Overlay District	"MHP" District
"OO" Gateway Office Overlay ~~Combining~~ District	"OO" District
"RE" Recreation & Entertainment Overlay District	"RE" District
"S" Site and Architectural Overlay District	"S" District
"TOD" Transit Oriented Development Overlay District	"TOD" District
"FC" Freeway Corridor Overlay District	"FC" District

(Ord. No. 38.795, § 16, 4/6/10; Ord. 38.782(1), 12/16/08; Ord. 38.776(3), 3/18/08; Ord. 38.761 (part), 5/20/03; Ord. 38.759 (part), 4/2/02; Ord. 38.663(B) (part), 8/20/91; Ord. 38 (part), 3/15/55)

XI-10-3.03 Zoning Map

The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this Chapter, being designated as the "Zoning Map of the City of Milpitas," together with "Sectional District Map of the City of Milpitas" supplementary thereto, consisting of an "Index Map" to sectional district maps numbered consecutively, and said map and all notations, references and other information shown thereon shall be as much a part of this Chapter as if the matters and information set forth by said map were all fully described herein.

(Ord. 38.777 (5), 6/17/08: Ord. 38 (part), 3/15/55)

XI-10-3.04 Letter Designation Includes All Aspects of the Zone

Whenever the terms "R" District, "C" District or "M" District are used herein, they shall be deemed to refer to all districts containing the same letter in their names; for example, the term "C" District shall include the "C1" and "C2" District.

(Ord. 38 (part), 3/15/55)

XI-10-3.05 Most Restrictive and Least Restrictive Zones

The "R1" District is the most restrictive and the "M2" District is the least restricted.

(Ord. 38 (part), 3/15/55)

XI-10-3.06 Reference to General Provisions and Exceptions

For "General Provisions" and "Exceptions" pertaining to the following district regulations, see Sections 54 and 55 inclusive.

(Ord. 38 (part), 3/15/55)

Section 7 Industrial Zones and Standards

XI-10-7.01 Purpose and Intent

A. Light Industrial (M1) Zone. The M1 Light Industrial District is reserved for the construction, use and occupancy of buildings and facilities for office, research, limited and light manufacturing, and other uses compatible with the district.

B. Heavy Industrial (M2) Zone. The M2 Heavy Industrial District is reserved for the construction, use, and occupancy of buildings and facilities for office, research, general manufacturing, warehousing and distribution and other uses compatible with the district.

C. Industrial Park (MP) Zone. The MP District is intended to accommodate, in a park-like setting, a limited group of research, professional, packaging and distribution facilities and uses which may have unusual requirements for space, light, and air, and the operation of which are clean and quiet and which meet the standards set herein.

D. Business Park Research and Development (BPRD) Zone. The purpose of the BPRD District is to designate specific areas of the city as important employment centers, especially for jobs in the hightech industry. The BPRD zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses, and to enable the integration and growth of research and development, office, small warehouse, and light manufacturing uses on consolidated sites with supportive ancillary uses such as restaurants, health/fitness centers, limited retail, and child care facilities.

(Ord. No. 38.803, § 8, 4/17/12; Ord. No. 38.789, § 9, 4-21-09)

XI-10-7.02 Industrial Use Regulations

A. Permitted and Conditionally Permitted Uses.

1. Primary uses. The uses identified in Table XI-10-7.02-1, Industrial 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 XI-10-7.02-1 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 XI-10-57.04, Conditional Use Permits and Minor 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 XI-10-57.04, 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 by the Zoning Administrator, in accordance with ~~Section~~ Subsection XI-10-57.04, Conditional Use Permits and Minor Conditional Use Permits, of this C~~c~~hapter.
O	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

2. In the BPRD zone, all uses and activities must take place within an enclosed building.

3. Accessory Uses. The following accessory uses are allowed when incidental to the primary use:

   a. In M1 and MP zones, incidental services, such as restaurants and recreation facilities for employee use only and when conducted in and entered from within the building or campus.

   b. Cafeterias may be permitted when ancillary to a primary use and associated with business or industrial uses.

   c. Banquet halls may be permitted with a Conditional Use Permit, in accordance with Section XI-10-57.04, when ancillary to convention centers, hotels or motels.

   d. In the BPRD, business support services, convenience retail, commercial athletic facilities, child care centers, and restaurants with or without on-site service of alcohol.

B. Prohibited Uses. The following uses are prohibited:

   1. Uses where the symbol "NP" appears within Table XI-10-7.02-1.

   2. Uses that have been excluded from Table XI-10-7.02-1, unless they are found by the City to be similar to permitted or conditionally permitted uses in accordance with C below.

C. Other Uses. Any other uses may be considered by the Planning Commission that are similar in accordance with the procedure prescribed in Subsection 10-54.02, Other Uses Permitted by Commission, of this Chapter.

Table XI-10-7.02-1
Industrial Zone Uses

Use	M1	M2	MP	BPRD
1. Commercial Uses				
Alcoholic beverage sales	NP	NP	NP	C[1]
Adult businesses[1][2]	P	NP	NP	NP
Business support services	P	NP	P	MCS[1]
Convenience store	C	NP	C	NP
Furniture repair and reupholstery	P	NP	NP	NP
Grocery store	NP	NP	NP	NP
Personal services	C	NP	C	C
Printing (newspaper, blueprint, publishing)	P	NP	C	MC
Repair and cleaning, small items	P	NP	NP	NP
Retail, limited	C	NP	C	MCS[1]
Retail stores, general merchandise[2]	C	NP	C	NP
2. Entertainment and Recreation Uses				
Billiards	C	NP	C	NP
Commercial athletic facilities	C	NP	C	MCS[1, 3]
3. Health and Veterinarian Uses				
Hospitals	NP	NP	C	NP
Kennel	P	NP	NP	NP
Medical support laboratories	P	NP	P	MC
Medical and dental offices and clinics[2]	P	NP	P	MC
Veterinarian hospital	P	NP	P	NP
4. Industrial Uses				

Use	M1	M2	MP	BPRD
Advanced manufacturing	P	P	P	P
Assembly from pre-processed materials[3][4]	P	P	P	P
Auto assembly facility	NP	P	NP	MCS[5]/NP
Bottling facility	P	P	NP	NP
Building material sales (equipment rental)[4][6]	NP	C	NP	NP
Commercial fueling facility	C	C	NP	NP
Commercial laboratory	P	P	P	P
Contractor's ~~yard and offices~~[4]shop[6]	NP	~~C~~P	NP	C
Custom and artisan manufacturing	P	MCS	P	MCS
Data centers	P	NP	P	P
~~Distribution facility~~	~~P~~	~~P~~	~~P~~	
Dry-cleaning plant	P	P	NP	NP
Film processing, photo finishing and printing, etching, lithography, printmaking, and other similar creative industries	P	MCS	P	MCS
Freight and trucking yard[4][6]	NP	P	NP	NP
Mini-storage ~~complex~~or self storage	C	C	NP	NP
Parcel hub	P	MCS	P	C
Plumbing, metalworking, glassworking or woodworking	P	P	NP	C
Plant or facility (~~research & development,~~ assembly of goods, manufacturing, packaging, processing, repairing, etc. or materials, merchandise or products)	P	P	P	MC
Pottery or tile manufacturing	P	P	NP	C
Recycling processing facility	C	C	NP	NP
Research and development	P	MCS	P	P
Soils and materials testing laboratories	P	P	P	P
Warehousing and ~~wholesale~~distribution	P	P	P	P/C[7]
Wholesale sales	P	P	P	P
5. Lodging Uses				
Hotels/motels	C	NP	C	NP
6. Professional Office Uses				
Offices, business and professional	P	NP	P	P
Financial institutions (banks, savings and loans, etc.)	C	NP	P	NP
7. Public, Quasi-Public and Assembly Uses				
Auditorium[5][8]	NP	NP	C	NP
Child care center	NP	NP	C[1]	MCS[1]
Conference center[5][8]	NP	NP	C	MCS
College and university, public or private[9]	NP	NP	NP	C
Vocational school	C	NP	C	C
Farmer's market ~~(not including flea market)~~[6][10]	NP	NP	C	MC

Use	M1	M2	MP	BPRD
Public utilities[7][11]	P	P	P	NP
Transportation facility (taxi, parcel service, armored car, etc.)[4][6]	NP	P	NP	NP
Temporary Public Safety Uses[8][12]	C	C	C	NP
Places of assembly[9][13]	C	NP	C	NP
8. Residential Uses				
Caretaker's residence	C	C	NP	NP
9. Restaurants or Food Service Uses				
Catering establishment	P	NP	P	MC
Restaurants				
With on-site service of alcohol	C	NP	C	C[1]
Without on-site service of alcohol	C	NP	C	MCS[1]
With live entertainment/dancing	NP	NP	NP	NP
Drive-in or drive-thru	C	NP	C	NP
Mobile Food Vending (individual vehicle)[10][14]	P	P	P	P
Mobile Food Park	NP	NP	NP	NP
Commissary	P	NP	P	MC
10. Vehicle Related Uses				
Auto junk yard[4][6]	NP	C	NP	NP
Auto repair (tire, oil change, smog check, etc.)[11][15]	C	P	C[12][16]	NP
Mobile Fueling[17]	P/C	P/C	P/C	P/C
Service stations (with or without repair or retail)[11][15]	C	C	C	NP
With car wash	NP	C	C	NP
Vehicle sales and rental (auto, RV and truck-new and used in operable condition)[13][18]	C	C	C[12][16]	NP
Auto broker (wholesale, no vehicles on site)[9][13]	MCS	MCS	MCS	NP

Notes:

[1] Limited to accessory uses that support primary employment-generating uses on the same site. Accessory commercial uses such as restaurants and convenience retail shall be located on the ground floor and in an area of the development where they can be directly accessed by the public.

[2] In accordance with the Title III, Chapter 4, Adult Business Ordinance and Subsection XI-10-13.04, Adult Businesses, of this Chapter.

~~When found necessary to serve and appropriate to the industrial area.~~[3] Maximum 8,000 gross square feet in size.

[4] Assembling, packaging, or distribution from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, electric or electronic instruments and devices such as television, radios, and pharmaceutical products.

[5] Consistent with the intent and purpose of the BPRD Zone to support emerging industries within the high-tech sector, manufacturing and assembling of electric vehicles and other zero-emission vehicles, and/or component parts for such vehicles, may be permitted in this zone through approval of a Minor Conditional Use Permit in accordance with Subsection 57.04 of this Chapter. Manufacturing and assembling of conventional and hybrid vehicles with internal combustion engines, as a higher-intensity industrial use, is not permitted in the BPRD Zone.

[6] When conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence (e.g~~.~~, chain link with slats) not less than eight feet in height.

[7] Warehousing and distribution facilities up to 150,000 square feet are permitted in the BPRD Zone. Warehousing and distribution facilities that exceed 150,000 square feet may be allowed through the approval of a Conditional Use Permit, in accordance with Subsection 57.04 of this Chapter. In addition to the general required findings for a Conditional Use Permit, the following special finding must be made for

approval to be granted for a warehousing and distribution facility greater than 150,000 square feet: That the proposed use will support the continued operations and/or growth of business in the high-tech sector, contributing to economic activity and employment opportunities in the Business Park Research and Development Zone.

[8] Shall be ancillary to the primary use or associated with business or industrial uses.

[9] State has authority over permitting process regarding public facilities.

[10] Refer to Subsection XI-10-13.10, Farmers Markets, of this Chapter.

[11] Includes service facilities, electric transmission and distribution substations and public utility service centers.

[12] See Subsection XI-10-13.11(I), Temporary Public Safety Uses.

[13] See Subsection XI-10-7.04(A)(1), Industrial Zone Special Development and Performance Standards.

[14] Refer to Subsection XI-10-13.18, Mobile Food Vending, of this Chapter.

[15] Entrances to the services bays shall not be open to the street, but shall be so designed to face the rear or interior side property line.

[16] Within MP zones, rental and repair may be considered only when ancillary to new auto dealerships.

[17] Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles may be permitted subject to approval of a Conditional Use Permit. Refer also to the California Fire Code as amended by the City of Milpitas Municipal Code, Title V, Chapter 300.

[18] Within MP zones, boat and camper sales are prohibited. Dealerships shall be on property at least three acres or greater in area.

(Ord. No. 38.837 , §§ 7, 8, 11/5/19; Ord. No. 38.836 , § 5, 9/3/19; Ord. No. 38.827, § 2, 2/21/17; Ord. No. 38.803, § 8, 4/17/12; Ord. No. 38.795, §§ 24, 25, 4/6/10; Ord. No. 38.789, § 9, 4/21/09)

XI-10.7.03 Industrial Zone General Development Standards

A. The following minimum or maximum requirements shall be observed.

Table XI-10-7.03-1
Industrial Zone Development Standards

Standard	M1	M2	MP	BPRD
Lot Area, minimum	None	None	Individual sites shall be of such size to that all space requirements in this table are satisfied.	25,000 sq. ft.
Lot Width, minimum	None	None	100 ft.	100 ft.
Front Yard Setback, minimum	Along major street: 35 ft. from face of curb. Along non-major street: 25 ft. from face of curb.	Along major street: 35 ft. from face of curb. Along non-major street: 25 ft. from face of curb.	35 ft.	10 ft.
Side Yard Setback (interior), minimum	None	None	10 ft.	None; 20 ft where abutting an R zone

Standard	M1	M2	MP	BPRD
Street Side Yard Setback, minimum	Same as front yard setback	Same as front yard setback	Same as front yard setback	Same as front yard setback
Rear Yard Setback, minimum	None	None	20 ft.	None; 20 ft where abutting an R zone
Building Height, maximum	None. However, prior to construction of any structure that exceeds three (3) stories or thirty-five (35) feet in height, the Planning Commission must make the following finding: That any such excess height will not be detrimental to the light, air or privacy of any other structure or use currently existing or anticipated.			80 ft/5 stories
Parking Setback from street-facing property line, minimum	None	None	None	Surface parking: 25 ft Truck or bus parking: 40 ft
Parking	Refer to Section 53, Off Street Parking, of this Chapter.			
Floor Area Ratio	0.40 Maximum	0.40 Maximum	0.50 Maximum	Minimum 0.35 Maximum 2.5
Landscaping	Refer to Subsection 7.03(B)			

B. Areas of Lot Required to be Landscaped. Landscaped areas shall mean any area planted with plant material (trees, shrubs, ground cover, etc.). Landscape areas shall be exclusive of parking and vehicular traffic area (direct driveways excepted) and this shall be shown on the site plan in detail for Planning Commission approval.

The following areas shall be landscaped:

1. Required front yard area.
2. Required street side yard area.

This may be adjusted, by the Planning Commission, if it is found that adequate landscaping adjacent to the building(s) is provided to compensate for a reduction.

C. Fences, Hedges and Walls. All planting, fencing and walls for new development, including but not restricted to fences and walls along rear and interior side property lines shall be approved by the Planning Commission. Modifications regarding landscaping, fencing and walls at existing developed sites shall be subject to the provisions of Subsection 54.10, Fences and Walls, of this Chapter.

D. Utilities. All wires, pipes, cables and utility connections shall be placed in underground or subsurface conduits. All above ground transformers and vaults for new development shall be adequately screened to the approval of the Planning Commission. Modifications regarding subsurface conduits or above ground transformers and vaults at existing developed sites shall be subject to the provisions of Subsection 54.16, Trash Enclosures, Equipment and their Screening, of this Chapter.

E. Areas for Collecting and Loading Recyclable Materials. There shall be provided areas for collecting and loading recyclable materials in accordance with the requirements of Subsection 54.12, Areas for collecting and loading recyclable materials, of this Chapter.

F. Legal Nonconforming projects. Existing developments lawful at the time of installation or improvements which have been approved and a building permit issued prior to June 17, 1982, and installed in conformance with said approval and permit are considered legal nonconforming projects.

(Ord. No. 38.803, § 8, 4/17/12; Ord. No. 38.789, § 9, 4-21-09)

XI-10-7.04 Industrial Zone Special Development and Performance Standards

A. Performance Standards. For uses requiring approval of a Minor Conditional Use Permit by staff, in accordance with Section XI-10-57.04, Conditional Use Permits and Minor Conditional Use Permits, of this Chapter, the following performance standards shall be met.

1. Auto Brokers. Auto Brokers may be permitted by right if the following standards are met:

a. Local Sales and Use Tax. In order to assist the City of Milpitas in its efforts to receive direct distribution of the local tax on materials associated with the project, the California Sales and Use Tax (the "Local Tax") shall be allocated to the project site, to the extent reasonably possible. Evidence of tax allocation or cause as to why such allocation cannot be made shall be submitted at the time of business license submittal.

B. Special Development Standards in All Industrial Zones.

1. Abutting any R District. Where any ~~M~~Industrial District abuts any R District, there shall be provided 100 feet between any ~~M~~ building on an industrially zoned parcel and the nearest property line of any R District. Applicants are advised that mitigating improvements may be needed to eliminate any adverse impacts from the residences and that additional requirements may be imposed on the developer to remedy the situation.

2. Outdoor Storage. Outdoor storage for such things as trash and materials shall be permitted only when said storage areas are suitably screened with a solid wall or tight board fence and are located at least 100 feet from any R District and not within any required front or street side yard. Said location and screening of outdoor storage areas shall be to the approval of the Planning Commission. Modifications regarding outdoor storage at existing developed sites shall be subject to the provisions of Subsection 54.16, Trash Enclosures, Equipment and their Screening, of this Chapter.

3. Places of Assembly. Places of Assembly are prohibited in the ~~M2~~ Heavy Industrial (M2) Zone and Business Park Research and Development (BPRD) Zone. When any place of assembly use is established in an M1 or MP zone after the effective date of this Ordinance, such use shall be subject to the following requirements:

a. Applicant shall submit a review of potential hazardous site conditions and potential exposure of site users to these conditions. At a minimum, a Phase I Environmental Site Assessment (ESA) shall be performed for each proposed assembly use within the City's Light Industrial (M1), and Industrial Park (MP) zoning districts. Each individual project shall comply with the recommendations of the Phase I Environmental Site Assessment (which may include conducting Phase II sampling and implementing the recommendations of the Phase II ESA that may include cleanup of hazardous materials) and demonstrate that exposure of site users to hazardous materials conditions would be below established thresholds prior to approval of the Conditional Use Permit. In addition, an Accidental Release Assessment (ARA) shall be performed for each proposed assembly use within the City's Light Industrial (M1) and Industrial Park (MP) zoning districts to determine if unacceptable safety risks may result from the proposed change in use. The ARA shall review and evaluate any and all Risk Management Plans prepared for facilities in the vicinity under the California Accidental Release Prevention (CalARP) program. The environmental professional preparing the ARA shall determine, based on Alternative Release Scenarios, whether the proposed new assembly use would result in unacceptable safety risks due to proximity of uses handling or emitting acutely hazardous materials. If unacceptable risks are identified, the proposed use shall not be allowed.

b. Applicant shall submit a further noise study. The noise study shall demonstrate that ambient noise conditions within the vicinity of the proposed assembly use do not exceed the City's "normally acceptable" Noise Compatibility Standard of 70 dBA Ldn. In the event that existing

conditions exceed the "normally acceptable" standard the proposed assembly use may be required to install noise insulating materials to achieve the interior noise standard. Also as a condition of approval, proposed assembly uses shall be required to sign a disclosure of acknowledgment that they agree to operate within an existing industrial area and may be subject to noise levels that exceed the City of Milpitas's Noise Compatibility Standards for noise-sensitive uses.

c. No assembly use shall install or otherwise use exterior public address systems or other noise generating equipment that exceeds the 70 dBA noise standard.

d. No new structure shall be construed within the M1 or MP zoning district for use as a place of assembly and no more than 50% of the square footage of any existing structure within the M1 or MP zoning district shall be converted to use as a place of assembly.

e. No exterior modifications to any existing structure within the M1 or MP zoning district shall be permitted if such modifications would materially alter the structure's appearance or future use as an industrial building.

C. Special Development Standards in the MP ~~Zones~~and BPRD zones.

1. Uses in the ~~District~~MP and BPRD zones shall ~~be such those they~~:

a. Emit no obnoxious, toxic or corrosive fumes or gases.

b. Emit no odors perceptible at the property line.

c. Emit no smoke. This does not preclude the use of backup or emergency generators.

d. Discharge into the air no dust or other particular matter created by any industrial operations or emanating from any products stored prior or subsequent to processing.

e. Produce no heat or glare perceptible beyond the lot boundaries.

f. Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.

g. Produce no physical vibrations perceptible at or beyond the lot boundaries.

h. Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, except under controlled operations being conducted observing standards or methods or operation established by the Nuclear Regulatory Commission. Electromagnetic radiation or radioactive emissions shall not be of an intensity that interferes with the use of any other property.

i. Do not engage in the production or storage of any material designed for use as an explosive, or in the use of such material in production.

j. Indicate that all industrial uses shall use only gas, electricity, or preheated oil as a fuel; provided, however, that oil-burning equipment may be installed for stand-by emergency use only.

XI-10-7.05 Special Design Standards for the BPRD Zone

A. Building Entrances.

1. At least one building entrance must be provided along the primary street frontage.

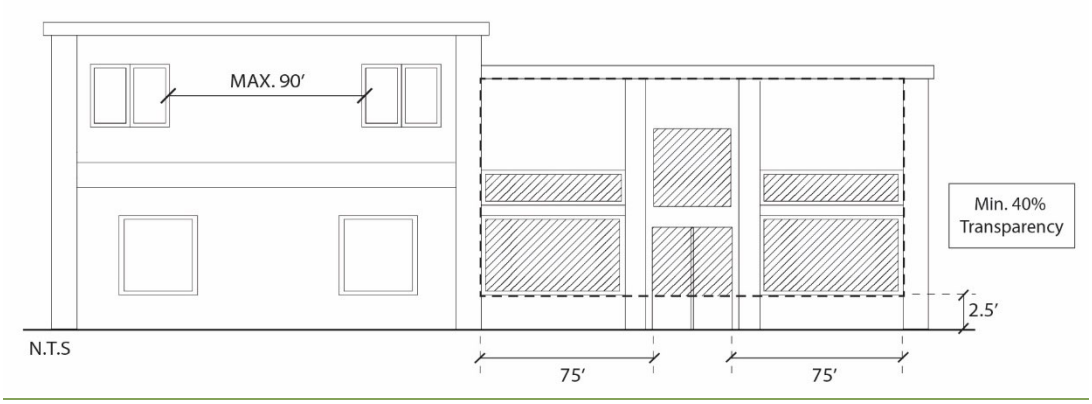
2. The primary building entrance must incorporate a projection, recess, or combination of projection and recess at least 40 square feet in area and with a minimum depth of five feet.

B. Façade Design and Articulation.

1. Facades within 20 feet of a front or street side property line shall include windows, doors, other openings, or glazed areas for at least 40 percent of the building wall area located between 2.5 feet above the level of the sidewalk and the underside of the roof structure for portions of the façade within 75 feet of the street-facing main entry.

2. No street-facing façade may run in a continuous plane for more than 90 feet without an opening.

Figure 7.05-1: Façade Design and Transparency



3. All building facades must incorporate window trim and/or window recesses, architectural features, changes in material, changes in texture, or similar design elements that add visual interest to the facade. This includes a varied palette of materials, textures, and colors that emphasize details and changes in plane.

C. Pedestrian and Bicycle Circulation.

1. A system of pedestrian walkways shall connect all primary building entrances on a site to each other, to on-site vehicle and bicycle parking areas, and to any on-site open space areas, pedestrian amenities, and transit stops. Walkways may be located within public utility easement areas provided they are publicly accessible.

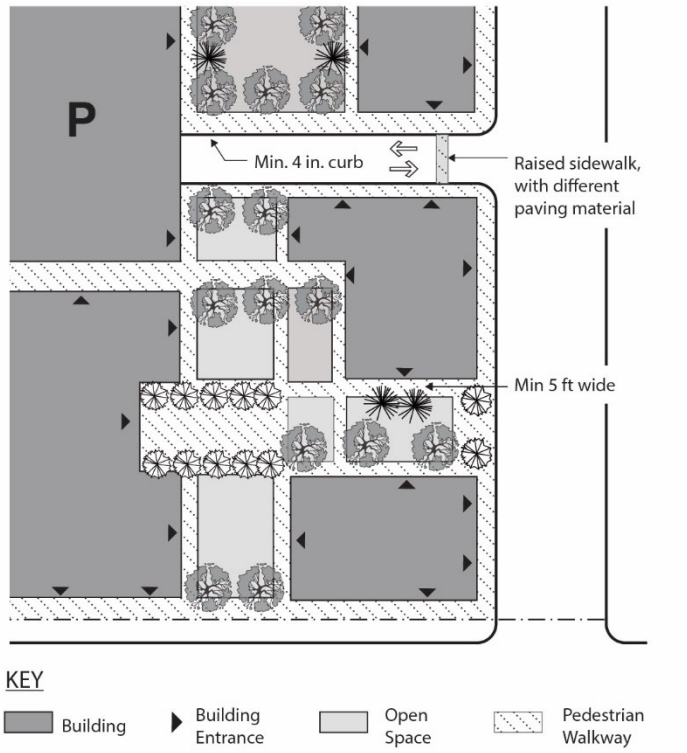
2. Walkways between the primary building entrance and sidewalk shall be the shortest practical distance, generally no more than 125 percent of the straight-line distance.

3. Walkways shall be hard-surfaced and paved with materials that are visually distinct from vehicular access areas in terms of composition, texture, and/or color.

4. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identifiable through a raised crosswalk, a different paving appearance, material, or similar method.

5. Where a required walkway is parallel and adjacent to a vehicle travel area, it must be raised or separated from the vehicle travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

Figure 7.05-2: On-Site Circulation



D. Site Design for Large Projects. Projects over 80,000 gross square feet must provide the following:

1. Landscaped areas and usable outdoor common open space [see Subsection XI-10-7.05(D)(2)] equal to a cumulative 10 percent of the site area that:

   a. Provides gathering space or opportunities for active or passive recreation and benches or other seating.

   b. Provides amenities that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, water features, or public art.

   c. Is separated from on-site parking areas by a minimum of 6 feet.

   d. May include on-site stormwater treatment areas and landscaped areas.

2. A minimum of 400 square feet of outdoor eating facilities for the use of employees. Outdoor eating areas shall have a minimum dimension of 12 feet and shall include tables, seating and covering to provide protection from sun and weather conditions. Employee eating areas must be contiguous with required on-site public open space or provided in a separate area. This area may be included as part of the open space requirement.

3. Stormwater detention facilities incorporated into the site landscaping. Refer also to Subsection VIII-5-3, Provisions for New and Rehabilitated Landscapes.

4. A lighting, landscaping, and signage design concept for common areas. Refer also to Subsection XI-10-54.17 for general lighting standards and to Subsection XI-10-24 for general signs standards.

E. Landscaping.

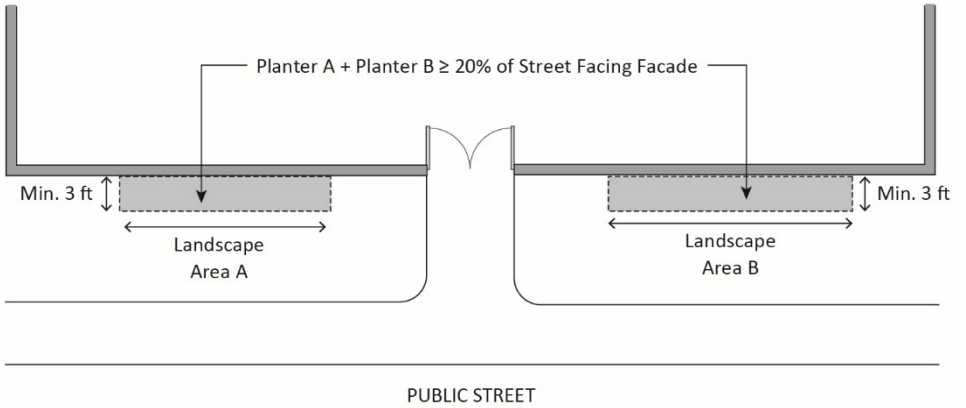
1. The following areas shall be landscaped and may count toward the total area of site landscaping required by the zoning district standards.

   a. Street-Facing Setbacks, as required in Section 10-7.03.B of this Chapter.

   b. Interior Property Lines Abutting Residential Districts. A six-foot-wide landscape buffer yard planted with a mix of trees and shrubs shall be provided along interior property lines. At least one tree of at least 15-gallon size shall be planted per 20 linear feet or as appropriate based on canopy size at maturity to create a tree canopy over the buffer yard. In addition, at least three shrubs shall be planted per 20 lineal feet. At least 10 percent of the required trees shall be 24-inch box size.

   c. Building Perimeters. The portions of a building that face a public street or parking areas shall have one or more landscape planters, each a minimum of four feet in depth, installed along a minimum 20 percent of street-facing facades. This 20 percent may include landscape buffers located below windows and other transparent portions of the facade.

Figure 7.05-3: Landscape Planters



   d. Parking Areas. A minimum of 10 percent of any parking lot area shall be landscaped in the form of planted islands between rows of parking or between parking stalls. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.

   e. Unused Areas. All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or left in a natural state.

2. Landscaping Materials. In addition to the standards of Section VIII-5-3, Provisions for New and Rehabilitated Landscapes, the following landscape standards apply.

   a. General. Landscaping must consist of a combination of groundcovers, shrubs, vines, and trees. Landscaping may also include incidental features including stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than 10 percent of the area required to be landscaped.

   b. Plant selection. Plants must be selected to control erosion and provide protection from wind and summer sun.

   c. Ground Cover Materials. Ground cover shall be of live plant material. Groundcover may include grasses. Non-plant materials including gravel, colored rock, cinder, bark, and similar materials shall not be used to meet the minimum planting area requirements required by this section,

except with approval by the Zoning Administrator. Mulch must be confined to areas underneath shrubs and trees and is not a substitute for ground cover plants.

d. Turf Allowance. The maximum amount of lawn in required landscape areas shall be 20 percent except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. The installation of turf on slopes greater than 25 percent is prohibited.

e. Size and Spacing. Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. Plants shall be of adequate size and spacing at the time of installation to provide ample vegetation coverage. Minimum requirements include:

i. Ground Covers. Ground cover plants other than grasses must be at least the four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per 24 inches on center or less.

ii. Shrubs. Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.

iii. Trees. Tree canopies shall cover a minimum of 30 percent of the total required landscape area. Of the total number of trees provided on site, at least 20 percent shall be of the same species.

(a) A minimum of 15 percent of the trees planted shall be 24 inch-box or greater in size. All other trees shall be a minimum of 15 gallons in size with a one-inch diameter at breast height (dbh).

(b) Newly planted trees shall be supported with double stakes or guy wires and tree guards per International Society for Arboriculture and American National Standards Institute standards.

(c) Any trees planted along a sidewalk shall be 15 gallon trees no more than 30 feet apart on center.

(d) Any tree to be planted along a lot line or adjacent to a structure shall be no closer to said lot line or structure than one-half the diameter of the particular species' drip line at maturity, measured from the center of the tree. Any tree that cannot be planted in the ground shall be planted in a planter box at least twice the width and depth of the root ball plus one additional foot in container diameter for every four feet of mature tree height.

F. Parking and Loading.

1. Parking Location.

a. Required parking spaces shall be located on the same lot as the use they serve.

b. Parking areas shall be set back from adjacent buildings and streets as follows:

i. From Streets. Where parking is located between a building and street, a landscaped setback at least 10 feet wide must be provided between the parking area and adjacent right-of-way.

ii. From On-Site Buildings. Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways at least five feet in width.

c. On-site parking shall not be located within a required setback.

2. Parking Design.

a. Access. Driveways shall not exceed 35 feet in width, except that driveways providing large truck access to truck bays shall not exceed 40 feet in width. All driveways must be located a minimum of 50 feet from the boundary of an abutting residential or open space zone.

b. Screening. Parking and loading areas shall be screened from view from public streets and properties in abutting residential, mixed-use, or commercial zones, according to the following standards.

i. Height. Screening of parking lots from adjacent public streets shall be a minimum of three feet in height. Screening of parking lots along interior lot lines that abut residential or open space districts shall be a minimum of six feet in height.

ii. Design. Screening should generally be opaque, but may have some degree of transparency depending on method used (e.g., plant material), and must consist of one or any combination of the methods listed below:

(a) Walls. Low-profile walls consisting of brick, stone, stucco, or other quality durable material and including a decorative cap or top finish as well as edge detail at wall ends.

(b) Fences. An open fence of wood, wrought iron or similar high-quality, durable material combined with plant materials. This option does not include the use of chain-link or vinyl fencing.

(c) Planting. Plant materials consisting of compact evergreen plants. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation.

(d) Berms. Berms planted with grass, ground cover, or other low-growing plant materials.

3. Loading Areas. Truck docks, loading areas, and service areas within 100 feet of a public street shall not be visible from the public street. The outermost point of the truck docks, loading, and service areas are not permitted within 50 feet of the boundary of a residential district.

G. Lighting.

1. Fixtures. All exterior lighting fixtures shall be oriented downward, fully shielded, and certified by the International Dark Sky Association to prevent light intrusion into adjacent building buildings and sensitive habitat such as riparian habitat, streams, and wetlands.

2. Controls. All exterior lighting must be capable of accepting controls that enable dimmers, timers motion sensors, or networking to avoid unnecessary lighting and energy use, especially in areas adjacent to sensitive habitat, such as riparian habitat, streams, and wetlands.

3. On-Site Lighting.

a. Ground-floor building façades and other areas, including parking lots, driveways, pedestrian and bicycle circulation areas, and recesses, shall be illuminated with lighting fixtures that meet the following minimum standards:

i. Open parking lots: One foot-candle at ground level.

ii. Pedestrian paths/bike paths: One foot-candle at ground level.

iii. Covered parking: Five foot-candles at ground level.

b. Electrical elements for exterior building lighting such as wires, conduits, and panel boxes shall be concealed from public view or painted to match the background surface color.

c. Parking lot lighting shall be designed and installed so that light and glare is not directed onto residential use areas, adjacent public rights-of-way, or sensitive habitat, such as riparian habitat, streams, and wetlands.

4. Prohibited Lighting. The following types of exterior lighting are prohibited:

a. Mercury vapor luminaires;

b. Searchlights;

c. Sky beams;

d. Upward-directed fixtures; and

e. Aerial lasers.

XI-10-7.06 Conformance with Specific Plans

Properties located within Specific Plans shall conform to the underlying Specific Plan in accordance with Section XI-10-11.06, Conformance with Specific Plans, of this Chapter.

(Ord. No. 38.803, § 8, 4/17/12; Ord. No. 38.795, § 26, 4/6/10; Ord. No. 38.789, § 9, 4/21/09)

Section 9 Metro Area Zones and Standards (New Section)

XI-10-9.01 Purpose and Intent

A. Metro Multi-Family High Density Residential ("R3-Metro") Zoning District. The purpose of the R3-Metro zoning district is to create and enhance high-density residential areas (densities in the range of 30 to 40 dwelling units per acre) characterized by a mix of multi-family unit types and small-scale neighborhood businesses where appropriate. The R3-Metro zone implements the Multi-Family High Density Residential (MFH) land use designation as described in the Metro Specific Plan.

B. Metro Multi-Family Very High Density Residential ("R4-Metro") Zoning District. The purpose of the R4-Metro zoning district is to create and enhance very high-density residential areas (densities in the range of 40 to 85 dwelling units per acre) characterized by low- and mid-rise multi-family residential buildings and compatible commercial uses where appropriate. . The "R4" District is intended to provide for higher-density residential "villages" structured around transit stations, streets, creek side open spaces, trails and parks. The R4-Metro zone implements the Multi-Family Very High Density Residential (VHD) land use designation as described in the Metro Specific Plan.

C. Metro Urban Residential ("R5-Metro") Zoning District. The purpose of the R5-Metro zoning district is to create and enhance very high-density residential areas (densities in the range of 70-120 dwelling units per acre) characterized by high-rise residential buildings and compatible commercial uses structured around transit stations. The R5-Metro zone implements the Urban Residential (URR) land use designation as described in the Metro Specific Plan.

D. Metro High Density Mixed Use ("MXD2-Metro") Zoning District. The purpose of the MXD2-Metro zoning district is to create and enhance areas with a mix of retail, restaurant, entertainment, and commercial service uses on the ground floor and residential or office uses on upper stories, while maintaining a pedestrian-oriented streetscape (mixed-use FARs in the range of 1.0 to 2.5 and residential densities in the range of 40 to 85 dwelling units per acre). It is intended that the required active ground floor uses will ensure neighborhood-oriented retail and services are provided within walking distance of high-density residential development. The MXD2-Metro zone implements the Residential Retail Mixed Use (RRMU) land use designation as described in the Metro Specific Plan.

E. Metro Very High Density Mixed Use ("MXD3-Metro") Zoning District. The purpose of the MXD3-Metro zoning district is to create and enhance urban areas characterized by a mix of very-high density housing, retail and employment uses (mixed-use FARs in the range of 2.5 to 5.0 and residential densities in the range of 85 to 250 dwelling units per acre). The MXD3-Metro zone implements the Boulevard Very High Density Mixed Use (BVMU) land use designation as described in the Metro Specific Plan.

F. Metro Business Park Research and Development, Limited Residential; (BPRD-R-Metro) Zone. The purpose of the BPRD-R-Metro zoning district is to designate specific areas of the city as important employment centers, especially for jobs in the high-tech industry, with limited, integrated residential development (mixed-use FARs in the range of 1.0 to 5.0). The BPRD-R-Metro zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, other light industrial uses, and limited residential uses. It also enables the integration and growth of research and development, office, and light manufacturing uses on consolidated sites with supportive ancillary uses, typically on the ground floor, such as restaurants, health/fitness centers, limited retail, and child care facilities. The BPRD-R-Metro zone implements the Business Park Research and Development, Limited Residential (BPRD-H) land use designations as described in the Metro Specific Plan.

G. Metro Business Park Research and Development (BPRD-Metro) Zone. The purpose of the BPRD-Metro zoning district is to designate specific areas of the city as important employment centers, especially for jobs in the high-tech industry (FARs in the range of 1.0 to 2.5, with additional FAR up to 4.0 for properties within 1,000 feet of the Milpitas Transit Center). The BPRD zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses, and to enable the integration and growth of research and development, office, and light manufacturing uses on consolidated sites with supportive ancillary uses, typically on the ground floor, such as restaurants, health/fitness centers, limited retail, and child care facilities. The BPRD-Metro zone implements the Business Park Research and Development (BPRD) land use designation as described in the Metro Specific Plan.

XI-10-9.02 Metro Area General Use Regulations

A. Permitted and Conditionally Permitted Uses.

1. Primary uses. The uses identified in Table XI-10-9.02-1, Metro Area 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 XI-10-9.02-1 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 XI-10-57.04, Conditional Use Permits and Minor 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 XI-10-57.04, 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 by the Zoning Administrator, in accordance with Subsection XI-10-57.04, 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.

B. Prohibited Uses. The following uses are prohibited:

1. Uses where the symbol "NP" appears within Table XI-10-9.02-1.
2. The following uses are not permitted in any Metro zone:
    a. Adult Businesses as defined in Subsection 13.04, Adult Businesses, of this Chapter.
    b. Disinfecting and extermination business.
    c. Outdoor storage of vehicles.
    d. Private self-storage facilities.
    g. Drive through uses (restaurants, pharmacies, etc.).

C. Mixed Use Development. Where a single parcel is proposed for development with two or more of the land uses listed in Table 9.02-1, Metro Area Zone Uses at the same time, the overall project will be subject to the permit with the highest level of review required by the Table for any individual use.

D. Residential uses on Activity Streets and Neighborhood Streets. Residential units are not allowed on the ground floor facing any right-of-way designated as an Activity Street or Neighborhood Street by the Metro Specific Plan Figure 4-6, unless allowed by Subsection 9-05.B. Other residential spaces such as lobbies and

common areas are permitted on the ground floor facing an Activity Street in accordance with Table XI-10-9.02-1.

E. Other Uses. Any other uses may be considered by the Planning Commission that are similar in accordance with the procedure, prescribed in Subsection 10-54.02, Other Uses Permitted by Commission, of this Chapter.

Table XI-10-9.02-1
Metro Area Zone Uses

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Commercial								
Alcoholic Beverage Sales	C[1]	C[1]	C[1]	C	C	C	C[1]	
Business Support Services	NP	NP	NP	MCS	MCS	MCS[1]	MCS[1]	
Convenience store	MC	MC	MC	MCS	MCS	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
Grocery Store	NP	NP	NP	C	C	NP	NP	
Grocery Store, Small	P	P	P	P	P	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
Pawnshop	NP	NP	NP	C	C	NP	NP	Refer to Subsection XI-10-9.03(C), Special Uses
Personal Services	MCS[2]	MCS[2]	MCS[2]	P[2]	P[2]	C	C	Refer to Subsection XI-10-9.03(A), Special Uses
Pet Shops	NP	NP	NP	MC	MC	NP	NP	
Repair and Cleaning, Small Items	NP	NP	MCS	P	P	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
Retail, Limited	C[3]	P	P	P	P	P[1]	P[1]	Refer to Subsection XI-10-9.03(A), Special Uses
Retail Stores, General Merchandise	C[3]	P	P	P	P	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
Thrift Shop								
Retail only	NP	NP	NP	P	P	NP	NP	Refer to Subsection XI-10-9.03(A), Special Uses
With collections	NP	NP	NP	C	C	NP	NP	
Entertainment and Recreation								
Commercial Athletic Facilities	NP	NP	NP	P	P	MCS[1]	MCS[1]	
Golf Course	NP	NP	NP	NP	NP	NP	NP	
Recreation or Entertainment Facility	NP	NP	NP	C	C	NP	NP	
Health and Veterinarian Uses								
Animal Grooming (no boarding)	NP	NP	NP	MC	MC	NP	NP	
Hospitals or Sanitariums	NP	NP	NP	C	C	NP	NP	Refer to Subsection XI-10-9.03(B), Quasi-Public Uses
Massage Establishment	NP	NP	NP	MC/MCS[4]	MC/MCS[4]	C[1]	C[1]	Refer to Title III, Chapter 6 of the Milpitas Municipal Code and to Subsection XI-10-13.16
Medical and Dental Offices and Clinics	NP	NP	NP	P	P	MC	MC	
Medical Support Laboratories	NP	NP	NP	P	P	MC	MC	
Optician and Optometrist Shop	NP	NP	NP	P	P	MC	MC	

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Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Pharmacy or Drug Store	NP	MCS	MCS	P	P	MC	MC	
Veterinary Clinic	NP	NP	NP	P	P	NP	NP	
Industrial Uses								
Advanced Manufacturing	NP	NP	NP	NP	NP	P[5]	P[5]	
Agriculture	P[6]	NP	NP	NP	NP	NP	NP	
Art and Artisan Studio	NP	NP	NP	P	P	MCS	P	
Commercial Laboratory	NP	NP	NP	NP	NP	P	P	
Contractor's Shop	NP	NP	NP	NP	NP	NP	NP	
Custom and Artisan Manufacturing	NP	NP	NP	MCS	MCS	MCS	MCS	
Manufacturing, Assembling, Packaging, and Processing Facility	NP	NP	NP	NP	NP	MCS	MCS	
Parcel hub	NP	NP	NP	NP	NP	NP	MC	
Printing (Newspaper, Blueprint, Publishing)	NP	NP	NP	NP	NP	NP	MC	
Research and Development	NP	NP	NP	NP	NP	P[5]	P[5]	
Soils and materials testing laboratories	NP	NP	NP	NP	NP	P	P	
Warehousing and Distribution	NP	NP	NP	NP	NP	NP	NP	
Wholesale Sales	NP	NP	NP	NP	NP	MC	MC	
Lodging Uses								
Bed and Breakfast	P	P	P	P	P	NP	NP	
Boarding Houses	C	C	C	C	C	NP	NP	
Hotels	NP	NP	NP	P	P	P	P	
Motels	NP	NP	NP	NP	NP	NP	NP	
Short-Term Rentals	P	P	P	P	P	NP	NP	Refer to Subsection XI-10-13.17, Short-Term Rentals
Professional Offices Uses								
Offices, Business and Professional	C	C	C	P	P	P	P	
Financial institutions (banks, savings and loans, etc.)	NP	MCS	MCS	P	P	MCS[1]	MCS[1]	
Public, Quasi-Public and Institutional/Assembly Uses								
College and university, private	NP	NP	NP	C	C	P	P	
Conference Center	NP	NP	NP	NP	NP	C	C	
Community Garden	P	P	P	P	P	P	P	
Day Care Center	MC	MC	P	P	P	P[1]	P[1]	Refer to Subsection XI-10-13.06, Large Family Child Care and Child Care Centers
Farmer's Market	MC	MC	MC	MCS	MCS	MCS	MCS	Refer to Subsection XI-10-13.10, Farmers Markets
Instruction, Group	MC	MC	MC	MCS	MCS	NP	NP	
Instruction, Private	MCS	MCS	MCS	P	P	NP	NP	
Park, Playground or Community Center	O[7]	O[7]	O[7]	O[7]	O[7]	O[7]	O[7]	
Places of Assembly	MC	MC	MC	MCS	MCS	NP	NP	

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Public Utilities	NP	NP	NP	NP	NP	NP	NP	
Schools, private (elementary, middle, high)	C	C	C	C	C	C	C	
Theater (indoor)	NP	NP	NP	C	C	NP	NP	
Trade and Vocational School	NP	NP	NP	C	C	C	C	
Transportation Facilities	C	C	C	C	C	NP	NP	
Residential Uses								
Court Dwellings	P	P	P	P	P	NP	NP	
Duplex (two dwellings)	NP	NP	NP	NP	NP	NP	NP	
Group Living Accommodations	C	C	C	C	C	C	NP	
Live/Work	C[8]	C[8]	C[8]	MCS	MCS	MCS	NP	
Multi-Family Dwellings	P	P	P	P	P	P	NP	
Residential Care Facility	P	P	P	P	P	P	NP	
Single-Room Occupancy Residences	MC	MC	MC	MC	MC	NP	NP	Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences
Transitional and Supportive Housing	P	P	P	P	P	P	NP	Refer to CA Government Code Sec. 65582
Restaurants or Food Service								
Bar or Nightclub	NP	NP	NP	C[9]	C[9]	NP	NP	
Brewery/ Eateries	NP	NP	NP	MCS[9]	MCS[9]	NP	NP	
Catering Establishment	NP	NP	NP	C	C	NP	NP	
Commissary	NP	NP	NP	NP	MC	NP	NP	
Mobile Food Park	NP	NP	NP	MC	MC	NP	NP	Refer to Subsection XI-10-13.18, Mobile Food Vending
Mobile Food Vending (individual vehicle)	P	P	P	P	P	P	P	Refer to Subsection XI-10-13.18, Mobile Food Vending
Restaurants								
With on-site service of alcohol	C[3]	C	C	P/C[10]	P/C[10]	C[1]	C[1]	Refer to Subsection (XI-10-9.03(C)(5)
Without on-site service of alcohol	MCS[3]	P	P	P/C[10]	P/C[10]	P[1]	P[1]	Refer to Subsection (XI-10-9.03(C)(5)
With music (indoor/outdoor)	NP	NP	NP	P[9]	P[9]	NP	NP	Refer to Subsection (XI-10-9.03(C)(5)
With other live entertainment	NP	NP	NP	C[11]	C[11]	NP	NP	Refer to Subsection (XI-10-9.03(C)(5)
Vehicle Related Uses								
Auto Broker (wholesale, no vehicles on site)	NP	NP	NP	MCS	MCS	NP	NP	
Auto Rental	NP	NP	NP	MC[12]	MC[12]	NP	NP	
Auto Sales	NP	NP	NP	NP	NP	NP	NP	
Mobile Fueling[13]	P/NP	P/NP	P/NP	P/NP	P/NP	P/NP	P/NP	Refer to the California Fire Code as amended by the City of Milpitas Municipal Code, Title V, Chapter 300.
Service Stations	NP	NP	NP	NP	NP	NP	NP	
Auto Repair Shop	NP	NP	NP	NP	NP	NP	NP	
Accessory and Temporary Uses								

NEW SECTION

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD-Metro	Additional Regulations
Accessory Dwelling Unit	P	P	P	P	P	P	NP	Refer to Subsection XI-10-13.08, Accessory Dwelling Units
Model home complex	P	P	P	P	P	NP	NP	Refer to Subsection XI-10-13.11(E), Model Home Complexes and Sales Offices
Large family child care home	P	P	P	P	P	P	NP	Refer to Subsection XI-10-13.06, Large Family Child Care and Child Care Centers
Small family child care home	P	P	P	P	P	P	NP	
Temporary seasonal sales	NP	NP	NP	P	P	NP	NP	Refer to Section 13.11, Temporary Uses and Structures

1. Limited to accessory use that supports primary employment-generating uses on the same site. Accessory commercial uses such as restaurants and limited retail shall be located on the ground floor and in an area of the development where they can be directly accessed by the public.
2. When located on the ground floor, retail sales of products related to the Personal Services provided shall be offered at the front of the premises near the pedestrian entrance and shall comprise at least 10 percent of the floor area of the business establishment.
3. No exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building.
4. Allowed with an MCS when an accessory use to any permitted or conditionally permitted medical office, medical clinic, chiropractor practice, acupuncture practice, physical therapist, fitness and athletic facility, health care facility (such as hospitals, nursing homes and sanitariums), and accredited school, college, and university. Massage services, limited to massage of the head, neck, shoulders, hands and feet may be allowed with an MCS when an accessory use to any permitted or conditionally permitted beauty salon, barbershop, and healing art practices. This section shall not exempt any person or business from complying with all the provisions of Title III, Chapter 6.
5. A Conditional Use Permit is required for storage space that exceeds 25,000 square feet, and in no case may storage space exceed 300,000 square feet.
6. The raising of animals or fowl for commercial purposes and the sale of any products at retail on the premises is not allowed.
7. For uses owned and operated by a government agency. The approval process will require that the site be re-zoned to POS.
8. Allowed non-residential uses to be specified through the Conditional Use Permit process.
9. Indoor or outdoor music is permitted as an accessory use on the same parcel in conjunction with a restaurant or bar that is a principal permitted use or approved conditional use. See also Subsection XI-10-9.03(E)(6) for additional regulations.
10. Permitted when located on the ground floor facing a public street designated as an Activity Street. Requires a Conditional Use Permit when located elsewhere.
11. “Other live entertainment” Includes but is not limited to dancing, stand-up comedy, theatrical shows, magic shows, and karaoke.
12. Bicycle and auto rental agency, excluding commercial vehicles, trucks, buses, vans, boats and RV rentals, must be fully enclosed within a building.

13. Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles is not permitted.

XI-10-9.03 Metro Area Special Use Regulations

A. Personal services, convenience stores, grocery stores, retail, repair and cleaning services, private and group instruction, and financial institutions within R3-Metro, R4-Metro and R5-Metro zones may be permitted provided they are:

1. Less than or equal to 10,000 square feet in gross floor area;
2. Not open past 10:00 p.m.;
3. Conducted wholly within a building, except for approved outdoor seating areas;
4. Not specifically noted in Table XI-10-9.02-1, Metro Zone Uses, of this Chapter, requiring Conditional Use Permit approval; and
5. Not listed as a prohibited use in Section XI-10-9.02(B), Prohibited Uses, of this Chapter.

If items (1) through (3), above, are not met, then approval of a Conditional Use Permit is required in accordance with Section 10-57.04 of this Chapter.

B. Quasi-Public Uses. The following uses may be permitted within the MXD2-Metro and MXD3-Metro zones provided their location is first approved by the Planning staff, the Zoning Administrator, or the Planning Commission (as applicable), in accordance with Subsection 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this Chapter, and they are not located within 1,000 feet of the parcel boundary of another quasi-public use listed below. This distance shall be measured from the property line of the parcel where such use is located.

1. Places of meeting or assembly, such as auditoriums, banquet halls, and fraternal or union halls. Churches and religious institutions are exempt from this spatial requirement.
2. Private elementary, middle or high schools.
3. Vocational schools, if not found objectionable due to noise, odor, vibration or other similar health, safety and welfare basis.

C. Performance Standards for Certain Uses. For uses requiring approval of a Minor Conditional Use Permit by staff, in accordance with Section 10-57.04, Conditional Use Permits and Minor Conditional Use Permits, of this Chapter, the following performance standards below shall be met.

1. The following uses may not be located within 1,000 feet of another same use listed below. This distance shall be measured from the property line of the parcel where such use is located.
    a. Vehicle Related Uses.
    b. Transportation facilities without outdoor storage of vehicles.
    c. Pawnshops.
2. Auto Brokers. Auto Brokers are subject to the following standards:

a. Local Sales and Use Tax. In order to assist the City of Milpitas in its efforts to receive direct distribution of the local tax on materials associated with the project, the California Sales and Use Tax (the "Local Tax") shall be allocated to the project site, to the extent reasonably possible. Evidence of tax allocation or cause as to why such allocation cannot be made shall be submitted at the time of business license submittal. 3. Art and Artisans Studios shall comply with the following standards:

    a. All operations shall be conducted completely within an enclosed building.

b. There shall be no dust, fume, or odor either emitted from the premise.

c. The operations shall not create excessive vibrations.

d. The operations shall be consistent with the City's noise standards.

4. Outdoor Music in the MXD2-Metro and MXD3-Metro zones:

1. Outdoor music as an accessory use in conjunction with a restaurant or bar shall be permitted for the entertainment and enjoyment of customers at the restaurant or bar during regular operating hours. Outdoor music as an accessory use shall be limited to the hours of 9:00 a.m. to 11:00 p.m.

2. Recorded background music may be permitted outdoors on public sidewalks and other public areas subject to the standards of this Chapter and Title V - Public Health, Safety and Welfare, Chapter 213 - Noise Abatement.

3. Noise levels for outdoor music, when permitted as an accessory use to a restaurant or bar, shall not exceed a maximum range of 70 to 90 decibels (dB). See also Title V - Public Health, Safety and Welfare, Subsections V-213-2 and V-213-3, for additional regulations.

4. Larger outdoor music events, both live and recorded music, which are intended for the entertainment and enjoyment of the general public shall not be considered accessory uses and shall require a Special Event Permit pursuant to Section 15, Special Events and Activities, of this Chapter.

5. Minor outdoor music events, both live and recorded music, which are hosted onsite by a business with nine or fewer employees shall be exempt from applicable permit and fee requirements.

5. Restaurant Performance Standards. Restaurants shall comply with the following performance standards:

a. Outdoor seating is allowed if it has been approved as part of the facility's Minor Site Development Permit or Site Development Permit and is operated in conformance with any conditions of that approval.

b. Outdoor dining shall comply with the standards of Section 10-13.19 – Outdoor Dining.

c. The restaurant shall comply with the City Council's Guidelines for Recycling Enclosures (Resolution No. 6296).

d. The restaurant shall incorporate measures to reduce odors to acceptable levels, including, but not limited to, installation of a scrubber, carbon filter or similar equipment, on the roof vent to control odors.

e. All the facility's floor drains, trash compactors and indoor mat and equipment washing areas shall be drained to the sanitary sewer.

f. Where applicable, the restaurant shall maintain an active account with a tallow hauling company.

g. The restaurant shall prepare and implement a program assigning restaurant staff responsibility for complying with the following guidelines which shall be adhered to while the restaurant is in operation:

i. Wash all containers and equipment in the kitchen areas so that wash water may drain into the sanitary sewer.

ii. Keep garbage dumpsters clean inside and out; replace very dirty dumpsters with new, clean ones.

iii. Double bag waste to prevent leaking.

iv. Place, do not drop or throw, waste-filled bags, to prevent leaking.

v. Keep the ground under and around the garbage dumpsters swept.

vi. Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.

vii. Hold training sessions to instruct employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all State and local health and sanitation standards. A record of such training must be kept to prove compliance with this requirement.

viii. Post signs (in English and multi-lingual) inside the premises for all employees identifying procedures for food delivery and garbage disposal.

ix. All garbage bins shall be stored in the garbage enclosure except for the 12 hours immediately before and after garbage collection.

XI-10-9.04 Metro Area General Development Standards

A. Standards within the Metro Specific Plan area. For all Metro Area properties, refer to the Metro Specific Plan for development standards. When a standard is not listed within the Metro Specific Plan, the standards listed within the zoning ordinance shall govern.

B. General Standards. The following requirements shall be observed.

Table XI-10-9.04-1
Metro Zones Development Standards

Standard	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD- Metro
Min. Lot Area	8,000 sq ft	none	none	none	none	none	none
Residential Density[1]	30-40 units/ac	40-85 units/ac	70-120 du/ac	40-85 units/ac	85-250 units/ac	No min. or max.	N/A
FAR	n/a	n/a	n/a	Mixed Use: 1.0-2.5 FAR	Mixed Use: 2.5-5.0 FAR	Mixed-use: 1.0-5.0 FAR; min. 1.0 FAR non-residential uses	Min. 1.0; Max. 2.5-4.0[2]
Active Use	none	none	none	Ground floor retail and active uses required on 80% of frontages on any one blockface along any Activity Street as identified on the Metro Specific Plan Figure 4-6: Circulation Network.			none
Front Setback	20 ft min.	8 ft min., 20 ft max. from back of sidewalk	12 ft min., 20 ft max. from back of sidewalk	Min. 0 ft, Max. 20 ft	Min. 12 ft, Max. 20 ft	Min. 10 ft, Max. -20 ft	Min. 0 ft.
Interior Side Setback	*1 story:* Each side 5 ft min, total of 12 ft both sides *2-2.5 story:* Each side 10 ft min, total 25 ft both sides *3-3.5 story:*	10 ft min.	15 ft; 20 feet for buildings over 3 stories abutting residential uses	0 ft; 10 ft when abutting residential use and for portions of buildings over 60 ft or 4 stories tall	10 ft; 15 ft when abutting residential; 20 ft for portions of buildings over 60 ft or 4 stories tall	10 ft min.	10 ft min.

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Standard	R3 Metro	R4 Metro	R5 Metro	MXD2 Metro	MXD3 Metro	BPRD-R Metro	BPRD- Metro
	Each side 12 ft min, total 30 ft both sides						
Street Side Setback	10 ft	8 ft min., 15 ft max. from back of sidewalk	12 ft min., 20 ft max. from back of sidewalk	0 ft	12-20 ft	10-15 ft	0 ft min.
Rear Setback	*1 story:* 30 ft *2-2.5 story:* 35 ft *3-3.5 story:* 40 ft	10 ft min.	15 ft; 20 feet for buildings over 3 stories abutting residential uses	10 ft; 15 ft when abutting an R Zone; 20 ft for portions of building over 60 ft or 4 stories tall	15 ft; 20 ft when abutting an R zone; 30 ft for portions of building over 60 ft or 4 stories tall	10 ft min.	10 ft min.
Creek/Drainage Channel Setback	25 ft from top of bank or from any maintenance road or required setback, whichever is greater.						
Max. Primary Building Height	75 ft	35 ft min.,75 ft max.	75 ft and 6 stories	85 ft[3]	275 ft[4]	275 ft or 18 stories	8 stories
Accessory Building Height	Max. 25 ft or 2.5 stories						
On-Site Open Space	Residential and mixed-use projects: Min. 100 sq ft per residential unit, may be private or common Non-residential projects: Min. 10% of site area						Min. 15% of site area
Private Open Space Dimensions	Min. 4 ft x 6 ft						n/a
Common Open Space	Residential and mixed-use projects: Min. 30% of the total open space provided on-site; Min. dimension 10 ft						Min. dimension 10 ft
Publicly Accessible Open Space	Mixed-use projects: Min. 5% of the total open space provided on-site[5] Non-residential projects: Min. 25 contiguous sq ft per 10,000 sq ft non-residential floor area.						Min. 25 contiguous sq ft per 10,000 sq ft non-residential floor area excluding retail, restaurant, or service areas

1. When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.
2. Maximum allowed FAR is based on the following sliding scale:
    - 2.5 for properties farther than 3,000 ft from the Milpitas Transit Center;
    - 3.0 for properties within 3,000 ft from the Milpitas Transit Center;
    - 3.5 for properties within 2,000 ft from the Milpitas Transit Center;
    - 4.0 for properties within 1,000 ft from the Milpitas Transit Center.

3. Within 60 feet of adjacent existing residentially zoned parcels, building height shall be stepped down to a maximum of 10 feet higher than the maximum allowed height of the adjacent parcel.
4. A maximum 50% of base footprint may reach 85 feet in height and a maximum 25% of base footprint may reach 275 feet in height.
5. Required publicly accessible open space may include one or more of the following types of public open spaces: park, plaza, garden, public sitting area.

XI-10-9.05 Metro Area Special Development Standards

A. R3-Metro Zone.

1. On-Site Utilities Requirements.
    a. Where the allowable dwelling units exceed six for a single parcel or the total area to be subdivided exceeds three acres, all on-site utilities are to be placed underground.
    b. Television antennas are to be centralized for structures of four or more units.
2. Trash and Storage Areas and Areas for Collecting and Loading Recyclable Materials.
    a. There shall be provided areas for collecting and loading recyclable materials in accordance with the requirements of Section 10-54.12 of this Chapter.
    b. All outdoor storage and trash areas shall be within a completely enclosed building or behind a solid wall or tight board fence a minimum of six feet in height.

B. 2023-2031 Housing Element Rezone Sites. Rezone sites are listed in the City of Milpitas 2023-2031 Housing Element, Appendix E, Table E-14. Rezone sites within the Metro Specific Plan are sites R-11 to R-29, which all provide lower-income housing capacity (see City of Milpitas 2023-2031 Housing Element Table E-14 and Figures E-4 and E-5). On these rezone sites (sites R-11 to R-29), the following shall apply:

1. Owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.
2. 100 percent residential use is allowed.
3. A minimum of 50 percent of the floor area in mixed-use projects must be occupied by residential use(s).

C. BPRD-Metro and BPRD-R-Metro zones.

1. Fences, Hedges and Walls.
    a. All planting, fencing and walls for new development, including but not restricted to fences and walls along rear and interior side property lines shall be approved by the review authority. Modifications regarding landscaping, fencing and walls at existing developed sites shall be subject to the provisions of Subsection 54.10, Fences and Walls, of this Chapter.
    b. Temporary buffers must be installed when residential uses are developed adjacent to existing industrial uses. The buffers, which may be fences, walls, or vegetation, are subject to the provisions of Subsection 54.10, Fences and Walls, of this Chapter and must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.
2. Utilities. All wires, pipes, cables and utility connections shall be placed in underground or subsurface conduits. All above ground transformers and vaults for new development shall be adequately screened

to the approval of the review authority. Modifications regarding subsurface conduits or above ground transformers and vaults at existing developed sites shall be subject to the provisions of Subsection 54.16, Trash Enclosures, Equipment and their Screening, of this Chapter.

3. Loading dock/doors. A maximum of two loading docks are allowed for any single project and must be located out of view from the primary abutting right-of-way.

4. Areas for Collecting and Loading Recyclable Materials. There shall be provided areas for collecting and loading recyclable materials in accordance with the requirements of Subsection 54.12, Areas for collecting and loading recyclable materials, of this Chapter.

4. Legal Nonconforming projects. Existing developments lawful at the time of installation or improvements which have been approved and a building permit issued prior to June 17, 1982, and installed in conformance with said approval and permit are considered legal nonconforming projects.

5. Uses in the BPRD-Metro and BPRD-R-Metro zones shall:

   a. Emit no obnoxious, toxic or corrosive fumes or gases.

   b. Emit no odors perceptible at the property line.

   c. Emit no smoke.

   d. Discharge into the air no dust or other particulate matter created by any industrial operations or emanating from any products stored prior or subsequent to processing.

   e. Produce no heat or glare perceptible beyond the lot boundaries.

   f. Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.

   g. Produce no physical vibrations perceptible at or beyond the lot boundaries.

   h. Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation, except under controlled operations being conducted observing standards or methods or operation established by the Nuclear Regulatory Commission. Electromagnetic radiation or radioactive emissions shall not be of an intensity that interferes with the use of any other property.

   i. Do not engage in the production or storage of any material designed for use as an explosive, or in the use of such material in production.

   j. Indicate that all industrial uses shall use only gas, electricity, or preheated oil as a fuel; provided, however, that oil-burning equipment may be installed for stand-by emergency use only.

D. Equipment and Screening in all Metro Zones.

1. Trash enclosures and utility equipment (mechanical, electrical, and plumbing) may not be located within the front setback. Public utilities are excluded from this requirement.

2. All exterior equipment and enclosures shall be screened or incorporated into the design of buildings so as not to be visible from public rights of way or public spaces.

3. See also Subsection 54.16 – Trash Enclosures, Equipment and their Screening for standards related to equipment and screening.

XI-10-9.06 Metro Area Special Design Standards

A. All residential and residential mixed-use development must comply with the Milpitas Residential and Mixed-Use Objective Design Standards in addition to the standards of this subsection 10-9-.06. Where standards of this subsection conflict with those of the Objective Design Standards, this section supersedes.

B. All non-residential development in the BPRD-R-Metro, BPRD- Metro zones must comply with the standards of Section 10-7.05, Special Design Standards for the BPRD Zone in addition to the standards of this Subsection 10-9-.06. Where standards of this subsection conflict with those of Section 10-7.05, the more restrictive standard applies.

C. Block Length.

1. Blocks may not exceed 700 feet in length.

2. Blocks more than 500 feet in length must incorporate a mid-block pedestrian and bicycle through connection.

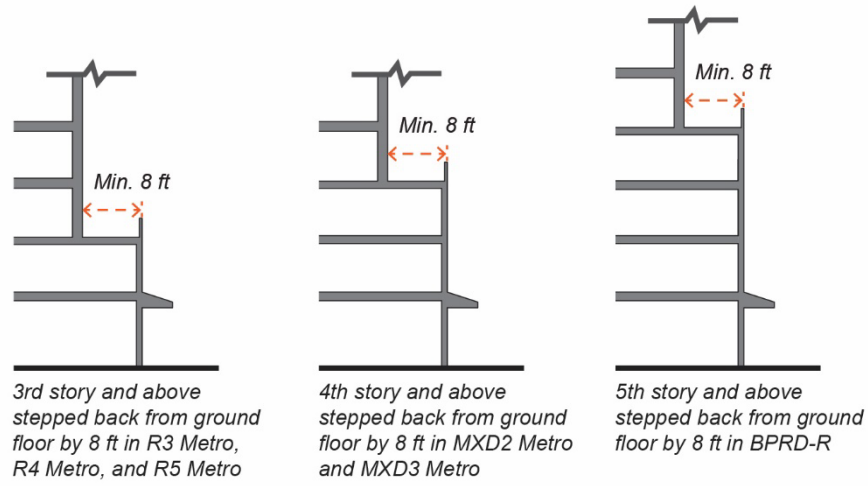
D. Building Articulation.

1. In the R3-Metro, R4-Metro and R5-Metro zones, the third floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of 8 feet.

2. In the MXD2-Metro and MXD3-Metro zones, the fourth floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of 8 feet.

3. In the BPRD-R zone, the fifth floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of 8 feet.

Figure 9.06-1: Building Step-Back



3rd story and above stepped back from ground floor by 8 ft in R3 Metro, R4 Metro, and R5 Metro

4th story and above stepped back from ground floor by 8 ft in MXD2 Metro and MXD3 Metro

5th story and above stepped back from ground floor by 8 ft in BPRD-R

4. Non-residential building façades over 80 feet in length shall break up long street walls through at least two of the following features: recesses a minimum six feet in depth; awnings; colonnades; projections a minimum four feet in depth; step-backs a minimum six feet in depth; window reveals; cornice treatment; and changes in color and material.

5. Non-residential building height must vary such that the building has at least one change in height of at least one story. This may be achieved through changes in pitch, plane, orientation, a change in the number of stories, differentiated forms, projections and recesses and/or special architectural features such as towers.

E. Ground Floor Commercial Design Standards. On retail mixed use streets, and in any other areas with ground floor retail, restaurant, and commercial service uses, the following standards apply:

1. Ground floor spaces shall be a minimum of 60 feet in depth for a minimum of 50 percent of the space, and a minimum of 40 feet in depth for any remaining space.
2. Floor to Ceiling Height.
    a. Retail: Minimum 18 feet floor-to-floor and a minimum 14 feet clear.
    b. Office: Minimum 14 feet.
3. Building Entrances. There shall be at least one entrance per 100 feet of building frontage and the main entrance may not face a parking lot.
4. Wall Plane Articulation. Windows, doors, columns, and other features shall be recessed or project forward, such that there is a six-inch difference between wall and window surfaces and a total of at least eighteen inches from the window to the outermost plane of a wall or column.
5. Floor Elevation. Ground floor elevation shall be no more than two feet above or below the sidewalk level.

F. Building Materials.

1. Ground Floor Materials. All ground floor exterior materials shall be durable, quality materials, such as glass, concrete, precast concrete, aluminum and high quality metal panels, composite panels, stone, and stucco.
2. Non-residential Building Materials. Primary building materials in all non-residential construction shall store carbon (e.g., wood, calcium carbonate-based cementitious substances, synthetic limestone).
3. Glass Materials. Glass types shall be clear glass, frit glass, sandblasted glass, spandrel glass, or channel glass. Glazing should provide a high degree of light transmittance and be non-reflective.
4. Roofing Materials. Roof design and materials shall include vegetated roofs, high-albedo built-up roofs, high albedo single-ply roofing, metal, terracotta tile, concrete tile, composite concrete tile, skylights, solar collectors, and photovoltaics.
4. Window Materials. Vinyl-frame windows and doors are prohibited. Wood-framed windows must have metal or fiberglass cladding on the exterior. Metal-frame windows must be thermally broken.

G. Unit Design.

1. A minimum of 10 percent of units in any single residential project shall be designed to be accessible to all users using the principles of Universal Design.
2. Public plazas shall be constructed with ADA-compliant ramps and tactile warning strips at the crosswalks. Equipment and facilities such as tables, trash cans, restrooms, and drinking fountains should allow for universal access, including people of all ages and ability levels.

H. Landscaping and Site Design.

1. All development projects shall include on-site vegetated stormwater treatment and landscaping and shade trees at a rate of one tree per 5,000 square feet of the residential building footprint and one tree for every 10,000 square feet of developed lot area for non-residential or mixed-use development.
2. Where a creek runs under a site, the applicant must coordinate with the City Planning Department to daylight the waterway as part of the site design.
3. All applicants shall also reference the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook.

I. Parks and Publicly Accessible Open Spaces.

1. All development projects shall dedicate land for parks if a park is shown on the subject property on Figure 2-16: Existing and Proposed Parks, of the Metro Specific Plan.

2. Privately-owned public open space must remain accessible and open to the public during business hours. Private single-access gates are prohibited.

2. The Recreational Value System as described in the Metro Specific Plan Section 2.8, Parks and Public Spaces Framework, shall be used to ensure park improvements provide a diversity of active, contemplative, and social gathering experiences.

3. Parks must be bordered by a public right-of-way such as a street, trail or railroad, on at least three sides, and must be clearly visible and accessible from all abutting rights-of-way.

4. Small neighborhood-serving parks less than one-quarter acre must be located a minimum 500 feet from Montague Expressway, the Great Mall Parkway, or any rail line.

5. Seating shall be provided in all publicly-accessible open spaces. Seating may include both moveable and fixed seating as well as seat walls, steps, boulders, and other multi-use objects and must be placed along pathways and within or near gathering spaces.

J. Common and Private Open Spaces.

1. Private open spaces may take the form of balconies, patios, gardens, porches, decks, or roof decks.

2. Usable open space surfaces may be any combination of lawn, garden, flagstone, wood planking, concrete, or other dust-free surfacing, and may not exceed 10 percent slope.

2. Universal access shall be provided to all rooftop amenities. An accessible path to a publicly accessible restroom on an adjacent floor or at the rooftop level shall be provided for any common outdoor open space on the rooftop.

3. A minimum of 10 percent of common rooftop open spaces shall be landscaped using green roofs or planters.

K. Parking Design. Where parking is required or proposed, it must comply with the following:

1. Parking location. Off-street parking must be located in:

   a. Ground-floor “tuck-under” individually secured garages;

   b. Shared garages (podium or underground); or

   c. Above-ground structures “wrapped” with habitable uses.

2. Tandem Parking. Tandem parking may be provided in accordance with the following:

   a. No more than two vehicles may be placed one behind the other.

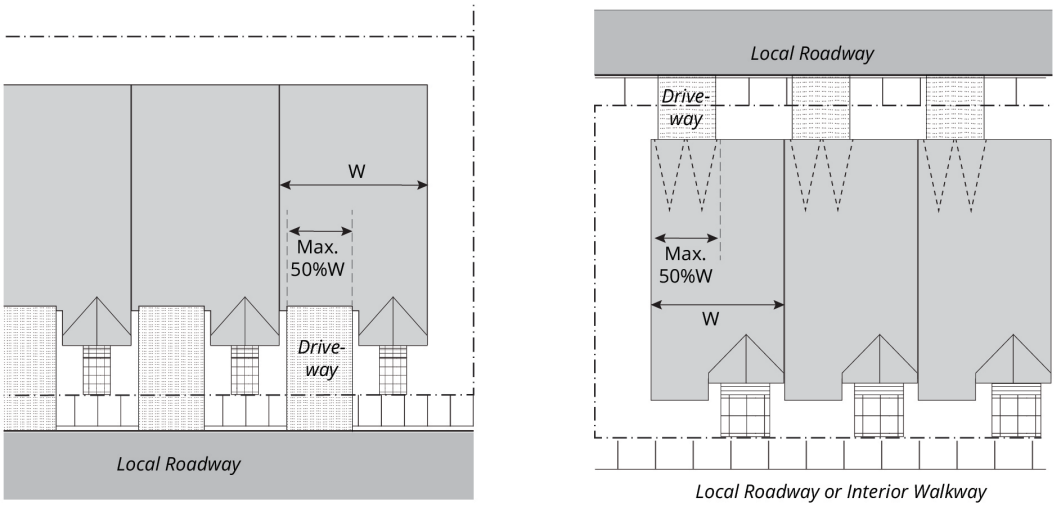
   b. Both spaces shall be assigned to a single dwelling unit or to employees of the same non-residential establishment.

   c. Each tandem parking bay must be a minimum 40 feet in length by 10 feet in width.

3. Ground-level visibility.

   a. Individually secured garages. Individually secured garages shall be accessed from a shared rear or side drive aisle where such abuts the property. Where individual garages are accessed from the right-of-way, garages shall occupy no more than 50 percent of the frontage of each unit.

Figure 9.06-2: Individual Garages

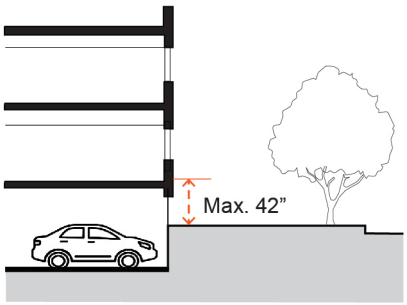


b. Structured parking. Structured parking may not be located along the ground-level building frontage unless the parking is:

   i. Recessed a minimum of four feet from the rest of the building façade and screened with a living wall or textured or decorative screening; or

   ii. Designed such that the parking area is located in a basement, where the vertical distance from grade to the finished floor directly above the parking area is a maximum of 42 inches.

Figure 9.06-3: Structured Parking Ground Level



4. Upper-level visibility. All upper-level street-facing structured parking must be screened from view from the right-of-way by at least one of the following features:

   a. Regular openings designed to resemble windows of habitable spaces that do not reflect the sloping floor lines of interior parking ramps on the facade;

   b. A trellis or living wall; or

   c. Textured or decorative screening.

5. Vehicle access. Parking must comply with the following standards:

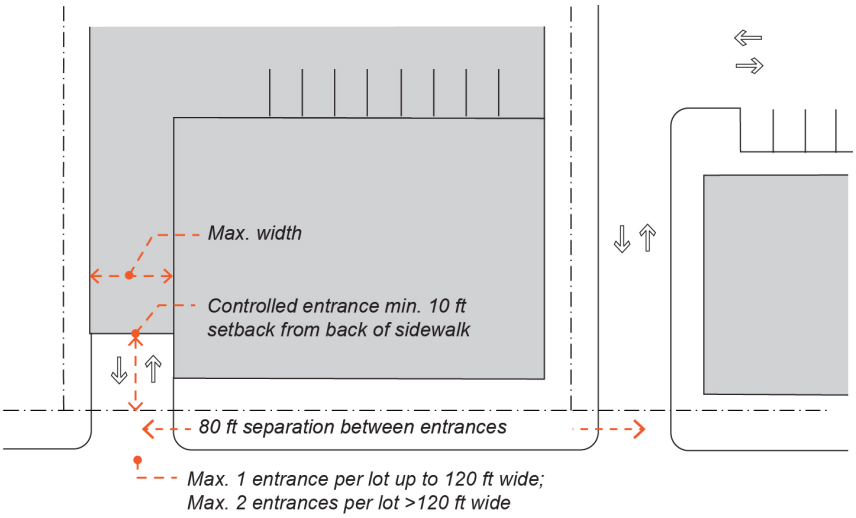
   a. A maximum of one driveway to shared parking is permitted on street frontages up to 120 feet in length; a maximum of two shared driveways are permitted on street frontages exceeding 120 feet in length.

b. Controlled entrances to shared parking facilities (i.e., gates, doors, etc.) shall be located a minimum of 10 feet from the back of sidewalk.

c. Vehicular entrances to parking areas shall be a minimum of 80 horizontal feet from vehicular entrances to parking areas on adjacent properties.

d. Mechanical parking lifts are allowed in all structured parking configurations.

Figure 9.06-4: Parking Access



6. Parking separation. Parking for residential units shall be physically separated from parking for non-residential uses through a controlled fence, gate, or other barrier.

L. Pedestrian and Bicycle Circulation.

1. A system of pedestrian walkways shall connect all primary buildings entrances on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas, pedestrian amenities, and transit stops.

2. Walkways shall be the shortest practical distance between the primary building entrance and sidewalk, generally no more than 125 percent of the straight-line distance.

3. Walkways must link the entrances with on-site open spaces, on-site services, and other internal facilities.

4. Walkways shall be a minimum of five feet wide, hard-surfaced, and paved with permeable materials.

5. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identifiable through a raised crosswalk, a different paving material, or similar method.

6. Where a required walkway is parallel and adjacent to a vehicle travel area, it must be raised or separated from the vehicle travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

M. Utilities.

1. Utilities shall be placed in underground or subsurface conduits.

2. All mechanical equipment, ground transformers and meters shall be located and screened to minimize visual impacts.

3. Rooftop mechanical equipment shall be concealed from street level views through roof designs that area architecturally integrated with the building, such as equipment wells and parapets.
4. Public utility distribution meters, vaults and similar installations shall be consolidated in a single area whenever possible and located away from highly visible areas such as street corners and public open spaces.
5. Backflow preventors shall be located within landscaped setback areas and painted black or dark green to minimize visual impact. Where no landscaped setback areas exist the backflow preventors shall be incorporated into the front of the building to minimize visual obtrusiveness.
6. Refuse and recycling containers shall not be visible from a public or private street. Such containers shall be stored either within the parking facility of the building or within a vehicular accessway with screening designed to meet the requirements of this section.
7. Trash enclosure walls shall incorporate building materials and colors that match the architecture of the building and be well landscaped.
8. All telecommunications antennas shall be building facade or roof mounted and screened appropriately.
9. On Main Street only telecommunication facilities that are disguised to appear as a part of the building architecture (i.e., "stealth" antennas) may be used.

XI-10-9.07 Affordable Housing

Affordable housing units should be provided in all new housing projects consistent with Title XII, Chapter 1 (Affordable Housing Ordinance).

XI-10-9.08 Exceptions to Standards

1. Exceptions to all but the use, floor area ratio, density, and park land requirement regulations of this Section may be approved by the Planning Commission through approval of a Conditional Use Permit in accordance with the requirements of Section 57, Conditional Uses Permitted by Commission, of this Chapter.
2. In addition to the required findings under Chapter 57, the Planning Commission must be able to make the following two additional findings for such exceptions:
    a. The exceptions meet the design intent identified within the Zoning District and/or Specific Plan and do not detract from the overall architectural, landscaping and site planning integrity of the proposed development.
    b. The exceptions allow for a public benefit not otherwise obtainable through the strict application of the specified standard.
    c. The project design in its totality does not adversely impact adjoining properties to a greater degree than a project that complies with all development standards. Impacts to be considered include: access to sunlight, views, shadows on parks and open space, privacy, and noise.

Section 53 Off-Street Parking Regulations[1]

XI-10-53.01 Purpose and Intent

The following off-street parking requirements are regulations which are established in order to achieve, among others, the following purposes:

1. To establish minimum requirements for the off-street parking of motor vehicles in accordance with the use established on the property;
2. To relieve congestion on streets, and to provide more fully for movement of traffic, maneuvering of emergency vehicles or street maintenance equipment;
3. To protect neighborhoods from vehicular traffic congestion generated by the adjacent nonresidential uses of land; and
4. To promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities.

(Ord. No. 38.785, § 7, 4-7-09)

XI-10-53.03 Applicability

Off-street parking spaces shall be provided in accordance with the schedule in Table 53.09-~~1~~3, Number of Parking Spaces Required, of this Section and improved as per Section 54.03 as a condition precedent to the occupancy of an institutional, commercial or manufacturing use and in conformance with other provisions of this Chapter:

1. Whenever a building is constructed; or
2. Whenever an existing building or use is altered, resulting in an increase in floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities; or
3. Whenever the use of an existing building is changed to a use requiring fifty percent (50%) or more off-street parking spaces, as determined by the provisions of Table 53.09-~~1~~3, Number of Parking Spaces Required, of this Section.

(Ord. No. 38.785, § 7, 4-7-09)

[1]Editor's note(s)—Ord. No. 38.785, § 7, adopted April 7, 2009, amended the Code by repealing former Section 53, §§ XI-10-53.01—XI-10-53.23, and adding a new Section 53. Former Section 53 pertained to similar subject matter, and derived from Ord. 38, adopted March 15, 1955; Ord. 38.384, adopted October 26, 1976; Ord. 38.530, adopted July 21, 1981; Ord. 38.546, adopted May, 1982; Ord. 38.665, adopted October 29, 1991; Ord. 38.675, October 20, 1992; Ord. 38.702, adopted August 15, 1995; Ord. 38.708, adopted August 6, 1996; Ord. 38.716, adopted September 15, 1998; Ord. 38.759, adopted April 2, 2002; Ord. 38.760, adopted September 17, 2002; Ord. 38.761, adopted May 20, 2003; Ord. 38.763, adopted April 20, 2004; and Ord. 38.776, adopted March 18, 2008.

XI-10-53.05 Maintenance of Off-Street Parking

A. Continuation of Off-Street Parking. All off-street parking spaces shall continue unobstructed in operation, shall not be used for vehicle repair work of any kind unless within a building, and shall not be reduced below the required size as long as the primary use remains, unless an equivalent number of spaces is provided for said use in another approved location. This does not apply to those parking spaces which are established on a voluntary basis which are in excess of the requirements of this Chapter.

B. Temporary Sales, Storage and Advertising. The sale or storage of merchandise in permissive parking areas may be allowed by the Zoning Administrator through the approval of a Minor Site Development Permit and subject to such reasonable conditions as may be deemed necessary by the Planning Commission to ensure adequate parking, access and circulation.

In no event shall any off-street parking space (permissive or otherwise) or lot be used for the stopping, standing or parking of any vehicle(s) for either the purpose of selling such vehicle (excluding an approved car sales lot), or advertising any other property, services or products on said vehicle.

C. Maintenance. All parking areas shall be kept clean and free of dirt, oil, mud or trash; pavement and striping shall be maintained in a continuous state of good repair.

D. Acknowledgment of Parking Spaces in Residential Projects. For new residential tract, multi-family or condominium projects, the amount and type of parking available to each dwelling unit shall be clearly stated within the CC&Rs in large font and bold lettering to the approval of the City Attorney or designee.

(Ord. No. 38.834 , § 8, 8/20/19; Ord. No. 38.785, § 7, 4-7-09)

XI-10-53.07 Types of Parking Allowed

A. Standard Parking Spaces. The number of parking spaces required for various land uses shall be as required in Table 53.09-~~1~~3, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Chapter.

B. Compact Parking Spaces. For parking areas and garages containing ten (10) or more stalls serving the following uses in Subsection 53.07(B)(1), up to forty percent (40%) of the required and non-required stalls may be designed as compact stalls to accommodate compact cars.

1. Applicable uses.
    a. Commercial uses (CO, C1, C2, HS, TC zones).
        i. Standards. Compact stalls shall be dispersed throughout the parking lot.
    b. Industrial uses.
        i. Research and Development (R and D) facilities.
        ii. Manufacturing facilities.
        iii. Warehouse/distribution facilities.
        iv. Other industrial uses deemed appropriate by the Planning Commission.
    c. Multi-Family Residential uses.
        i. Projects within R3, R4, and R5 zones.
2. Design Standards. See Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Section.

C. Disabled Accessible Parking Spaces. Parking spaces for the disabled shall comply in all respects with the requirements of the California Code of Regulations (State Building Code) or Federal law, where such prevails over State law.

D. Tandem Parking Spaces.

1. Applicability. Tandem parking may be allowed with the approval of a Conditional Use Permit, in accordance with Section 57.04, Conditional Use Permits, of this Chapter.

2. Standards.

a. Maximum allowed.

i. A maximum of seventy-five percent (75%) of parking required for residential uses may be tandem parking in projects with open structured parking facilities (e.g. single level or multi-level parking structures).

ii. A maximum of fifty percent (50%) of parking required for residential uses may be tandem parking in projects with private individual garages.

b. Tandem parking spaces shall be a maximum of two (2) parking spaces deep.

c. When tandem parking spaces are used in private garages or other parking facilities with more than two (2) parking spaces, they shall be assigned and marked for resident use.

E. Bicycle or Motorcycle Parking Spaces. The number of parking spaces required for various land uses shall be as required in Table 53.09-~~1~~3, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Chapter.

(Ord. No. 38.785, § 7, 4-7-09)

XI-10-53.09 Off-Street Parking Required by Land Use

A. Enforcement and Interpretation of Parking Requirements.

1. Number of Off-Street Parking Spaces Required. The number of off-street parking spaces required for the land uses identified in the Permitted and Conditional Use Tables of this Chapter are listed in Table 53.09-~~1~~3, Number of Parking Spaces Required, except where parking requirements are established in Section 13, Special Uses, of this Chapter, or exceptions to these requirements are granted in accordance with this Section.

2. Uses not specified. In the case of a use not specifically mentioned in Table 53.09-~~1~~3, Number of Parking Spaces Required, or elsewhere in this Chapter, the requirements for off-street parking facilities shall be determined by the Planning Commission through the Interpretation process, in accordance with Section 61, Interpretation, of this Chapter, based on uses which create similar demands for off-street parking spaces. The Planning Commission may draw upon the experience of other local cities to make their decision.

3. New Buildings Without Tenants. If the type of tenants that will occupy a nonresidential building, or the nonresidential portion of a mixed-use building, is not known at the time the new building is being proposed, the number of parking spaces required for the nonresidential uses will be determined through the discretionary review process.

4. Mixed occupancies and uses. When two or more uses are located in the same lot or parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with the provisions of this Section and Section 13, Special Uses, when applicable.

Exception: For alternative parking computation in accordance with Subsection 53.11, Shared Parking, of this Chapter.

5. Measurement Standards and Definitions. For the purpose of determining off-street parking requirements, the following definitions and standards shall apply:

   a. Gross Floor Area: The total of all the floors measured from the interior faces of the building, and outdoor areas used for retail purposes.

   b. Net Floor Area (NFA): Net Floor Area shall mean the Gross Floor Areas less twenty percent (20%).

   c. Seat: The number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs. For places of meeting or assembly that do not include fixed seating, seven (7) square feet shall equal one (1) seat.

   d. Employees/students: The maximum number of employees/students on the principal shift or period.

   e. Fractional Measurements: When units or measurements determining the number of required off-street parking spaces result in a requirement of fractional space, any fraction up to and including (.49) shall be rounded down to the nearest whole number and fractions including and over (.50) shall be rounded up to the nearest whole number. For example, 7.41 would be rounded to 7 and 7.61 would be rounded to 8.

6. More than One Parking Ratio. Where more than one (1) parking ratio is shown for a particular use, the required number of spaces shall be the total of all ratios shown. For example, the parking requirement for hotel is "1 per unit, 2 for the manager's unit." The total parking requirement for a hotel is the sum of the required parking for the units and two (2) spaces for the manager's unit.

B. Permissive Parking Facilities. Nothing in this Section shall prevent the voluntary establishment of off-street parking facilities in excess of the requirements of this Section to serve any existing use of land or buildings, provided that all regulations herein governing the location, size and access design, improvement and operation of such facilities are adhered to.

~~Exception: The Transit Area Specific Plan has a standard for the maximum number of parking allowed.~~

C. Number of Parking Spaces Required. The number of off-street parking spaces required for various land uses shall be as listed in Table 53.09-~~1~~3, Number of Parking Spaces Required, except for those listed specifically elsewhere in this Chapter. Unless otherwise indicated, the parking requirements are for square feet of gross floor area occupied by the use and, in the case of nonresidential uses, include the parking required for customers and employees.

~~Exception:~~ Exceptions:

1. Where a portion of a structure is used for automobile parking, that portion shall not be counted in calculating the required parking for the structure. If parking is eliminated and the space is occupied by another use, parking shall be required for the use as indicated for the use in this Chapter.

2. Metro Specific Plan Area. Off-street parking requirements and bicycle parking requirements for all uses in the Metro Specific Plan area are as follows:

Table 53.09-1
Vehicle Parking Requirements in the Metro Zones

Use	Minimum	Maximum[1]
Residential and lodging uses	None	1.5 spaces per unit
Industrial uses	None	2 spaces per 1,000 square feet
All other non-residential uses	None	1 space per 1,000 square feet

[1] Valet, tandem spaces, and mechanical lift stalls are counted as individual spaces.

Table 53.09-2
Bicycle Parking Requirements in the Metro Zones

Use	Minimum, Long-Term Spaces	Minimum, Short-Term Spaces
Multi-family residential uses	0.5 spaces per bedroom	0.1 spaces per bedroom
Retail uses	1 space per 10,000 square feet	1 space per 5,000 square feet
Offices, Business and Professional	1.5 spaces per 10,000 square feet	1 space per 20,000 square feet
All other uses	None	None

Table 53.09-3
Number of Parking Spaces Required

Use	Minimum Parking Spaces Required
A. Commercial Uses	
Business Support Services	1 per 350 sq. ft.
Furniture and appliance stores and other bulky item retail; Furniture Repair and Reupholstery	1 per 350 sq. ft.
~~General~~ Retail, Grocery and Convenience ~~Stores~~uses; Check Cashing	1 per 200 sq. ft.
Mortuary, funeral parlor	1 per 4 seats and 1 per employee
Personal Services	1 per 200 sq. ft.
Plant nursery	1 per 200 sq. ft.
Repair and Cleaning, Small Items	1 per 200 sq. ft.
B. Entertainment and Recreation	
Arcade and amusement	1 per 200 sq. ft.
Billiards	1 per 200 sq. ft.
Bowling Alleys including incidental accessory uses (eating and drinking, billiards, etc.)	6 per alley or lane
Clubs and Lodges	1 per 200 sq. ft.
Commercial Athletic Facility (indoor)	1 per 150 sq. ft.
With outdoor or indoor sports courts	
Small courts (tennis, badminton)	2 per court plus required parking for other uses on site.
Large courts (basketball, volleyball)	5 per court plus required parking for other uses on site.
Golf Course	6 per hole plus parking for ancillary uses
Miniature Golf	1.25 per tee, plus 1 per employee
Motion Picture Theater (indoor)	1 per 3.5 seats
Nightclub	1 per 30 sq. ft.
C. Health and Veterinarian Uses	
Convalescent Homes	1 per 2 beds or 1 per 1,000 sq. ft, whichever is greater
Hospital	1 per bed or 1 per 220 sq. ft., whichever is greater
Kennel, indoor	1 per 1,000
Massage Establishments	Two per treatment room or if no treatment room, one per 2 chairs or 2 tables
Medical and dental Clinic and Office	1 per 225 sq. ft.
Veterinary Clinic and Animal Grooming	1 per 250 sq. ft.

D. Industrial Uses	
Custom and artisan manufacturing, Contractor's shop	1 per 500 sq. ft
~~Distribution~~Data Centers Manufacturing Processing/Plant (Dry-cleaning plant, photo finishing/printing, etc.) Warehousing and Distribution	1 per 1,500 sq. ft.
Mini Storage	1 per 5,000 sq. ft., plus 1 per resident manager
Parcel hub	1 per 2,000 sq ft plus 1 truck parking space for each delivery vehicle on-site during the peak time. The requirement for delivery truck parking is not intended to accommodate semi trucks delivering products to the site.
Wholesale Sales	1 per 500 sq. ft.
Research and Development Medical Laboratories Soils and Materials Testing Laboratories High employee demand uses	1 per 300 sq. ft.
Office space within an industrial building (to be combined with categories above)	1 per 350 sq. ft.
E. Lodging	
Extended Stay Hotels	0.7 per guest room or unit[5]
Hotels	0.7 per guest room[5]
Motels	0.7 per guest room[5]
F. Professional Offices, Financial Institutions and Related Uses	
Automated Teller Machine (free standing)	2 per machine
Financial institutions (banks, savings and loans, etc.)	1 per 180 sq. ft.
Offices, business and professional	1 per 240 sq. ft.
G. Public, Quasi-Public and Assembly Uses	
Adult Day Care	1 per 500 sq. ft.
Auditoriums and theaters and places of meeting and assembly	1 per 4 seats
Child Care Uses[2, 3]:	
Day Care School	1 per classroom or 1 per 500 sq. ft., whichever is greater.
Small family child care home	Same as required for underlying residential use
Large Family Child Care Home and Child Care Centers	1 per 1.5 employees
Community Center	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes
Community Garden	Determined by Planning Director
Museums	1 per 400 sq. ft.
Public Utilities	1 per 400 sq. ft.
Religious Institutions	1 per 5 seats in the main area of assembly plus parking for classrooms and offices in this table. Where there are no seats, then 1 seat equals 7 sq. ft.
Educational Institutions:	

School-elementary (K-8 Private)	1 per classroom, plus 1 per 240 sq. ft. of office
School-secondary (9-12 Private)	1 per classroom, plus 1 per 240 sq. ft. of office, plus 1 per 5 students
Vocational School, including business, professional, technical and trade	1 per 200 sq. ft.
Instructional Studios (Dance, Yoga)	1 per 150 sq. ft.
Private instruction, personal enrichment (tutoring)	1 per instructional area or classroom, whichever is greater. No fewer than 3 spaces.
Stadiums and arenas	1 per 4 seats
H. Restaurants or Food Service	
Banquet facilities	See restaurants below
Bars, Drinking Establishments	1 per 30 sq. ft.
Catering and Commissary	1 per 300 sq. ft. floor area
Drive thru	See "Vehicle Related Uses" section.
Restaurants:	
Sit down:	
Indoor and outdoor:	1 per 39 square feet of dining area.
Take out:	1 per 2.5 seats (indoor/outdoor) plus 1 per 60 sq. ft. GFA for the ordering or take out area.
Mobile food parks	1 per 2.5 seats provide for on-site dining, plus 1 per 60 sq. ft. of lot area dedicated to mobile food vending.
I. Residential Uses	
Single Family and Duplexes:	
3 bedrooms or fewer	2 per unit[4]
4 or more bedrooms	3 per unit, plus 1 per each additional bedroom[4]
Multi-Family (R3—R5 zones):	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
2—3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered).[4]
Guest parking	
Projects with Parking structures	15% of the total required, may be uncovered
Projects with Private garages	20% of the total required, may be uncovered
Bicycle parking	5% of the total required
Boarding houses, dormitories, sororities and fraternities, group living accommodations	1 per each room rented
Live-Work Units	*Single family and duplexes* parking requirements shall apply, plus 1.5 for the commercial component
Mixed Use buildings or sites	
Residential use	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
2—3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered).[4]
Guest parking	

Projects with Parking structures	15% of the total required, may be uncovered
Projects with Private garages	20% of the total required, may be uncovered
Bicycle parking	5% of total required
Commercial use	
Ground Floor Retail	1 per 250 sq. ft.
Office	If building is 1,000 sq. ft. or smaller: 1 per 250 sq. ft. If building is larger than 1,000 sq. ft.: 3.3 per 1,000 sq. ft.
Short-Term Rentals	1 per unit
Other uses	Refer to specific uses within this table
Bicycle parking	5% of total required
Mobile Homes	Refer to Section 13.07, Mobile Homes
Residential Care Facility	1 for every three beds
Senior Housing	1 per unit plus 2 per manager's unit
Single Room Occupancy (SRO)	1 per unit
J. Vehicle Related Uses	
Auto rental agency	1 per 400 sq. ft. plus 1 per rental vehicle
Auto repair (tire, oil change, smog check, etc.)	3 per service bay
Car Wash	1 per 200 sq. ft. of building area and reservoir space outside of building equal to two (2) times the maximum capacity of facility
Gas & Service Stations:	
With Retail	1 per 200 sq. ft.
With Auto Repair	3 per service bay
Auto dealerships:	
Sale or lease of vehicle	1 per 200 sq. ft. of showroom
Office	1 per 200 sq. ft.
With Service Bays	3 per service bay
Window service or drive-thru in conjunction with any other use	The required parking for primary use (restaurant, or other use providing window service) plus queuing of 5 vehicles which do not interfere with any on-site parking spaces

[1] Refer to Subsection 2.03, Definitions, of this Chapter for a full description of "Commercial Services."

[2] For loading and unloading: One (1) parking space per six (6) children up to five (5) spaces and thereafter one (1) space per ten (10) children. Driveways, garage aprons and street frontage may be counted if appropriate permits are first received when calculating spaces for child care homes. Tandem spaces are prohibited.

[3] Exceptions for Child Care Requirements: The parking and loading/unloading requirements for child care facilities may in the Planning Commission's discretion be reduced, based on an empirical study (provided by the applicant) which establishes no adverse effects will occur as a result. The required number of loading/unloading spaces may be reduced without a study by one (1) space for each employee permanently assigned to load and unload children from vehicles.

[4] Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after April 7, 2009. Existing projects or projects either entitled or submitted active planning applications prior to April 7, 2009 shall use the parking regulations in effect at the time of entitlement or application submittal. For R4, R5, MXD/MXD2/MXD3 zones, 15% guest parking is legal and conforming for projects entitled or active planning applications submitted prior to April 7, 2009.

[5] Refer to Subsection XI-10-53.15, Parking Standards for Hotels and Motels, of this Chapter for allowed reductions to minimum parking requirements.

(Ord. No. 38.848 , § 9, 11/15/22; Ord. No. 38.845 , § 13, 6/21/22; Ord. No. 38.841 , § 5, 5/4/21; Ord. No. 38.835 , § 8, 3/3/20; Ord. No. 38.839 , § 14, 12/3/19; Ord. No. 38.808, § 5, 5/21/13; Ord. No. 38.785, § 7, 4/7/09)

XI-10-53.11 Shared Parking

A. Purpose and Intent. Dedicated parking areas for individual uses, especially when provided in new developments, can result in less efficient land usage, lower floor area ratios, and more environmental/water quality impacts.

Shared parking is typically applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately.

B. Applicability. Shared parking may be applied in the following situations:

1. In mixed-use developments, which include one or more businesses that are complementary, ancillary, or support other activities. A typical mix of uses includes, but is not limited to: residential, office, restaurants, retail, colleges, churches, cinemas, and special event situations if they can demonstrate that demand patterns vary among uses.

2. In shopping centers, when more than twenty percent (20%) of gross leasable area is occupied by dining and entertainment uses, (not including pad restaurants, unless they are located within 300 feet of the main shopping center building) shared parking may be applied.

C. Required Review. Shared parking proposals may be allowed with the approval of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.

D. Calculation of Parking Spaces Required with Shared Parking. The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures. A formal study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys may be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

E. Location of Shared Parking Spaces. Shared spaces shall be located within three hundred (300) feet of the use entrances they serve. Up to fifty percent (50%) of nonresidential spaces may be provided at greater distances if dedicated shuttle bus or van service is provided. Clear, safe pedestrian connections must be provided.

F. Captive Market Parking Requirements. For uses that are considered ancillary to a larger business, no additional parking may be required. Examples of this case include a coffee or snack shop within an office or hotel development, a copy/package store within a business park or redevelopment of small retail uses in a large business district. Parking requirements for similar ancillary uses may be reduced to account for the likely cross patronage among the adjacent uses located within a maximum walking distance of three hundred (300) feet. Parking requirements may be reduced up to ninety percent (90%) as appropriate.

G. Agreement Between Sharing Property Owners. If a parking facility is to serve two (2) or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces shall be executed to the satisfaction of the City.

H. Shared Parking Plan. A shared parking plan shall be submitted to the Planning Division with the following information:

1. Site plan and required parking calculations of parking spaces intended for shared parking and their proximity to land uses that they will serve.
2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible.

(Ord. No. 38.785, § 7, 4-7-09)

XI-10-53.13 Design Standards

A. Location of Parking.

1. Location of Parking in Relationship to a Use.
    a. Residential Uses: Parking required for all residential uses shall conform with all of the following: (i) be located within the same project site as the use; (ii) be less than 300 feet away from the residential unit it serves; and (iii) shall not be located on any public street, public right-of-way or in any other public area.
    b. Commercial Services and Retail Stores in the ~~Transit~~Metro or Midtown Specific Plan Areas: Commercial service and retail uses may meet its parking requirements with on-street parking if the project satisfies all of the following conditions: (i) the project site is located within the ~~Transit~~Metro or Midtown Specific Plan Areas; (ii) the on-street parking space is located along the project site frontage directly serving and adjacent to the use; (iii) no more than 50 percent of the required parking spaces shall be allocated on-street unless the commercial or retail use requires ten or less parking spaces; (iv) the on-street parking space is located less than 300 feet away from the use it serves; and (v) the on-street parking space shall be designated as limited time parking in accordance with the California Vehicle Code.
    c. Other Uses: Required parking for all other uses shall conform with all of the following: (i) be located within the same project site as the use; (ii) be less than 300 feet away from the use for which the parking is required, as provided for in Table 53.09-~~1~~3 Number of Parking Spaces Required or Section 13, Special Uses, of this Chapter; and, (iii) shall not be located on any public street, public right-of-way or in any other public area.
2. Location of Residential Parking, Permitted. Vehicles on private property used for residential purposes shall be parked only in paved parking spaces or in driveways which comply with the following standards:
    a. The driveway provides access to required parking spaces; and
    b. The vehicle is not blocking access to parking for other residential units.
3. Each automobile parking stall shall be so located that no automobile is required to back onto any public street or sidewalk to leave the parking stall, parking bay or driveway except from a lot in an "R2" or more restrictive zone containing not more than two (2) dwelling units.
4. Parking Location for R5, MXD2 and MXD3 projects.
    a. No parking spaces area allowed within the front or street side setback areas.
    b. Parking must be located behind buildings to minimize visibility from public streets.
    c. At least seventy percent (70%) of the street facing perimeter of above-ground parking shall be wrapped with habitable space.

Exception: Exceptions may be allowed through the approval of a Conditional Use Permit, if the design quality of the structure is equivalent to habitable space.

d. Parking may be partially above grade along the street, provided that no more than four (4) feet of the structure is above grade. The above-grade area must be wrapped with continuous landscaping that screens parking garage openings.

5. Parking Structure access for R5, MXD2 and MXD3 projects.

a. No more than one curb cut per street frontage is allowed.

b. Parking structure entrances shall be no greater than twenty-two (22) feet wide.

c. Parking structure access points shall be set back from the curb so that a car can pull up to the entry gate or ticket machine without blocking the sidewalk.

B. Parking Space Size.

1. Individual garage.

a. Each parking space with a minimum width of ten (10) feet and a minimum length of twenty (20) feet shall be required in residential garages meeting both of the following criteria:

i. The individual garage contains four (4) or fewer parking spaces;

ii. The individual garage does not include circulation elements such as driveway aisles, but consists primarily of parking spaces.

2. Compact Spaces

a. Each stall shall be legibly marked "compact stall" or "small car" on the stall surface. Compact stalls may be used only for the above-listed buildings and uses and only within the Industrial zoning district.

b. Parking stalls shall be dispersed throughout the parking lot and not concentrated to discourage oversized vehicles from using the stalls.

3. Tandem Spaces

a. Each residential garage tandem (two parking spaces) shall have a minimum width of ten (10) feet and a minimum length of thirty-eight (38) feet.

4. Bicycle or Motorcycle Spaces. Any existing or proposed parking facility may utilize, on a substitution basis, on-site parking spaces for bicycle or motorcycle spaces.

a. Said bicycle spaces shall be raised a minimum of six (6) inches from grade of the adjacent parking facility.

b. One parking space may be omitted for each eight (8) bicycle spaces provided.

c. One parking space may be omitted for each two (2) motorcycle spaces provided.

d. Bicycle spaces shall measure at least two (2) feet by seven (7) feet and shall be located in groups of four (4) and shall be of the following three types:

i. A rack which secures the frame, or

ii. An enclosed bike locker, or

iii. A fenced, covered, locked or guarded bike storage area.

e. Motorcycle spaces shall measure four (4) feet by eight (8) feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.

f. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent (5%) of the total required parking spaces.

C. Required Improvements. All parking areas and access driveways shall have a smoothly graded, stabilized and dustless surface with adequate drainage so that injury will not be caused to adjacent properties. Bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas.

Also refer to Section 54.03 of this Chapter for Improvement of Parking Areas.

D. Screening and Landscaping. All open automobile parking areas which abut upon a public street right-of-way shall provide landscaping to a depth of at least ten (10) feet of said street right-of-way and of any adopted plan line, with openings for walkway or drive purposes. Each landscaped planter in said parking facility shall be contained with a six (6) inch raised concrete curb (extruded curbing not permitted). Installation of an irrigation system shall be provided for in each planter area.

E. Lighting. .All lights used to illuminate a parking area shall be designed, located and arranged so as to reflect the light away from any street and any adjacent premises.

F. Signs. Directional signs are permitted in parking areas in accordance with the adopted Sign Ordinance.

G. Fencing. A solid masonry wall a minimum height of six (6) feet shall be required on all common property lines when any parking area is established abutting residentially zoned property or property shown on the adopted General Plan as being Residential. The architectural design of said wall shall be to the approval of the Planning Commission through the Site Development Permit process in accordance with Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

H. Angles and Dimensions

1. Vehicle Overhang. Vehicles may overhang two (2) feet into any landscape area or private walkway if the walkway is a minimum six (6) feet in width, but in no event shall the overhang be permitted within any public right-of-way.

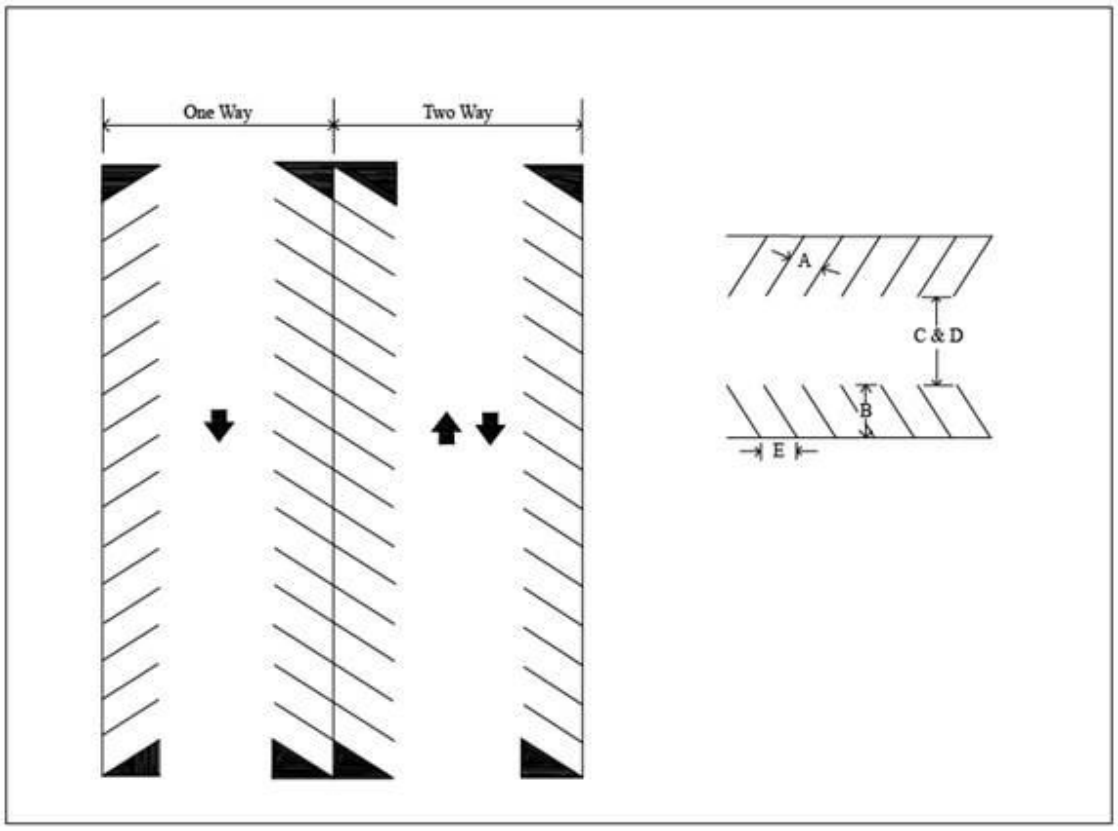
2. Stall and drive aisle dimensions. The stall and drive aisle dimensions shall be as follows:

Table 53.13-1
Parking Stall and Drive Aisle Dimensions

Angle	A[1] Stall Width	B[1] Stall Depth	C[1] Aisle Width 1 Way	D[1] Aisle Width 2 Way	E[1] Curb Length per Car
Standard size:					
0°	9′	9′	12′	16′	22′
45°	9′	19.5′	12′	22′	12′
60°	9′	21′	18′	22′	10.5′
90°	9′	18′	24′	24′	9′
Compact size: [See Subsection 53.07(B)]					
0°	7.5′	7.5′	12′	15′	17′
45°	7.5′	16′	13′	20′	8.5′
60°	7.5′	17′	15′	20′	8.5′
90°	7.5′	15′	20′	20′	7.5′

[1] Reference to Figure 53.13-1, Parking Stall and Drive Aisle Dimensions

Figure 53.13-1
Parking Stall and Drive Aisle Dimensions



3. Backing Space in Residential Projects. A minimum unobstructed vehicular maneuvering distance of 25 feet measured from the opening of the garage or carport shall be provided, except as otherwise permitted in this section.

4. Parking Structures. The parking stall and drive aisle dimensions for Parking Structures, as defined in this Chapter, may be modified with the approval of a Conditional Use Permit in accordance with Section 57 of this Chapter.

(Ord. No. 38.815, § 2, 9-2-14; Ord. No. 38.785, § 7, 4-7-09)

XI-10-53.15 Allowed Reductions to Required Parking for Lodging Uses

A. Allowed Reductions to Minimum Required Parking. The required parking for lodging uses, including hotels, motels, and extended stay hotels, may be reduced by up to 30 percent at the discretion of the decision-making authority based on a demonstrated program to reduce demand for on-site parking and maximize the efficient use of parking areas. A reduction in required parking shall be granted based on a point system as described in Subsection XI-10-53.15.C.

B. An applicant requesting a reduction to the minimum required parking for a lodging use shall submit a written description of all proposed parking demand reduction and site design measures and a written justification of the anticipated reduction in parking demand that would result from implementation of such measures.

C. Point System for Calculation of Parking Reduction. The decision-making authority may grant a reduction in the required number of parking spaces for lodging uses, as outlined in Table 53.15-1, according to the total number of points scored for implementation of parking demand reduction and site design measures.

Table 53.15-1
Point System for Parking Reduction for Lodging Uses

Total Points	Allowed Parking Reduction
60 points or more	30 percent
40 points or more	20 percent
20 points or more	10 percent

1. Parking Reduction for Lodging Near Fixed Guideway Transit. A parking reduction may be granted for a lodging establishment within one-half (0.5) mile of a fixed guideway transit station. Fixed guideway transit means a public transit facility that uses and occupies a separate right-of-way or rail line for the exclusive use of public transit vehicles (15 points).
2. On-Site Parking Demand Reduction and Site Design Measures for Lodging Uses. Any combination of the following measures may be incorporated into the site plan and operational plan for a hotel, motel, or extended stay hotel to support a reduction in the minimum required on-site parking:
    a. Shared parking agreement with owners of other property or properties in the vicinity of the lodging establishment pursuant to Subsection XI-10-53.11, Shared Parking, of this Chapter. The shared parking spaces must be located within 0.25 mile of the lodging use (10 points for a number of shared parking spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 15 points for a number of shared parking spaces totaling more than 20 percent of the base parking space requirement for the lodging use).
    b. Providing free monthly transit passes for employees. To qualify for this measure a lodging use must be located within 0.5 mile of a transit route (bus or rail) with service frequency of every 15 minutes or less between the hours of 7:00 a.m. and 7:00 p.m. (10 points).
    c. Providing free 24-hour airport guest shuttle service (10 points).
    d. Providing free guest shuttle service to other key destinations (including but not limited to BART and VTA light rail stations, San Jose Diridon Caltrain Station, Levi's Stadium, and major commercial centers) (5 points for shuttle service serving one or two destinations, 10 points for shuttle service serving three or more destinations).
    e. Providing free shared cars for guest use with dedicated, permanent on-site parking spaces for the shared cars . To qualify for this measure the lodging use must provide at least one shared car for every 50 guest rooms (when applying this calculation, any fractional number of required shared cars shall be rounded up to the nearest whole number) (10 points).
    f. Providing on-site, free micromobility devices for guest use. To qualify for this measure the lodging use must provide at least one shared micromobility device for every 50 guest rooms (when applying this calculation, any fractional number of required shared micromobility devices shall be rounded up to the nearest whole number). The operator of the lodging establishment shall obtain approval from the Planning Director or designee for the proposed placement and use of micromobility devices prior to commencing operations. The operator of the lodging establishment shall maintain micromobility devices in good working order at all times (5 points).
    g. Providing valet parking (on-site or at an off-site shared parking location) (5 points for a number of valet parking spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 10 points for a number of valet parking spaces totaling more than 20 percent of the base parking space requirement for the lodging use).
    h. Mechanical lifts for vehicles (if provided, lifts must be operated by staff of the lodging establishment) (5 points for a number of mechanical lift spaces totaling between 10 and 20 percent of the base parking space requirement for the lodging use; 10 points for a number of

mechanical lift spaces totaling more than 20 percent of the base parking space requirement for the lodging use).

i. Charging a daily fee of $25 or more for on-site parking of guest vehicles (10 points).

j. Offering prepaid transit cards (Clipper) to guests (5 points).

k. Featuring public transportation information and links on lodging establishment's website (schedules and route maps for Valley Transportation Authority [VTA] bus and light rail and/or Bay Area Rapid Transit [BART] regional rail) (3 points).

l. Providing dedicated on-site passenger pickup/dropoff zones (3 points).

m. Active marketing of guest shuttle services, on-site shared cars, and/or on-site shared micromobility devices, via the lodging establishment's website and other electronic and/or print advertising materials (3 points).

n. Other measures as preoposed by lodging establishment operator (points to be determined by the decision-making authority based on the potential for parking demand reduction of the proposed measure).

(Ord. No. 38.841 , § 6, 5/4/21)

XI-10-54.18 ~~Reserved.~~ 2023-2031 Housing Element Sites

A. Reused Sites. Reused sites are opportunity and rezone sites listed in the City of Milpitas 2023-2031 Housing Element, Appendix E, Tables E-13 and E-14 that are identified for lower-income housing capacity and as a 5th Cycle Housing Element site. On these reused sites, owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.

B. Rezone Sites. Rezone sites are listed in the City of Milpitas 2023-2031 Housing Element, Appendix E, Table E-14 that are identified for lower-income housing capacity. On these rezone sites, the following shall apply:

1. Owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.
2. 100 percent residential use is allowed.
3. A minimum of 50 percent of the floor area in mixed-use projects must be occupied by residential use.

Editor's note(s)—Ord. No. 38.795, § 35, adopted April 6, 2010, amended the Code by repealing former § XI-10-54.18 in its entirety. Former § XI-10-54.18 pertained to temporary contractor's offices, and derived from Ord. 38.780 (25) (part), adopted August 19, 2008.

*Section 56 Nonconforming Buildings, Uses, and ~~Uses~~Parcels**

* Prior ordinance history: Ords. 38, 38.681 and 38.760.

XI-10-56.01 Purpose and Intent

The purpose of this chapter is to establish regulations for nonconforming buildings, structures and uses. It is the intent of these regulations to result in the conversion of nonconforming buildings, structures, and uses to conforming buildings, structures and uses. However, the City recognizes that until nonconforming buildings, structures, and uses are converted, improvements to them which promote their compatibility with their neighborhoods, enhance the quality of development, and do not increase nonconformity should be encouraged and allowed.

(Ord. 38.777 (14) (part), 6/17/08)

XI-10-56.02 Repair, Maintenance and Improvements to Nonconforming Buildings and Structures

A nonconforming building or structure may be maintained, except as otherwise provided in this section.

A. Repair, Maintenance, Aesthetic Improvements. Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made except those required by law or ordinance.

B. ~~B~~Energy Efficiency and Sustainability Upgrades. Improvements may be made to a nonconforming building or structure related to improving the energy efficiency, reducing the energy usage, and reducing the greenhouse gas emissions impact of the building or structure.

C. Restoration of Damaged Buildings. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to the extent of not more than seventy-five (75%) percent of its true value at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided the total cost of such restoration does not exceed seventy-five (75%) percent of the true value of the building or structure at the time of such damage and that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

In the event such damage or destruction exceeds seventy-five (75%) percent of the true value of such nonconforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the district in which it is located.

Provided, however, that any multistory single-family residence, which is subject to the provisions of the hillside section of this Title (Section XI-10-45), may be rebuilt to its approved height and setbacks and is not subject to the single-story height restrictions or other restrictions in the Zoning Title currently in effect, but shall conform to those regulations in effect at the time the structure was built.

~~C~~D. Additions to, Enlargements and Moving of Nonconforming Buildings and Structures.

1. In the R1, R2 and R1-H Districts, a legal nonconforming building or structure shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all development standards and regulations of the district in which it resides, including, but not limited to height, yard setbacks,

maximum lot coverage, impervious surface coverage, and maximum size of residence regulations of said district. In addition, a legal nonconforming building or structure shall not be added to or enlarged unless existing front yard paving is brought into conformance.

2. In all districts other than the R1, R2, and R1-H, a legal nonconforming building or structure may be added to or enlarged in a manner consistent with the criteria established in Table XI-10-57.04-1 and if a Conditional Use Permit is obtained.

3. A building or structure lacking adequate automobile parking space in connection therewith may be altered or enlarged provided the required additional automobile parking space is supplied as per Section XI-10-53 for the entire building or use, including the addition or enlargement.

4. A nonconforming building or structure shall not be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all regulations of the district in which it is located.

(Ord. No. 38.793, § 3, 5/17/11; Ord. 38.777 (14) (part), 6/17/08)

XI-10-56.03 Nonconforming Use of Buildings and Structures

A. The continuation or change of a nonconforming use of a building or structure shall meet the requirements provided below.

1. Continuation of Existing Nonconforming Use. A legally established use that is no longer permitted in a particular zoning district because of a modification of this Chapter shall be allowed to continue indefinitely, absent discontinuation of the use for a year or more and failure to comply with the re-establishment provisions of Section XI-10-56.03(B) below.

2. Discontinuation of Nonconforming Use. The nonconforming use of a building, structure or portion thereof, which is discontinued for a continuous period of one (1) year or more, may be replaced only with a conforming use, absent an approved nonconforming use reestablishment set forth in Section XI-10-56.03(B) below. Nonconforming uses which have been discontinued for a period of less than one (1) year may be replaced, if (1) with a nonconforming use of the same use classification as a matter of right or (2) a nonconforming use of a different use classification, subject to compliance with the findings and procedures set forth Section XI-10-56.03(B).

3. Changes of Use Within the Same Use Classification. An existing, ongoing nonconforming use may be changed to a different use within the same use classification. For example, a nonconforming auto repair shop use may be changed to a tire shop use, since both uses fall within the same use classification (auto service uses).

4. Change of Use to a Different Nonconforming Use Classification. An existing, ongoing nonconforming use may be changed to a nonconforming use of a different use classification only if it can be found that the proposed use is equivalent to or more appropriate than the existing nonconforming use at the project location. The proposed use may be allowed only by way of a conditional use permit and only if, in addition, all of the following findings can be made:

a. The proposed nonconforming use would not cause a nuisance to the surrounding properties and district (e.g., excessive parking demand, traffic, noise, etc.).

b. The proposed nonconforming use would be compatible with the general character of the surrounding neighborhood or district.

c. The proposed nonconforming use is necessary to allow gainful economic use of structures or improvements until such structures or improvements can be permanently converted to conforming uses.

B. Re-establishment of Discontinued Nonconforming Uses Within the ~~Midtown and Transit Area~~Milpitas Metro Specific Plan ~~Areas~~Area (Sunsetting Provision).

1. Once discontinued for a year or more, nonconforming uses only within the ~~Midtown Specific Plan Area and the Transit Area~~Milpitas Metro Specific Plan Area may be re-established if all of the following findings can be made:

   a. The proposed re-establishment of a nonconforming use would not cause a nuisance to the surrounding properties and district (e.g., excessive parking demand, traffic, noise, etc.).

   b. The proposed re-establishment of a nonconforming use would be compatible with the existing general character of the surrounding neighborhood or district.

   c. The proposed re-establishment of a nonconforming use is necessary to allow gainful economic use of structures or improvements until such structures or improvements can be permanently converted to conforming uses.

In addition to the above findings, the re-establishment of a discontinued nonconforming use may only be approved by the Planning Commission by way of a conditional use permit, with the above additional findings, if (1) the proposed use lies within 1,000 feet of any residential use or (2) the proposed use would require conditional use permit review under current zoning requirements for the zoning district listed in the zoning map in existence at the time the use became nonconforming. The re-establishment of a discontinued nonconforming use may be approved administratively by Planning Division staff in all other circumstances, contingent on the existence of findings by Planning Division staff that the above listed grounds for re-establishment exist.

2. This Section XI-10-56.03(B) shall become inoperative ~~June 16, 2016~~July 1, 2026, and shall be considered repealed on that date, unless a later enacted ordinance that becomes effective on or before ~~June 16, 2016~~July 1, 2026, deletes or extends that date. All other provisions of Section XI-10-56.03 shall be unaffected by this sunset clause.

C. Expansion of Assembly Uses in the Heavy Industrial (M2) Zoning District.

1. Assembly uses approved after February 7, 2017, that are rendered legally non-conforming may expand in floor area up to 25 percent of existing floor area until December 31, 2020. Such expansions shall require approval of a Site Development Permit and Conditional Use Permit by the Planning Commission in accordance with the provisions of Section 57 "Applications."

(Ord. No. 38.837 , § 10, 11/5/19; Ord. No. 38.817, § 2, 9/16/14; Ord. No. 38.793, § 3, 5/17/11; Ord. 38.777 (14) (part), 6/17/08)

XI-10-56.04 Nonconforming Use of Land

1. Continuation of Use. The nonconforming use of land (where no main building is involved), existing at the time the Ordinance codified in this section became effective, may be continued for a period of not more than five (5) years therefrom, provided:

   a. That no such nonconforming use of land shall, in any way, be expanded or extended either on the same or adjoining property.

   b. That, if such nonconforming use of land, or any portion thereof, is discontinued or changed, any future use of land shall be in conformity with the provisions of this Chapter.

   c. That any sign, billboard, commercial advertising structure or statuary, which is lawfully existing and maintained prior to January 26, 1954, may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided, further, that all such nonconforming signs, billboards, commercial advertising structures and statuary,

and their supporting members, shall be completely removed from the premises not later than five (5) years from the effective date of the Ordinance codified in this section.

2. Nonconforming Due to Reclassification. The foregoing provisions of this section shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassification of districts under this Chapter or any subsequent change in the regulations of this Chapter; provided, however, that where a period of years is specified in this section for the removal of nonconforming buildings, structures, or uses, said period shall be computed from the date of such reclassification or change.

(Ord. 38.777 (14) (part), 6/17/08)

XI-10-56.05 Nonconforming Parcels

A. Legal Building Site. A nonconforming parcel that does not comply with the applicable lot requirements for the zone (e.g., lot area, lot width, etc.) in which it is located shall be considered a legal building site if it meets at least one of the following:

   1. The parcel was created by a recorded subdivision;

   2. The parcel is under one ownership and of record, and was legally created by a recorded deed prior to the effective date of the zoning amendment that made the parcel nonconforming; or

   3. The parcel was approved through a variance procedure or resulted from a lot line adjustment.

B. Development of Legal Building Sites. A legal building site may be developed provided that any structure or development compiles with the standards for the zone unless standards are specifically waived or altered through a variance or as otherwise allowed by the zoning ordinance.

C. Subdivision or Adjustment of a Nonconforming Parcel. No subdivision or lot line adjustment shall be approved that would increase the nonconformity of an existing parcel.


LWC

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1						
2	**City of Milpitas - Zoning Ordinance Update**					
3	**Public Hearing Draft - August 2023**					
4	**ERRATA and TYPOGRAPHIC ERRORS**					April 2024
5	**Date of Comment**	**Name of commenter**	**Section/Subsection Name**	**Description of Needed Edit**	**Notes/Proposed Edit to the Code**	**Date edit made in final document**
6	**Zoning Map**					
7	8.15.23	Staff/LWC		Mapping of new NCMU zone to be removed from updated zoning map.	Mapping of NCMU zone will be completed as part of the separate effort to create NCMU zoning regulations and HODs	
8	9.12.23	Staff/LWC		1780 S. Main Street (APN 8342006) to be rezoned to C2 (General Commercial).	This parcel should have been included in a separate batch of City-initiated rezonings in the South Main area (related to a change in specific plan boundaries), but was inadvertantly left out. To be included in this round of zoning map changes.	
9	9.12.23	Staff/LWC		1430 California Circle (APN: 022-37-019) to be rezoned to MXD, not R3 as shown	Rezoning to R3 had been proposed for consistency with the rezoning of adjacent residential areas (north and south), but upon further review and discussion, rezoning to MXD is preferred.	
10	9.22.23	Staff/LWC		Recreation and Entertainment (RE) Overlay zone to be removed from all parcels to be rezoned as BPRD (Business Park Research and Development), POS (Park and Public Open Space), and I (Institutional).	The RE overlay effectively modifies the allowed uses for the underlying base zone, so it must be removed in order for the use regulations for the BPRD, POS, and I zones to be in effect. *Note* : the RE Overlay also applies to some properties currently zoned C2 and HS. It will remain in effect for those properties until the second phase of the Zoning Ordinance Update, when use regulations will be updated for all zoning districts	
11	11.08.23	Staff		Change zoning for 1355 California Circle (APN: 022-38-007) from Industrial Park (MP) to Mixed Use (MXD)	Per City Council action on 11/7/23 to rezone parcel in conjunction with approved development application.	
12	12.12.23	Staff/LWC		Display boundaries and numbers of all approved Planned Unit Developments (PUDs) in the city on the citywide zoning map.		
13						
17	**Section 2 - Definitions**					
18	8.25.23	Ward Mace/ Goodman	XI-10-2.03 - Definitions	Add definition for "Data Centers"		
19	10.04.23	Ward Mace/ Goodman	XI-10-2.03 - Definitions	Ensure that the distinctions are clear between "Warehousing, General," "Distribution Facility," and "Parcel Hub" in the definitions for each term	Note that often Distribution Facilities and Parcel Hubs are primarily warehouse spaces	
20	11.29.23	Staff/LWC	XI-10-2.03 - Definitions	Refine language in definitions of "Advanced Manufacturing" and "Research and Development" to clarify that these uses may include any amount of storage/warehouse space for raw materials and/or finished goods (up to 300,000 sf) that actively supports the primary use.	Advanced manufacturing and R&D uses frequently require large areas for storage of materials and/or finished goods prior to distribution	
21	11.29.23	Staff/LWC	XI-10-2.03 - Definitions	Refine language in definition of "Warehousing, General" to clarify that this use refers to "passive storage" of goods and does not include storage of raw materials and/or finished products as part of an active primary use such as general manufacturing, advanced manufacturing, or R&D. Note also that "Warehousing, General" excludes parcel hubs.		

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5	**Date of Comment**	**Name of commenter**	**Section/Subsection Name**	**Description of Needed Edit**	**Notes/Proposed Edit to the Code**	**Date edit made in final document**
22	1.5.24	Brent Lower/ Washington Holdings	'XI-10-2.03 - Definitions	Consolidate the definitions for "Warehousing, General" and "Distribution Facility" into a single use classification.	Warehousing and distribution are functionally one and the same, they're part and parcel of the same type of operation.	
23						
24	**Section 7 - Industrial Zones (BPRD)**					
25	10.11.23	Staff	Industrial Zone Uses Table (XI-10-7.02-1)	Change Grocery Stores to not permitted (NP) in the M1 and MP zones.		
26	9.12.23	Staff	Industrial Zone Uses Table (XI-10-7.02-1)	Add Advanced Manufacturing to use table. Allow by right ("P") in BPRD zone.	Advanced manufacturing was inadvertently left out of the draft use table	
27	1.3.24	Joe Goggiano/ McCarthy Development	Industrial Zone Uses Table (XI-10-7.02-1)	Manufacturing/assembling of electric vehicles should be allowed in the BPRD Zone.	Research, development and manufacturing of electric vehicles is an important industry in the Silicon Valley region and is consistent with the intent of the BPRD zone.	
28	10.10.23	Staff	Industrial Zone Uses Table (XI-10-7.02-1)	Contractor's Shops should be permitted by right (P) in the Heavy Industrial Zone (M2), not conditionally permitted (C).		
29	9.12.23	Staff	Industrial Zone Uses Table (XI-10-7.02-1)	Custom and Artisan Manufacturing should be MCS (minor conditional use permit, staff level) (not MUP).	MUP doesn't exist in Milpitas' zoning code (typographical error in draft)	
30	8.25.23	Ward Mace/ Goodman	Industrial Zone Uses Table (XI-10-7.02-1)	Add Data Centers to use table. Allow in BPRD, M1 (Light Industrial), and MP (Industrial Park) zones. Prohibit in M2 (Heavy Industrial) zone.		
31	1.5.24	Staff	Industrial Zone Uses Table (XI-10-7.02-1)	Delete Distribution Facility from use table. This use classification is being consolidated with Warehousing, General.	Per comment above in Section 2 - Definitions	
32	12.01.23	Staff	Industrial Zone Uses Table (XI-10-7.02-1)	Change Parcel Hub to a minor conditional use permit, staff level (MCS) in the M2 zone, and to a regular conditional use permit (C) in the BPRD zone.	Policy intent during drafting of updated General Plan was to restrict "last mile" distribution/logistics uses in the Southwest Employment Area.	
33	4.01.24	Staff (with input from multiple commenters)	Industrial Zone Uses Table (XI-10-7.02-1)	Change Warehousing and Distribution (per refined definition - see entry above in "Definitions" section) in BPRD zone to permitted (P) for facilities up to 150,000 square feet and conditionally permitted (C) for facilities larger than 150,000 square feet. Add a specific CUP finding for approval of Warehousing and Distribution facilities exceeding 150,000 square feet.		
34	Multiple	Multiple	Industrial Zone Uses Table (XI-10-7.02-1), footnote 6	Delete footnote 6 related to limiting general warehousing to 20 percent of floor area.		
35	1.5.24	Brent Lower/ Washington Holdings	Industrial Zone Development Standards (Table XI-10-7.03-1)	Maximum building height in the BPRD Zone should be increased to 80 feet (instead of 60) / 5 stories.	Because buildings to accommodate typical BPRD uses often have larger floor-to-ceiling heights, a 5-story building would be greater than 60 feet in height.	
36	11.29.23	Multiple	Industrial Zone Development Standards (Table XI-10-7.03-1)	Reduce minimum floor area ratio (FAR) in the BPRD Zone to 0.35.		

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5	**Date of Comment**	**Name of commenter**	**Section/Subsection Name**	**Description of Needed Edit**	**Notes/Proposed Edit to the Code**	**Date edit made in final document**
37	9.11.23	Matt Taylor/ CBRE	XI-10-7.04 (B)(3) Places of Assembly	Make a clearer distinction between the use "Places of Assembly" (i.e. people assembling) and "Assembly from Pre-Processed Materials" (i.e manufacturing).	Revision/clarification needed in this code section and/or in Definitions for the uses that include the term "Assembly"	
38	9.11.23	Matt Taylor/ CBRE	XI-10-7.04 (C)(1)(C) Special Development and Performance Stds.	Following standard stating that uses shall emit no smoke, add a note stating this does not preclude the use of back-up/ emergency generators.		
39	10.04.23	Goodman and CBRE	XI-10-7.05 - Special Design Standards for BPRD Zone	Revise subsection A.1. Building Entrances to state that an entrance is required facing the primary street frontage, but also allowing the primary entrance to be on another side of the building.	This edit will allow greater design flexibility and allow developments to adapt to site-specific circumstances and the needs of building users.	
40	10.04.23	Goodman and CBRE	XI-10-7.05 - Special Design Standards for BPRD Zone	Delete subsection B.2. Façade Design and Articulation, removing the requirement that a minimum of 50 percent of building frontage be located at or within 10 feet of front setback.	This edit will allow greater design flexibility and allow developments to adapt to site-specific circumstances and the needs of building users.	
41	10.04.23	Goodman and CBRE	XI-10-7.05 - Special Design Standards for BPRD Zone	Revise subsection C.3 to remove requirement for permeable walkway materials, and instead to refer to variations in paving materials for walkways (e.g. decorative paving instead of concrete).	Permeable paving systems for walkways are very costly to install and require intensive maintenance.	
42	10.04.23	Goodman and CBRE	XI-10-7.05 - Special Design Standards for BPRD Zone	In subsection D.1 Site Design for Large Projects over 80,000 sf, revise language to clarify that total required open space may include stormwater treatment areas, landscaped areas, and required usable open space for outdoor dining.		
43	10.04.23	Goodman and CBRE	XI-10-7.05 - Special Design Standards for BPRD Zone	Delete subsection F.1.c. Parking Locations, removing the restriction on parking along lot frontages facing McCarthy Blvd, Milpitas Blvd, and Montague Expressway.	This edit will allow greater design flexibility and allow parking to be located nearer to building entrances.	
44	9.11.23	Matt Taylor/ CBRE	XI-10-7.05 - Special Design Standards for BPRD Zone	Revise subsection E.1.d to clarify that requirement for 10 percent of parking lot to be landscaped refers to planted islands between rows of parking.	As written, could be interpreted to mean that parking areas may not be paved with asphalt	
45	10.04.23	Goodman and CBRE	XI-10-7.05 - Special Design Standards for BPRD Zone	Revise subsection E.1.e.i to change the spacing requirement for landscaping ground cover plantings from minimum 12" on center to minimum 24" on center.		
46	10.04.23	Goodman and CBRE	XI-10-7.05 - Special Design Standards for BPRD Zone	Revise subsection F.2.b requiring screening of parking lots to clarify that a solid "wall" of screening is not required, and some transparency of screening method (fences, plantings, etc.) is allowed.	Ensure this language is also consistent with existing requirements in Zoning Ordinance subsection XI-10-54.10 Fences and Walls.	
47	1.3.24	Anthony Cataldo and Joe Goggiano/ McCarthy Development	XI-10-7.05 - Special Design Standards for BPRD Zone	Suggested several minor modifications to Special Design Standards for BPRD Zone to allow greater flexibility for architects/developers and to better accommodate site-specific conditions and project-specific needs.		
48						
49	**Section 9 - Metro Area Zones**					
50	9.12.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Personal Services should be C (conditionally permitted), instead of NP (not permitted) in BPRD Metro and BPRD-R Metro zones.		
51	9.12.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Add Advanced Manufacturing to use table. Allow by right ("P") in BPRD Metro and BPRD-R Metro zones.	Advanced manufacturing was inadvertently left out of the draft use table	
52	9.12.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Add Contractor's Shop to use table and make NP (not permitted) in all Metro Area zones.		

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5	**Date of Comment**	**Name of commenter**	**Section/Subsection Name**	**Description of Needed Edit**	**Notes/Proposed Edit to the Code**	**Date edit made in final document**
53	1.11.24	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Change Warehousing, General to Warehousing and Distribution (per comment above in Section 2 - Definitions). Warehousing and Distribution should be NP (not permitted) in the BPRD-Metro and BPRD-R-Metro zones.	Stand-alone warehousing and distribution to be prohibited, but note that storage of materials/finished goods as part of Advanced Manufacturing and R& D uses would still be permitted.	
54	12.01.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Under College and University, delete "public or" so that this use refers only to private colleges and universities.	The City does not have authority over permitting for public colleges/universities. Also, these facilities are given the "I - Institutional" zoning designation.	
55	12.19.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Private colleges and universities should be P (permitted) in the BPRD-R-Metro and BPRD-Metro zones.	This is consistent with policy language in the Metro Specific Plan (page 44) that refers to educational uses in the plan area.	
56	9.12.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Add Conference Center to use table, and made C (conditionally permitted) in BPRD Metro and BPRD-R Metro zones.		
57	12.01.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Delete the entry "School (not trade or vocational)" from table.	This is a vague use category - it is not clear what types of schools are intended to be included. All types of schools to be clearly described as separate entries in the table.	
58	12.01.23	Staff/Sean Morley/Stratford School	Metro Area Zones Uses Table (XI-10-9.02-1)	Private elementary, middle, and high schools should be conditional (C), rather than not permitted, in the BPRD-Metro and BPRD-Metro zones.		
59	9.12.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Trade and Vocational Schools should be C (conditionally permitted) in BPRD Metro and BPRD-R Metro zones.		
60	9.12.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Small Family Child Care Home should be NP (not permitted) in BPRD Metro (since residential uses are not permitted in this zone).		
61	12.01.23	Staff	Metro Area Zones Uses Table (XI-10-9.02-1)	Delete footnotes 6 and 7 to the use table, and re-number all subsequent footnotes in the table.	These footnotes referred to zoning provisions in the previous draft that are now being deleted.	
62						
63	**Section 53 - Off-Street Parking Requirements**					
64	10.04.23	Ward Mace/ Goodman	XI-10-53.09 Off-Street Parking Required by Land Use -- Table 53.09-3	For requirement for one truck parking space for each delivery vehicle during peak time - clarify that this refers to "last mile"/delivery trucks and not semi trucks delivering products to the site.		
65	4.08.24	LWC	XI-10-53.09 Off-Street Parking Required by Land Use -- Table 53.09-3	Add parking requirement for Data Centers	This is a new land use being added to the Zoning Ordinance.	
66						
67	**Section 56 - Nonconforming Buildings and Uses**					
68	12.01.23	Prologis	XI-10-56.02 Repair, Maintenance and Improvements to Nonconforming Buildings and Structures	Add a clause stating that improvements related to energy efficiency, GHG emissions reductions, etc., may be made to nonconforming buildings/structures.		
69	11.27.23	Staff	XI-10-56.03 Nonconforming Use of Buildings and Structures, subsections (B) and (B)(1)	Regarding re-establishment of discontinued nonconforming uses after one year or more in specific plan areas, change "Transit Area Specific Plan" to "Milpitas Metro Specific Plan."	The adopted Milpitas Metro Specific Plan updated and replaced the Transit Area Specific Plan.	
70	11.27.23	Staff	XI-10-56.03 Nonconforming Use of Buildings and Structures, subsection (B)(2)	Change date for sunsetting provision from June 16, 2016 to July 1, 2026.		

From: Kevin Thai
To: Holly Pearson
Cc: Michael Martin; Metra Richert; Vanessa De La Piedra
Subject: Proposed General Plan Amendment, Milpitas
Date: Friday, April 19, 2024 1:05:20 PM
Attachments: image001.png

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Dear Holly Pearson,

The Santa Clara Valley Water District (Valley Water) has reviewed the notice of a proposed amendment to the Milpitas 2040 General Plan, received by Valley Water on March 5, 2024. Valley Water has the following comments:

Exhibit 7 – General Plan Amendment Parcels designates Valley Water fee title property along Lower Penitencia Creek as Permanent Open Space (POS). Valley Water supports this designation as open space along creeks can provide multiple beneficial uses such as recreation and flood protection, however, it should be noted that any proposed buildings and structures (park facilities, restrooms, trails, signage and utilities infrastructure) on Valley Water property will require Valley Water's review and issuance of an encroachment permit in accordance with Valley Water's Water Resources Protection Ordinance.

The proposed general plan amendment would allow an increase in density in Low Density Residential and Medium Density Residential land use designations. The City of Milpitas (City) should conduct an evaluation to ensure that future water supplies are sufficient to accommodate this increased density. In conducting this evaluation, it must be noted that the Urban Water Management Plans for Valley Water and the City both assume expanded water conservation efforts throughout the county. The City must take actions to ensure that impacts to water supply from future growth are minimized and Valley Water appreciates the commitment to water conservation in the General Plan.

Thank you for the opportunity to review and comment on this proposed General Plan Amendment. If you have any questions, please contact me at (408) 630-3157 or kthai@valleywater.org. Please reference Valley Water File No. 23287 on any future correspondence.

Sincerely,

KEVIN THAI
ASSOCIATE ENGINEER - CIVIL
Community Projects Review Unit
Tel. (408) 630-3157 / CPRU Hotline: (408) 630-2650

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

McCARTHY DEVELOPMENT

Ned Thomas - City Manager
Jay Lee - Principal Planner
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA, 95035

Dear Ned and Jay,

I am writing to ask that you consider revising the allowed square footage of warehouse/distribution use under the Business Park/Research & Development (BPRD) zone in Milpitas from 150,000 to 200,000 square feet under the 2040 General Plan zoning ordinance. This adjustment is crucial for ensuring the city's competitiveness in attracting new developments and fostering a conducive environment for the businesses and employment opportunities of the future.

As investors analyze potential locations for development projects, the focus often narrows down to local competition. It is essential for Milpitas to position itself favorably against neighboring cities, such as San Jose and Fremont, to ensure that new development projects are attracted to our community rather than seeking opportunities elsewhere. By increasing the threshold to 200,000 square feet, Milpitas will enhance its appeal to investors, developers, and businesses, ensuring that potential projects remain within city limits rather than migrating to neighboring jurisdictions.

Moreover, increasing the threshold will align with the evolving needs of businesses, particularly those in the technology sector. Modern industrial buildings play a crucial role in providing the necessary infrastructure for companies to innovate and thrive. These buildings accommodate a diverse range of uses, including warehouse and distribution facilities, but also serve as hubs for research, development, and manufacturing activities. By allowing for greater flexibility in allowed uses, Milpitas can take advantage of new, speculative development and cater to the needs of tech companies seeking state-of-the-art facilities to develop and commercialize their products.

The evolving nature of the industrial real estate market necessitates a nuanced approach that recognizes the diverse needs of tenants and investors. By adopting a more flexible stance on square footage requirements, Milpitas can attract a wider array of investment in speculative development projects that contribute to the city's economic vitality and long-term sustainability. With new, Class-A speculative industrial developments, Milpitas has the potential to attract tech companies and other innovative enterprises that require modern industrial spaces for product development and operations.

In conclusion, I ask that you consider the benefits of increasing the allowed square footage of warehouse/distribution use under the BPRD zone to 200,000 square feet. This adjustment

holds the potential to enhance Milpitas's competitiveness, attract high-value development projects, and accommodate the evolving needs of businesses in the technology sector. I am

confident that this change will serve the best interests of our community and contribute to the continued prosperity of Milpitas.

Thank you for your attention to this matter. I am available to discuss this further at your earliest convenience.

Sincerely,

Joseph McCarthy Jr

Joey McCarthy
Chief Executive Officer
McCarthy Development

Scott J. Prosser, Vice Chairman
300 Santana Row, Fifth Floor
San Jose, CA 95128
Tel +1 408 615 3415
Cell +1 408 464 2278
Fax +1 408 615 3444
Email: scott.prosser@cushwake.com
cushmanwakefield.com
CW CalDRE License #01880493

April 23rd, 2024

Ned Thomas – City Manager
Jay Lee – Principal Planner
City of Milpitas
455 East Calaveras Blvd
Milpitas, CA 95035

Re: Proposed Zoning Changes in the City of Milpitas

Dear Ned and Jay

Per our recent discussions and comments over the last few months on the proposed new BPRD zoning I am writing to ask you to consider 200,000 square feet be the allowed square footage for warehouse/distribution under the new proposed zoning. I feel this is the appropriate size to ensure tenants and investors have the flexibility to continue to grow and invest in the city. At the same time this limit still gives the city the path to evolve into the vision of their 2040 general plan.

The commercial real estate market continues to change and evolve throughout Silicon Valley and if Milpitas can continue to attract new investors to develop or re-position their commercial footprint this will not only attract new tenants but allow the existing tenants to grow into new facilities.

Thank you for your time and attention on this suggestion and I am happy to meet or get on a call to discuss in more detail.

Yours sincerely,



Scott J. Prosser
Vice Chairman
CA License #01104754

Direct: 408-615-3415
Mobile: 408-464-2278
scott.prosser@cushwake.com

No warranty or representation, expressed or implied, is made as to the accuracy of the information contained herein, and same is submitted subject to errors, omissions, change of price, rental or other conditions, withdrawal without notice, and to any special listing conditions, imposed by our principals.

From: Holly Pearson
To: Holly Pearson
Subject: FW: Anthony Cataldo Comments on BPRD Design Standards (4.25.24)
Date: Thursday, May 16, 2024 3:42:49 PM

From: Anthony Cataldo <anthony@lowneyarch.com>
Sent: Thursday, April 25, 2024 3:57 PM
To: Holly Pearson <hpearson@milpitas.gov>; Jay Lee <jlee@milpitas.gov>; Joe Goggiano <joeg@mccarthy.us>
Subject: RE: Milpitas / McCarthy BPRD Mtg.

Hello Holly,

Thank you for sending over the latest draft and incorporating our comments. We reviewed the latest comments, and I was thinking about smaller industrial buildings and other factors, based on that I have a few additional comments for consideration.

XI-10-7.04 Industrial Zone Special Development and Performance Standards
B. Special Development Standards in All Industrial Zones.
1. Abutting any R District. Where any Industrial District abuts any R District, there shall be provided ~~100~~ 60 feet between any building on an industrially zoned parcel and the nearest property line of any R
District. Applicants are advised that mitigating improvements may be needed to eliminate any adverse impacts from the residences and that additional requirements may be imposed on the developer to
remedy the situation. A 60' set back would allow for unlimited area and a fire lane adjacent to the building plus one row of parking and some landscape. For smaller R&D buildings this will allow for better site coverage and higher FAR for future projects that want to maximize coverage/employment opportunities.

XI-10-7.05 Special Design Standards for the BPRD Zone
A. Building Entrances.
1. At least one building entrance must be provided along the primary street frontage.
2. The primary building entrance must incorporate a projection, recess, or combination of projection and recess at least 40 square feet in area and with a minimum depth of ~~five~~ two feet.
In reviewing other tilt up building details where the building steps we would recommend a 2' step instead of a 5' step. This would allow the contractor to form the stepped panel as one monolithic peace. It would still create a nice shadow at the entry.

B. Façade Design and Articulation.
1. Facades within 20 feet of a front or street side property line shall include windows, doors, other openings, or glazed areas for at least 40 percent of the building wall area located between 2.5 feet above the level of the sidewalk and the underside of the roof structure for portions of the façade within 75 feet of the street-facing main entry.

In the case of designing a smaller building and wanting to push it to 10' of the street frontage this 40% requirement would be extensive for a tilt up building. In these smaller buildings we typically see 25% assuming glazing is also provided at the second floor. We typically do not do this for the whole street facing façade but only for 104' (4 panels) from each frontage corner. In Concrete tilt up construction, we use the panels around the perimeter of the building to serve as sheer panels for seismic forces. As we add more glazing it can increase the panel thickness, adding more weight to the panels, increasing foundations sizes to support the panels, and increasing sheer panel requirements and reduce the efficiency of design. 25% opening allows for adequate concrete surface at the edge of each panel for the structural engineer do design an efficient panel. For panels beyond the 104' on the street facing facade, we recommend requiring engineering knockout panels consistent with the entry design so when a tenant comes that needs openings there is not a lot of engineering cost associated with adding them.

E.iii.a A minimum of 15 percent of the trees planted shall be 24 inch-box or greater in size. All other trees shall be a minimum of 15 gallons in size with a one-inch diameter at breast height (dbh).
On many of our projects our contractors prefer to use 15 gallon vs 24" box. Plants at this stage tend to adapt better when transplanted so are healthy trees.

2. Parking Design.
a. Access. Driveways shall not exceed 35 feet in width, except that driveways providing large truck access to truck bays shall not exceed 40 feet in width. All driveways must be located a minimum of 50 feet from the boundary of an abutting residential or open space zone.
To allow for better two-way circulation for large trucks would it be possible to look at 50' curb cut and drive isle for the truck court access.

3. Loading Areas. Truck docks, loading areas, and service areas within 100 feet of a public street shall not be visible from the public street. The outermost point of the truck docks, loading, and service areas are not permitted within 50 feet of the boundary of a residential district.
For smaller R&D buildings we often do grade level loading door that can be seen from the right of way. In this case I would recommend we do a decorative spandrel glass door similar to what you would see on a car dealership instead of screening the door. This gives a contemporary look and allows for better utilization of the site plan.

Thanks,

anthony cataldo, AIA, LEED AP
chief operations officer
CELL 510.461.2301
lowney arch
Celebrating Twenty Years 20

From:	Suzanne Guzzetta
To:	Jay Lee
Subject:	FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/15/2024 10:05:59 AM

Suzanne Guzzetta, CMC
City Clerk
Phone (408) 586-3001
Email sguzzetta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.milpitas.gov

From: Hao Shen <[redacted]@gmail.com>
Sent: Wednesday, May 15, 2024 7:02 AM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

CAUTION: EXTERNAL SENDER
This email originated from outside the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Report suspicious messages to the IT Helpdesk.

Dear Mayor, City Councilmembers and Planning Commissioners,

This is Hao Shen. I have lived in Milpitas for more than 10 years. I have two children who both attend a local Stratford School. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

We love the opportunity and options that Milpitas offers when it comes to high quality education. We chose Stratford School because it provides a unique, high-quality private education opportunity for our child. Our family would like to have

the ability to continue into middle and high school at a new Stratford Preparatory campus in Milpitas.

My family strongly supports the new Stratford Preparatory 500-student upper school campus in Milpitas. The creation of this small, urban campus for grades 6-12 will allow Stratford to realize its long-term vision of serving local families with a continuous preschool through high school educational curriculum in our city.

Having such a wonderful new private high school in Milpitas will be an incredible opportunity for our families to stay local and continue with Stratford. The new campus will also contribute many positive benefits to the City, including investment in the new Metro Specific Plan Area.

Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,

Hao
[redacted] Drive, Milpitas

From:	Yue Liu
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/13/2024 8:48:35 PM

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,
Yue Liu
[redacted] St, Milpitas, CA
[redacted]@gmail.com

From:	pragati kenkare
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/12/2024 7:43:23 PM

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Thank you!!
Sincerely,

Pragati Kenkare
[redacted] drive, Milpitas, CA 95035
[redacted]@yahoo.com

From:	Raghu K. Raman
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com; swathi R;
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/13/2024 10:15:01 PM

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,

Name: Raghu & Swathi Ramadurai
Milpitas Address: [redacted] Ct. Milpitas, CA 95035
Email: [redacted]@gmail.com

From:	Anish Nayak
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/13/2024 11:12:44 PM

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Please support Stratford's new campus with all necessary approvals such that this new campus can open in the summer of 2025!

Thanking you,
Sincerely,
Anish Kumar Nayak
([redacted]r, Milpitas, CA 95035)

From:	abhishek kothari
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/13/2024 6:22:45 PM

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Sincerely,
Abhishek Kothari
[redacted] St Unit [redacted], Milpitas
[redacted]@gmail.com

From:	kiran kumar
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/13/2024 1:42:56 PM

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Sincerely,
Bondali Kiran Kumar
ph: [redacted]
--

From:	Nishchay Sinha
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/13/2024 1:36:54 PM

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Sincerely,
Nishchay Sinha
[redacted] dr
Milpitas 95035

From:	Bochao Zhang
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/13/2024 10:26:41 AM

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Sincerely,

BOCHAO ZHANG
[redacted] Ln, Milpitas, CA95035.

From:	Jason Yu
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/13/2024 8:00:16 AM

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Dear Mayor, City Councilmembers and Planning Commissioners,

I am a Milpitas resident, and my child attends a local Stratford School at the Great Mall compus. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

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Sincerely,

Jason Yu

From:	Vikram Sulakhe
To:	Planning Department; Sean@morleybros.com; Anthony Phan; City Clerk; Carmen Montano; Evelyn Chua; Garry Barbadillo; Hon Lien;
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/12/2024 9:50:41 PM

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,
Vikram Sulakhe
[redacted] Circle, Milpitas. CA- 95035

From:	JING MA
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/12/2024 9:26:02 PM

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Sincerely,

Jing Ma

[redacted] Cir. San Jose 95134

From:	Anshul Bakliwal
To:	Planning Department; Anthony Phan; City Clerk; Carmen Montano; Evelyn Chua; Garry Barbadillo; Hon Lien;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/12/2024 7:55:50 PM

CAUTION: EXTERNAL SENDER

This email originated from outside the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Report suspicious messages to the IT Helpdesk.

Dear Mayor, City Councilmembers and Planning Commissioners,

I am a Milpitas resident, and my child attends a local Stratford School. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

We love the opportunity and options that Milpitas offers when it comes to quality education. We chose Stratford School because it provides a unique, high-quality private education opportunity for our child. Our family would like to have the ability to continue into middle and high school at a new Stratford Preparatory campus in Milpitas.

My family strongly supports the new Stratford Preparatory 500-student upper school campus in Milpitas. The creation of this small, urban campus for grades 6-12 will allow Stratford to realize its long-term vision of serving local families with a continuous preschool through high school educational curriculum in our city.

Having such a wonderful new private high school in Milpitas will be an incredible opportunity for our families to stay local and continue with Stratford. The new campus will also contribute many positive benefits to the City, including investment in the new Metro Specific Plan Area.

Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,

Name: Anshul Bakliwal
Milpitas Address: [redacted] Dr, Milpitas, CA, 95035
Email: [redacted]@gmail.com

thanks & regards,
Anshul Bakliwal.

From:	Anish Karandikar
To:	Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department; Carmen Montano;
Cc:	sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/12/2024 7:24:36 PM

CAUTION: EXTERNAL SENDER

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,
Anish Karandikar
[redacted] Dr
Milpitas CA 95035
[redacted]@gmail.com

From:	Gaurav Khurana
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit
Sent:	5/12/2024 6:59:37 PM

CAUTION: EXTERNAL SENDER

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Dear Mayor, City Councilmembers and Planning Commissioners,

I have been a Milpitas resident since 2013, and my child attends a local Stratford School. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

We love the opportunity and options that Milpitas offers when it comes to quality education. We chose Stratford School because it provides a unique, high-quality private education opportunity for our child. Our family would like to have the ability to continue into middle and high school at a new Stratford Preparatory campus in Milpitas.

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,

Gaurav Khurana
[redacted] Way, Milpitas, CA 95035

From:	Leon Liu (chuliu)
To:	Carmen Montano; Evelyn Chua; Anthony Phan; Hon Lien; Garry Barbadillo; City Clerk; Planning Department;
Cc:	Sean@morleybros.com
Subject:	Support establishing a new High School campus by Stratford in Milpitas
Sent:	5/12/2024 7:52:09 PM

CAUTION: EXTERNAL SENDER

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Dear Officers in Milpitas City Government,

I am writing to express my strong support for the establishment of a high school by Stratford School in our city. As a resident of Milpitas and a parent invested in the education of our youth believe that the addition of a high school operated by Stratford would be immensely beneficial our community.

The presence of a Stratford high school in our city would offer our students access to a rigorou and enriching academic curriculum, complemented by a supportive learning environment that encourages curiosity, critical thinking, and creativity. Furthermore, it would provide families in Milpitas with an additional choice in their pursuit of educational opportunities tailored to the needs of their children.

I am confident that the establishment of a high school by Stratford School would not only enhance the educational landscape of Milpitas but also contribute positively to the overall growth and prosperity of our community. Therefore, I urge you to consider this proposal favorably and extend your support for this initiative.

Thank you for your attention to this matter. I trust that you will carefully weigh the potential benefits of welcoming a Stratford high school to our city, and I look forward to seeing the posit impact it will have on the lives of our students and families.

Sincerely,
Leon Liu
[redacted]

Liz Medina

From: Jay Lee
Sent: Friday, May 17, 2024 9:57 AM
To: Liz Medina
Cc: Holly Pearson
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Another one…

Jay Lee, AICP
Planning Director
Phone: (408) 586-3077
Email: jlee2@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.milpitas.gov

From: Suzanne Guzzetta <sguzzetta@milpitas.gov>
Sent: Friday, May 17, 2024 9:56 AM
To: Jay Lee <jlee@milpitas.gov>
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Suzanne Guzzetta, CMC
City Clerk
Phone (408) 586-3001
Email sguzzetta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.milpitas.gov

From: Nina Dai <[redacted]@yahoo.com>
Sent: Thursday, May 16, 2024 11:05 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,
Nina D. Family
Milpitas residents

Sent from my iPhone

CITY OF MILPITAS
Planning Commission

MEETING MINUTES

7:00pm
Wednesday, March 27, 2024
CITY COUNCIL CHAMBERS
455 E CALAVERAS BLVD, MILPITAS, CA
and
via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Chair Albana called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

Commissioner Galang led the pledge of allegiance.

ROLL CALL

Recording Secretary Elizabeth Medina called the roll.

PRESENT: Chair Albana, Galang, Awasthi, Gupta, Caulkins, and Kong

ABSENT: Vice Chair Medina-Ashby

STAFF: Jay Lee, Christopher Creech, Avery Stark, Michael Silveira, and Elizabeth Medina

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

Assistant City Attorney Christopher Creech asked if any member of the commission had any personal or financial conflict of interest related to any of the items on the agenda, and there were none.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for March 27, 2024.

Motion/Second Kong/Awasthi
Motion carried by a vote of AYES: 6 NOES: 0

APPROVAL OF THE MEETING MINUTES

By motion, approve the meeting minutes for March 13, 2024.

Motion/Second Gupta/Caulkins
Motion carried by a vote of AYES: 6 NOES: 0

ANNOUNCEMENTS

There were no announcements from Planning Commissioners or Planning Director.

Assistant City Attorney Creech reminded the Planning Commissioners that their Form 700 are due by April 1st and that the AB1234 training deadline is also coming up (required training every two years).

PUBLIC FORUM

Chair Albana invited members of the public to address the commission and there was one community member, Juan Quevedo.

Motion to close the Public Forum/Second Kong/Caulkins
Motion carried by a vote of AYES: 6 NOES: 0

DRAFT

PUBLIC HEARING

IX-1 TWO SEPARATE MULTI-FAMILY RESIDENTIAL APARTMENT BUILDINGS – 1300 S MAIN STREET – P-SD22-0015 AND P-DB23-0001: An application for Site Development and Density Bonus permits to develop two multi-family residential apartment buildings, up to 77 feet, 8 inches (six stories) in height, with 118 below-market-rate (100% affordable) dwelling units, 39 vehicular parking spaces, a community garden, and associated site improvements on a 0.966-acre parcel in the Multi-Family Very High Density Residential (R4) Zoning District at 1300 South Main Street. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section §15332 (Class 32: In-Fill Projects) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

(40:10) Project Planner Avery Stark and applicant team member, Gene Broussard – AMG & Associates addressed commissioners' clarifying questions related to unit types, parking requirements, distance from Milpitas BART station, maximum occupancy, vertical/horizontal recess design of the building, elevators, emergency exits, garbage disposal location, concerns of overflow parking into nearby residential neighborhoods, suggested redesign of layout on the first floor to accommodate more parking, concerns of walkability and safety in the area of the proposed project, designated areas for rideshare/loading zone, how the 39-parking spaces will be assigned, off-site parking agreements, top-deck open space for tenants, bike/scooter lanes, applicant's intention to hold the project for long duration of time or sell, concessions for applicant, shuttle to Great Mall for tenants, other projects with similar parking arrangements, school assignment of school-aged family members, surveillance on-site, possible shared-parking agreements with lots next to project site, and various parking concerns.

Chair Albana invited members of the public to address the commission and there were two community members:

- Rigo Gallardo
- Guy Haas

Motion to close the Public Forum.

Motion/Second Galang/Caulkins
Motion carried by a vote of AYES: 6 NOES: 0

Recommendation: Staff recommends that the Planning Commission open and close the public hearing and adopt Resolution 24-011, recommending approval of the above applications to the Milpitas City Council, subject to the Conditions of Approval. **With a recommendation that the applicant explore all available opportunities to increase parking for the site including agreements with other local nearby parking entities.*

Motion/Second Gupta/Albana
Motion carried by a vote of AYES: 5 NOES: 1

IX-2 CAPITAL IMPROVEMENT PROGRAM (CIP) GENERAL PLAN CONFORMITY FINDING: A City-initiated request to consider a General Plan conformity finding for the proposed 2025-2029 CIP Annual Report in accordance

with California Government Code Section 65401. This project is exempt from further CEQA review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

(2:12:44) Public Works Engineering Division Manager Michael Silveira addressed commissioners' clarifying questions related to project details by CIP number, how to access the CIP book, unfunded projects variance in previous years, status of the Calaveras Blvd. Widening project, MilpitaSMART funding, possible impact fee to continue to fund MilpitaSMART program, streets resurfacing budget increase, how extra funds are allotted once a project is complete, streams of revenue for CIP projects, City Council priorities, how amounts for CIP projects are reached for each project (internal cost estimates vs. quotes), Milpitas Main Street revitalization, park improvement project status, license plate reader/security cameras, Mesure F, and what happens when project estimates fall short of what was projected.

Chair Albana invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Galang/Kong
Motion carried by a vote of AYES: 6 NOES: 0

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 24-014 finding that the 2025-2029 Capital Improvement Program is in conformance with the City of Milpitas General Plan.

Motion/Second Galang/Awasthi
Motion carried by a vote of AYES: 6 NOES: 0

NEW BUSINESS

Commission Caulkins requested that staff reiterate what the state law is pertaining to parking regulations, and/or the City possibly creating parking structures around high density projects.

ADJOURNMENT

Chair Albana adjourned the meeting at 9:35 pm
Motion/Second Caulkins/Gupta
Motion carried by a vote of AYES: 6 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina

CITY OF MILPITAS
Planning Commission

MEETING MINUTES

7:00pm
Wednesday, April 24, 2024
CITY COUNCIL CHAMBERS
455 E CALAVERAS BLVD, MILPITAS, CA
and
via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Chair Albana called the meeting to order at 7:01pm.

PLEDGE OF ALLEGIANCE

Commissioner Awasthi led the pledge of allegiance.

ROLL CALL

Recording Secretary Elizabeth Medina called the roll.

PRESENT: Chair Albana, Vice Chair Medina-Ashby (7:21pm), Galang, Awasthi, Gupta, and Caulkins.

ABSENT: Kong, Galang

STAFF: Jay Lee, Christopher Creech, Avery Stark, and Elizabeth Medina

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

Assistant City Attorney Christopher Creech asked if any member of the commission had any personal or financial conflict of interest related to any of the items on the agenda, and there were none.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for April 24, 2024.

Motion/Second Caulkins/Awasthi
Motion carried by a vote of AYES: 5 NOES: 0

ANNOUNCEMENTS

Planning Director Lee informed the commission that the regular scheduled meeting on May 8 is cancelled; next meeting will be on May 22.

Assistant City Attorney Creech reminded the commission that AB1234 training needs to be completed and Form 700 is due.

PUBLIC FORUM

Chair Albana invited members of the public to address the commission and there were none.

PUBLIC HEARING

VIII-1 Housing Opportunity Districts (HODs), Addendum to the Milpitas General Plan 2040 EIR, General Plan Text, and Zoning Text and Map Amendments: Review and discuss the Final Housing Opportunity Districts (HODs) and Addendum to the Milpitas General Plan 2040 EIR (SCH#: 2020070348) and provide a recommendation for approval to the Milpitas City Council. The HODs project scope includes: 1) a General Plan amendment (GP24-0001), to update the Town Center (TWC) and Neighborhood Commercial Mixed-Use (NCMU) descriptions; and 2) a Zoning Map and Text amendment (ZA24-0001) to establish the Neighborhood Commercial Mixed-Use (NCMU-

DRAFT

1,2,3) districts and subdistricts, and update the existing Town Center (TC) districts to establish the subdistricts (TC-1,2,3). These changes aim to increase housing supply, implement General Plan policies, and revitalize commercial centers while incentivizing affordable housing.

(46:13) Project Planner Avery Stark, Planning Director Jay Lee, consultant Raimi+ Associates *[Chris Sensenig and Antara Tandon]* addressed commissioners' clarifying questions related to mixed-used environments in neighboring cities, definition of NCMU designation (Neighborhood Commercial Mixed-use), other possible areas for NCMU in Milpitas excluding the three identified in presentation, long-term expansion of NMCU throughout the City, the process of the City working with landowners to change areas identified as NCMU, outreach/stakeholder meetings completed leading up to this meeting, timetable of when projects would be built out after NCMU designation is approved, selection of retailers/businesse for commercial use, communication with VTA/AC Transit on future projects, possibility of losing retail/commercial site to affordable housing, and parking requirements.

Chair Albana invited members of the public to address the commission and five community members who spoke:

- Sanket Gandhi
- Manali Desai
- Bhasker Banjara
- Yaohua Li
- Chu-Chih Sheng

Motion to close the Public Forum.

Motion/Second Medina-Ashby/Awasthi
Motion carried by a vote of AYES: 5 NOES: 0

Recommendation: Staff recommends that the Planning Commission conduct a public hearing and adopt resolution No. 24-015, recommending that the City Council: 1) approve general plan text amendment No. GP24-0001 to change the description of the Town Center (TWC) and Neighborhood Commercial Mixed-Use (NCMU) descriptions; 2) approve a zoning map and text amendment (ZA24-0001) to establish the Neighborhood Commercial Mixed-Use (NCMU-1,2,3) districts and subdistricts, and update the existing Town Center (TC) districts to establish the subdistricts (TC1,2,3); and 3) adopt the housing opportunity district addendum to the Milpitas General Plan 2040 FEIR (sch #2020070348).

Motion/Second Caulkins/Gupta
Motion carried by a vote of AYES: 5 NOES: 0

NEW BUSINESS NO ITEMS

ADJOURNMENT Chair Albana adjourned the meeting at 8:25 pm
Motion/Second Caulkins/Awasthi
Motion carried by a vote of AYES: 5 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina