



MILPITAS PLANNING COMMISSION STAFF REPORT

June 11, 2025

APPLICATION: **GENERAL PLAN AMENDMENT (GP25-0001), ZONING TEXT AMENDMENT and ZONING MAP AMENDMENT (ZA25-0001):** City-initiated amendments to the General Plan Land Use Element, Zoning Ordinance (Title XI, Chapter 10) and other sections of the Milpitas Municipal Code, and the Zoning Map. The Zoning Text Amendment would adopt a comprehensive update to the City's Zoning Ordinance and related minor amendments for consistency in other sections of the Milpitas Municipal Code; the Zoning Map Amendments would establish a new Mobile Home Park Base Zone and other minor map changes involving various overlay zones; and the General Plan Amendment would adopt minor text amendments to the Land Use Element for consistency with the updated Zoning Ordinance.

RECOMMENDATION: Staff recommends that the Planning Commission consider and adopt Resolution No. 25-007 recommending that the City Council approve General Plan Amendment GP25-0001 and Zoning Text and Zoning Map Amendment ZA25-0001 to comprehensively update the Zoning Ordinance and to achieve 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) 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 no further environmental analysis pursuant to CEQA is required.

EXECUTIVE SUMMARY

This staff report presents work completed during the second of two phases of the Comprehensive Zoning Ordinance Update project, which consists of a broad and complete reorganization, clarification, restructuring, consolidation, and modernization of the City's Zoning Ordinance (currently Title XI, Chapter 10 of the Milpitas Municipal Code). The Zoning Ordinance, also referred to as the zoning code, is the set of local laws and regulations that determine the form and appearance of new development and expansions or other modifications to existing buildings, as well as what types of land uses (retail, offices, residential units, industry, etc.) may be located where.

For the comprehensive update, the Zoning Ordinance is proposed to be moved to its own new title (Title XIII) of the Municipal Code. It has a new structure and numbering convention to facilitate ease of use, navigation, and future amendments. The draft updated Zoning Ordinance includes several new code sections focused on topics that are not addressed in the existing code, several sections that have been carried over from the existing code with minor edits, and many other sections that have been entirely rewritten. This proposed new Zoning Ordinance represents a thorough reorganization and modernization of the existing zoning code.

Minor amendments to various other sections of the Milpitas Municipal Code (MMC) are proposed concurrently with the Zoning Ordinance update. These minor revisions mostly relate to updating references to the Zoning Ordinance and/or zoning regulations, either in general or specific code sections, in other titles and chapters of the MMC. A small number of other non-substantive edits to other sections of the MMC, which are necessitated by revisions to the Zoning Ordinance, are also proposed.

In addition, concurrent minor updates to the City's Zoning Map and the Land Use Element of the General Plan are proposed. The Zoning Map changes consist of the mapping of the proposed new Mobile Home Park base zone, which replaces the existing Mobile Home Park overlay zone, and the removal of other obsolete overlay zones that are proposed to be eliminated from the Zoning Ordinance. The General Plan text amendments are limited to minor edits to *Table 1: General Plan Designations and Implementing Zoning Districts* in the Land Use Element, for consistency with the updated Zoning Ordinance.

BACKGROUND

The City's Zoning Ordinance, which is the primary implementation tool for the City's General Plan with regard to land use and urban development, was originally written and adopted in 1955. The most recent significant update (prior to the Comprehensive Zoning Ordinance Update project) took 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 early 2023, the Planning Department launched an effort to comprehensively update the Zoning Ordinance – a project that was approved in 2020 as part of the City's Capital Improvement Program. Lisa Wise Consulting, Inc. (LWC), a California-based firm with extensive experience in zoning code updates for local jurisdictions across the state, was retained to work with the Planning Department on the project. The first phase of work, which focused on consistency with the updated general plan (Milpitas 2040 General Plan) and the recently adopted Milpitas Metro Specific Plan, resulted in the creation of the new Business Park Research and Development (BPRD) Zone and Metro Area Zones, along with related updates to the City's zoning map. These ordinance and map changes were adopted by City Council on June 18, 2024, and became effective 30 days after that date.

The second phase of the zoning update project consists of detailed update work on the entire code. Objectives of this phase of work include reorganizing the code and making it more user friendly; modernizing the zoning regulations in keeping with changes in state and federal law and current best practices in land use planning; incorporating changes that will implement various City policy documents, such as the Climate Action Plan and the Housing Element; and promoting more compact, mixed-use and transit-oriented development in appropriate areas of Milpitas.

PROJECT DESCRIPTION

The following is a summary of all proposed Phase 2 amendments:

General Plan Amendment

- Amend **Table 1 in the Land Use Element** to (1) remove R5 as an implementing zone for the Very High Density Mixed Use (VHDMU) designation, since the R5 zone will be replaced with other zones through the zoning ordinance update and will be eliminated from the code; and (2) change the implementing zone for the Mobile Home Park (MHP) land use designation to MHP – Mobile Home Park Zone, since the existing Mobile Home Park Combining District Overlay will be replaced with a new Mobile Home Park (MHP) base zone as part of the zoning ordinance update.

Zoning Text Amendments

- Adopt **Title XIII–Zoning**, a new title of the Milpitas Municipal Code.
- Remove the existing **Chapter 10–Zoning** of **Title XI–Zoning, Planning and Annexation**. This chapter will be replaced with the new Title XIII. Rename **Title XI** as **Planning and Annexation**.
- Move the existing Section XI-10-14–Public Art Requirements for Private Development to a new location in the Municipal Code (Title XI, Chapter 14). This section will no longer be part of the Zoning Ordinance but will become a new chapter in Title XI–Planning and Annexation.
- Amend various sections of the Milpitas Municipal Code to maintain internal consistency with the new Zoning Ordinance in Title XIII. These changes include updating references throughout the MMC to the Zoning Ordinance (in general as well as citations to specific sections).
- Add new language to the existing **Section V-210-7.02–Exceptions to Animals in Residential Areas** to address the process for permitting chickens kept outdoors in residential zones.

Zoning Map Amendments

- Remove the Gateway Office (OO), High Rise (HR), Recreation and Entertainment (RE), and Transit Oriented Development (TOD) overlay zones from the zoning map. These overlays are outdated or obsolete and are proposed to be eliminated from the Zoning Ordinance. They are no longer needed because either the purpose they were created to serve no longer exists, or new base zones have been (or will be) adopted, such that the applicable development standards and requirements in the base zone now fulfill the purpose that was previously intended by the overlay.
- Remove the Site and Architectural (S) overlay from all parcels where it currently applies. This overlay is no longer necessary because the requirements for site and architectural review will be replaced with the citywide Site Development Permit process in the updated code (*note: the S overlay still appears in the Zoning Ordinance because Subsection XI-10-54.04–Zoning of Annexed Areas [section B.2.040 in the draft updated code], which may not be modified without voter*

approval, pursuant to Measure J, sets a default rule that the S overlay is automatically applied to any non-hillside property that is newly annexed into the City).

- Remove the Mobile Home Park Combining District overlay (MHP) and replace it with a new MHP base zone for mobile home parks
- Add the existing Freeway Corridor (FC) overlay to the applicable parcels on the zoning map. This overlay zone and its applicability are described in the existing Zoning Ordinance, but it does not currently appear on the zoning map.

PROJECT ANALYSIS

Zoning Ordinance Amendments

The new, updated Zoning Ordinance is the central focus of the Phase 2 work. The draft Zoning Ordinance that is now before the Planning Commission (Exhibit 2 to Attachment A) is substantially the same as the version that was presented to the Planning Commission during the study session on February 12 of this year, following the release of the public review draft of the updated ordinance in mid-December.

Minor corrections and refinements, including changes in response to Planning Commissioner feedback at the February study session, have been made to the public review draft to produce the current version of the Zoning Ordinance. For example, the single-family residential entry/porch requirement has been reduced from a minimum of 40 feet to 14 square feet in area, and from a minimum of 5 feet to 3.5 feet in depth, to better accommodate design for smaller, more compact single-family homes. An edit was also made to clarify that, for single family residences, the requirement to provide at least one covered parking space only applies when two or more parking spaces are required (i.e., if only one parking space is required, it may be uncovered).

The land use regulations and development standards for most of the zoning districts in the city will remain largely the same as they are in the existing Zoning Ordinance. However, there are few changes to standards such as maximum building heights, minimum building setbacks, allowable density, and allowable uses. The minor changes in allowable height, density, setbacks, and other development standards that are proposed are necessary in order for the Zoning Ordinance to implement and be consistent with the City's General Plan, including the 2023-2031 Housing Element, as required by state law. No changes are proposed to the existing, voter-approved hillside development regulations in the "H" Hillside Combining District.

Note that the draft Zoning Ordinance does not currently include any changes or additions related to the Housing Opportunity Districts (HODs) that were approved by the City Council on May 6, 2025. Although the zoning changes for the HODs have been adopted and will become effective as of June 5, 2025, at the time the current draft of the Zoning Ordinance was completed and published, the HOD zoning changes were not yet in effect. The approved zoning amendments related to the HODs will be incorporated into the full updated Zoning Ordinance prior to the City Council taking action on the latter (tentatively scheduled for August 12, 2025). The proposed Planning Commission Resolution No. 25-007 includes direction to staff to update the proposed ordinance consistent with the previously approved HODs.

Attachment B to this staff report provides a detailed summary of the changes that have been made to the draft updated Zoning Ordinance during Phase 2 of the Comprehensive Zoning Ordinance update (as compared to the existing code).

General Plan Amendment

As explained in the Project Description section above, the proposed minor text amendment to the Land Use Element of the General Plan is needed to ensure consistency between the General Plan and the updated Zoning Ordinance.

Zoning Map Changes

As explained in the Project Description section above, the proposed changes to the Zoning Map are needed to ensure that the map is consistent with the updated Zoning Ordinance.

Public Outreach

The public comment period for the draft updated Zoning Ordinance took place from December 18, 2024, to March 7, 2025. Following the release of the draft Zoning Ordinance on December 18, the City issued a press release and published posts on its social media channels about the status of the Comprehensive Zoning Ordinance Update work.

During the public comment period, the Planning Department conducted various outreach efforts for the updated Zoning Ordinance. Staff held weekly ‘virtual office hours’ for the zoning update project between January 6 and March 7, 2025, during which interested parties may sign up for one-on-one online appointments with Planning staff to ask questions and/or provide feedback about the draft updated Zoning Ordinance. Throughout the public comment period, Planning staff invited public comments on the draft code via email and through the comment form on the Zoning Update website.

A community workshop was held on January 9, 2025, at the Milpitas Community Center. The workshop was simultaneously broadcast online via Zoom, and community members had the choice of attending virtually or in person. Despite widespread announcements and outreach about this workshop, only five members of the community attended in person, and none attended online. Comments from attendees were documented and considered when the draft updated Zoning Ordinance was revised in preparation for adoption hearings.

The Zoning Advisory Group (ZAG), comprised of members of several City boards and commissions, held its fifth and final meeting on January 16, 2025. An overview of the draft Zoning Ordinance was provided, along with a detailed summary of how comments from ZAG members throughout the zoning update project have been incorporated into the draft ordinance.

Study sessions focused on the draft updated Zoning Ordinance were held with the Planning Commission on February 12, 2025, and with the City Council on March 4, 2025. These sessions were open to the general public for information and comment. Feedback received from the public, Planning Commissioners, and City Councilmembers was incorporated into edits made to the draft Zoning Ordinance, resulting in the version of the draft that is now before the Planning Commission for consideration.

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 Phase 2 work for the Comprehensive Zoning Ordinance Update, including proposed changes to the General Plan, Zoning Ordinance, and Zoning Map, 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
<i>Introduction: Amending the General Plan</i>	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 the roster of implementing zones that are needed to maintain consistency between the General Plan, Zoning Ordinance, and Zoning Map.
<i>Land Use Element Policy LU 1-2:</i> 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 proposed amendments to the Zoning Ordinance include the deletion of old zones that are no longer applied to any property in the city, as well as minor changes to the allowed densities, FAR (floor area ratio), and development standards for some zones (summarized in <i>Attachment B – Summary of Zoning Ordinance Changes</i>), to ensure that the zoning regulations are consistent with the guidance in the General Plan Land Use Element. 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 and related development standards for all land citywide into consistency with the General Plan Land Use Element and Land Use Map.
<i>Land Use Element Action LU-1a:</i> 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, including the mapping of the new Mobile Home Park Zone and the removal of obsolete overlay zones, fulfill this action from the Land Use Element – updating the zoning map for consistency with the General Plan Land Use Map.
<i>Land Use Element Action LU-1b:</i> Review the Zoning Ordinance and update as appropriate to reflect land use goals, policies, and implementation actions included in this Plan.	This action is the underlying basis and primary reason for the Comprehensive Zoning Ordinance Update effort – to amend the Zoning Ordinance so that it accurately and effectively implements the goals and policies of the General Plan (including the Land Use Element and 2023-2031 Housing Element). The proposed zoning text amendments also serve to implement policy guidance from other important City documents, such as the Climate Action Plan.
<i>Land Use Element Action LU-1f:</i> Utilize the...Zoning Districts (included on Table 1) to further implement the General Plan’s land use objectives.	The proposed General Plan, Zoning Ordinance, and zoning map amendments will correctly align the implementing zoning districts with their corresponding General Plan land use designation, as outlined in Table 1 of the Land Use Element.

Policy	Conformance
<i>Land Use Element Policy LU2-2:</i> Continue to utilize Overlay Zoning Districts as needed to supplement land use and zoning standards with additional allowances and regulations that reflect land use and policy objectives for a particular area.	The draft amendments to the Zoning Ordinance and zoning map include the removal of several overlay zones that are no longer needed, as well as the mapping of the existing Freeway Corridor (FC) overlay in the zoning code to better administer the supplemental zoning standards for lands near major freeways. In this way, the zoning update is keeping the roster of overlay zones current and ensuring that they effectively support the City’s current land use policies.
<i>Land Use Element Policy LU3-3:</i> Integrate climate change and adaptation planning principles into future updates of the Zoning Code.	The proposed Zoning Ordinance amendments include several changes that come directly from guidance in the City’s Climate Action Plan. Examples include the addition of “resilience hubs” as a new land use classification, with use regulations to allow these facilities in many areas of the city; and updated, more robust requirements related to bicycle parking and electric vehicle (EV) charging facilities to encourage sustainable transportation and reduce greenhouse gas emissions in Milpitas.
<i>Land Use Element Policy LU6-4:</i> Maintain viable neighborhood-serving commercial uses throughout the city...encourage a diverse mix of commercial uses including retail, service, office, entertainment, and assembly uses. <i>Land Use Element Policy LU6-5:</i> Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.	The draft updates to the Zoning Ordinance include extensive revisions to the land use classifications and definitions, which will serve to encourage and facilitate the establishment of a variety of new business types in both neighborhood commercial areas and larger commercial shopping centers. In some cases, changes to land use regulations have been made to ensure that allowed uses in neighborhood and general commercial zones will support the scale, character, and economic viability of such areas and that they will provide goods and services to meet the needs of Milpitas residents and businesses. In addition, proposed changes to development standards, sign standards, landscaping standards, and lighting standards will result in improvements to the visual appeal and amenity of commercial and shopping centers, thereby helping to revitalize older commercial areas in Milpitas.
<i>Circulation Element Policy CIR 4-1:</i> Encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities.	The draft updated code includes new requirements for bicycle parking for new development projects to encourage transportation by bike for employees, residents, customers, etc. Special development standards for pedestrian/bike circulation in the Metro Area Zones encourage active transportation.
<i>Circulation Element Policy CIR 5-2:</i> Adopt a citywide TDM ordinance to require and encourage vehicle trip reduction at employment sites, businesses, and multi-unit residential facilities.	The draft updated Zoning Ordinance includes a new section on Transportation Demand Management (TDM) that requires development projects of various types across the city, over certain size thresholds, to prepare TDM plans to facilitate vehicle trip reduction. These requirements apply to multi-family residential, commercial, office, and employment-generating industrial projects.

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 existing Milpitas Municipal Code (Chapter XIII-D.8 in the proposed updated Zoning Ordinance):

1. The amendment is deemed to be in the public interest.

The proposed amendment to the text of the Land Use Element of the City's General Plan is necessary in order for Table 1 of the Land Use Element to accurately reflect the implementing zones for each General Plan Land Use Designation. This minor update to Table 1 in the Land Use Element is needed because certain implementing zones listed in the table, specifically R5-Urban Residential and MHP-Mobile Home Park Combining District Overlay, are proposed to be eliminated from the Zoning Ordinance and Zoning Map as part of the comprehensive zoning update work. These changes are in the public interest because an up-to-date and accurate General Plan Land Use Element, 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 amendment to the language in the Land Use Element updates the roster of implementing zones for two Land Use Designations in the General Plan to ensure consistency between the General Plan, Zoning Ordinance, and Zoning Map. This is a minor amendment that affects the Land Use Element only and does not affect any other portion of the General Plan. The amendment is consistent with the General Plan as a whole and does 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 amendment involves only minor changes to the language of the Land Use Element. This amendment would not be detrimental to public health, safety, or welfare because it would simply bring the General Plan's land use designations into consistency with the corresponding implementing zoning districts, resulting in clearer and more effective land use policies and regulations. No changes to allowable land uses, development densities, or other development standards are proposed as part of this General Plan amendment.

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 in the existing zoning code; Chapter XIII-D.8 in the draft updated Zoning Ordinance]. 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 in 2025.

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 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 draft updated Zoning Ordinance includes many proposed changes to ensure consistency with the General Plan. These include code revisions related to policies in the 2023-2031 Housing Element to address topics such as emergency shelters, low barrier navigation centers, supportive housing, single-room occupancy housing, and employee and farmworker housing. In addition, density standards for some zones (R2, R3, MHP, and MXD3) and FAR standards for some zones (C1, M1, M2, and MP) have been modified and increased to be consistent with the policies in the General Plan Land Use Element. Transportation Demand Management provisions for larger development projects have been added to the Zoning Ordinance, consistent with policies in the General Plan Circulation Element.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed zoning changes will not adversely affect public health, safety and welfare – in fact, the updated zoning regulations will promote safety, community health, and well-being in Milpitas because they provide clear and specific requirements for new development and modifications/expansions of existing buildings and sites that will improve the quality, appearance,

and livability of new development. By improving development outcomes for property owners and adjacent residents and businesses, the proposed zoning amendments would advance numerous City goals related to community design, sustainable transportation, environment, and economic development.

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 May 5, 2025, to designated representatives from 10 tribes whose historical territory coincides with the present-day boundaries of Milpitas. As of the publication date of this staff report, one tribe, the Tamien Nation, had responded requesting consultation. Planning staff has scheduled a consultation meeting with officials from the Tamien Nation on June 25, 2025. Staff will ensure that any comments or concerns the Tamien Nation may have are addressed and resolved prior to referring the proposed General Plan amendment to the City Council for action.

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.

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 16, 2025. A public notice was also provided on the City’s website, www.milpitas.gov and posted at City Hall.

ENVIRONMENTAL REVIEW

An Addendum to the Final Environmental Impact Report (EIR) for the Milpitas 2040 General Plan was prepared and published on June 5, 2025 (see *Exhibit 3: EIR Addendum*, attached to Attachment A: Resolution No. 25-007). 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 General Plan amendment and zoning ordinance and zoning map amendments do not require any substantial revisions to the General Plan FEIR, and that no new significant information or changes in circumstances surrounding the proposed project have occurred since the certification of the General Plan FEIR. The Addendum demonstrates that the previous analysis completed for the General Plan Update FEIR remains 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 consideration by the Milpitas City Council on August 12, 2025 (pending completion of tribal consultation discussions).

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) 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. 25-007 recommending that the City Council approve General Plan Amendment No. GP25-0001 and Zoning Text and Zoning Map Amendment No. ZA25-0001.

ATTACHMENTS

- A: Resolution No. 25-007
 - Exhibit 1: Draft City Council Resolution for General Plan Amendment*
 - Exhibit 2: Draft Zoning Text and Map Amendments Ordinance*
 - Exhibit A: Zoning Map Amendment*
 - Exhibit 3: EIR Addendum*
- B. Summary of changes to Zoning Ordinance – Phase 2

RESOLUTION NO. 25-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT GP25-0001 TO AMEND THE LAND USE ELEMENT TEXT FOR CONSISTENCY WITH THE ZONING ORDINANCE, AND ZONING TEXT AND MAP AMENDMENT ZA25-0001 TO COMPREHENSIVELY UPDATE THE ZONING ORDINANCE (TITLE XI, CHAPTER 10 OF THE MILPITAS MUNICIPAL CODE) AND TO MAKE MINOR RELATED AMENDMENTS TO VARIOUS OTHER SECTIONS OF THE MUNICIPAL CODE; AND ADOPT THE COMPREHENSIVE ZONING ORDINANCE UPDATE PHASE 2 ADDENDUM TO THE GENERAL PLAN FEIR (SCH # 2020070348).

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, 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 comprehensively update the Zoning Ordinance (Title XI, Chapter 10 of the Milpitas Municipal Code) 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 the proposed Amendments are consistent with the updated General Plan and the environmental analysis conducted for the same; and

WHEREAS, an Addendum to the certified Milpitas 2040 General Plan FEIR was published on June 5, 2025, 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 June 11, 2025, 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 amendment, 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) was published on June 5, 2025. 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 Planning Commission therefore finds that its actions are consistent with CEQA and State CEQA guidelines and that no additional environmental review is required. 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 amendment 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. GP25-0001:

1. The amendment is deemed to be in the public interest.

The proposed amendment to the text of the Land Use Element of the City's General Plan is necessary in order for Table 1 of the Land Use Element to accurately reflect the implementing zones for each General Plan Land Use Designation. This minor update to Table 1 in the Land Use Element is needed because certain implementing zones listed in the table, specifically R5-Urban Residential and MHP-Mobile Home Park Combining District Overlay, are proposed to be eliminated from the Zoning Ordinance and Zoning Map as part of the comprehensive zoning update work. These changes are in the public interest because an up-to-date and accurate General Plan Land Use Element, 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 amendment to the language in the Land Use Element updates the roster of implementing zones for two Land Use Designations in the General Plan to ensure consistency between the General Plan, Zoning Ordinance, and Zoning Map. This is a minor amendment that affects the Land Use Element only and does not affect any other portion of the General Plan. The amendment is consistent with the General Plan as a whole and does 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 amendment involves only minor changes to the language of the Land Use Element. This amendment would not be detrimental to public health, safety, or welfare because it would simply bring the General Plan's land use designations into consistency with the corresponding implementing zoning districts, resulting in clearer and more effective land use policies and regulations. No changes to allowable land uses, development densities, or other development standards are proposed as part of this General Plan amendment.

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 in the existing zoning code; Chapter XIII-D.8 in the draft updated Zoning Ordinance]. 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 in 2025.

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 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 draft updated Zoning Ordinance includes many proposed changes to ensure consistency with the General Plan. These include code revisions related to policies in the 2023-2031 Housing Element to address topics such as emergency shelters, low barrier navigation centers, supportive housing, single-room occupancy housing, and employee and farmworker housing. In addition, density standards for

some zones (R2, R3, MHP, and MXD3) and FAR standards for some zones (C1, M1, M2, and MP) have been modified and increased to be consistent with the policies in the General Plan Land Use Element. Transportation Demand Management provisions for larger development projects have been added to the Zoning Ordinance, consistent with policies in the General Plan Circulation Element.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The proposed zoning changes will not adversely affect public health, safety and welfare – in fact, the updated zoning regulations will promote safety, community health, and well-being in Milpitas because they provide clear and specific requirements for new development and modifications/expansions of existing buildings and sites that will improve the quality, appearance, and livability of new development. By improving development outcomes for property owners and adjacent residents and businesses, the proposed zoning amendments would advance numerous City goals related to community design, sustainable transportation, environment, and economic development.

SECTION 5: Amendment for Consistency with Housing Opportunity Districts (HODs)

On May 6, 2025, the City Council adopted Ordinance 38.857, amending Chapter 10, Section 6 of Title XI of the Milpitas Municipal Code relating to the establishment of Neighborhood Commercial Mixed-Use (NCMU) Zoning Districts and Town Center (TC) Subdistricts and Amending the Zoning Map designation of certain parcels within the zoning map. These changes are commonly referred to as Housing Opportunity Districts (HODs). Due to the recent date of adoption for Ordinance 38.857, those approved changes to the zoning code and zoning map could not be incorporated into the proposed ordinance accompanying and being approved by this resolution. The present action, however, contemplates incorporation and continuation of the substance of Ordinance 38.857 without substantive change. Therefore, the Planning Commission recommends and approves amendment of the proposed ordinance to reflect the substance of the changes approved in Ordinance 38.857. Staff is directed to bring forward for the City Council's consideration an amended version of the proposed ordinance reflective of this change in a form approved by the City Attorney or designee. The Planning Commission has adequately reviewed this amendment and approves it without further review and hearing.

SECTION 6: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 25-007 recommending that the City Council (1) approve General Plan Amendment No. GP25-0001 and adopt the implementing proposed resolution in Exhibit 1 hereto, to amend the Land Use Element Text for consistency with the updated Zoning Ordinance, (2) approve Zoning Amendment No. ZA25-0001 and adopt the implementing proposed ordinance in Exhibit 2 hereto, to adopt the comprehensively updated Zoning Ordinance as Title XIII of the Milpitas Municipal Code (MMC), to adopt minor amendments to various other sections of the MMC for consistency with the updated Zoning Ordinance, and to update the Zoning Map for consistency with the updated Zoning Ordinance, and (3) adopt the Comprehensive Zoning Ordinance Update Phase 2 Addendum to the General Plan FEIR (SCH # 2020070348), 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 June 11, 2025.

Parveen Gupta, 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 June 11, 2025, 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
- 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. GP25-0001 TO AMEND THE LAND USE ELEMENT TEXT 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 Mobile Home Park base zone and the removal of several obsolete overlay zones, 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) was published on June 5, 2025, 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 City Council is the final authority on General Plan and Zoning amendments, including amendments to the General Plan text, Zoning Ordinance text, and Zoning Map; and

WHEREAS, on June 11, 2025, 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 25-007 recommending, among other things, that the City Council approve the General Plan Amendment GP25-0001 and adopt the Comprehensive Zoning Ordinance Update Phase 2 Addendum

to the General Plan FEIR (SCH # 2020070348) related thereto; and

WHEREAS, on August 12, 2025, 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; and

WHEREAS, all legal prerequisites to the adoption of this resolution and approval of the actions herein have been met.

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. GP25-0001:

1. The amendment is deemed to be in the public interest.

The proposed amendment to the text of the Land Use Element of the City's General Plan is necessary in order for Table 1 of the Land Use Element to accurately reflect the implementing zones for each General Plan Land Use Designation. This minor update to Table 1 in the Land Use Element is needed because certain implementing zones listed in the table, specifically R5-Urban Residential and MHP-Mobile Home Park Combining District Overlay, are proposed to be eliminated from the Zoning Ordinance and Zoning Map as part of the comprehensive zoning update work. These changes are in the public interest because an up-to-date and accurate General Plan Land Use Element, 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 amendment to the language in the Land Use Element updates the roster of implementing zones for two Land Use Designations in the General Plan to ensure consistency between the General Plan, Zoning Ordinance, and Zoning Map. This is a minor amendment that affects the Land Use Element only and does not affect any other portion of the General Plan. The amendment is consistent with the General Plan as a whole and does 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 amendment involves only minor changes to the language of the Land Use Element. This amendment would not be detrimental to public health, safety, or welfare because it would simply bring the General Plan's land use designations into consistency with the corresponding implementing zoning districts, resulting in clearer and more effective land use policies and regulations. No changes to allowable land uses, development densities, or other development standards are proposed as part of this General Plan amendment.

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 in the existing zoning code; Chapter XIII-D.8 in the draft updated Zoning Ordinance]. 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 in 2025.

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 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 LAND USE ELEMENT TABLE 1: GENERAL PLAN DESIGNATIONS AND IMPLEMENTING ZONING DISTRICTS

Table 1: General Plan Designations and Implementing Zoning Districts on page LU-14 of the adopted Milpitas 2040 General Plan is hereby amended to read as follows:

General Plan Land Use Designation	Zoning District	Zone Map Symbol
Residential Uses		
MHP – Mobile Home Park	“R1” Single Family District “MHP” Mobile Home Park Combining District Overlay <u>“MHP” Mobile Home Park District</u>	R1-MHP <u>MHP</u>
Mixed-Use Land Uses		
VHDMU – Very High Density Mixed Use	“MXD3” Very High Density Mixed Use District “R5” Urban Residential	MXD3, R5

SECTION 4. 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 was published on June 5, 2025. 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 5. 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 6. CITY COUNCIL APPROVAL

The City Council hereby approves General Plan Amendment No. GP25-0001, based on the above findings.

PASSED AND ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney

REGULAR

NUMBER: XX.XXX

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING A COMPREHENSIVE UPDATE TO THE ZONING ORDINANCE, INCLUDING THE ADDITION OF A NEW TITLE XIII- ZONING TO THE MILPITAS MUNICIPAL CODE, REPEAL OF THE EXISTING ZONING ORDINANCE (TITLE XI, CHAPTER 10) AND AMENDMENTS TO VARIOUS OTHER SECTIONS OF THE MUNICIPAL CODE FOR CONSISTENCY WITH THE UPDATED ZONING ORDINANCE; AND AMENDING THE ZONING MAP OF THE CITY OF MILPITAS TO ACHIEVE CONSISTENCY BETWEEN THE UPDATED 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:

Christopher Creech, Acting 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, 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, the City’s Zoning Ordinance was originally adopted in 1955 and has not been comprehensively updated since 2008; and

WHEREAS, the City wishes to adopt a comprehensive update to the Zoning Ordinance in order to modernize the code, improve its clarity, and make it more user friendly; to incorporate changes to implement various City policy documents, including the Climate Action Plan and the 2023-2031 Housing Element; to update regulations and standards for consistency with changes in state and federal law; and to promote more compact, mixed-use and transit-oriented development in appropriate areas of Milpitas; and

WHEREAS, the City has prepared a Zoning Text and Zoning Map Amendment (“Amendments”) to comprehensively update the Zoning Ordinance and to make corresponding changes to the Zoning Map and other sections of the Milpitas Municipal Code; 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

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, because the amendments will provide clear, modern, and legally compliant requirements for new development and for modifications and expansions of existing buildings and sites, thereby improving the quality, appearance, and livability of the built environment and advancing numerous City goals related to community design, sustainable transportation, environmental quality, and economic development; 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, an Addendum to the certified Milpitas 2040 General Plan FEIR was published on June 5, 2025, 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 June 11, 2025, 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 25-007 recommending that the City Council approve Zoning Amendment ZA25-0001 and adopt the Comprehensive Zoning Ordinance Update Phase 2 Addendum to the General Plan FEIR (SCH # 2020070348) related thereto; and

WHEREAS, all legal prerequisites to the adoption of this ordinance and the City Council's review and approval of the 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) was published on June 5, 2025. 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 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 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. ZA25-0001:

A. The proposed amendment is consistent with the General Plan.

The proposed updated Zoning Ordinance includes many changes to ensure consistency with

the General Plan. These include code revisions related to policies in the 2023-2031 Housing Element to address topics such as emergency shelters, low barrier navigation centers, supportive housing, single-room occupancy housing, and employee and farmworker housing. In addition, density standards for some zones (R2, R3, MHP, and MXD3) and FAR standards for some zones (C1, M1, M2, and MP) have been modified and increased to be consistent with the policies in the General Plan Land Use Element. Transportation Demand Management provisions for larger development projects have been added to the Zoning Ordinance, consistent with policies in the General Plan Circulation Element.

B. The proposed amendment will not adversely affect the public health, safety and welfare.

The proposed zoning changes will not adversely affect public health, safety and welfare – in fact, the updated zoning regulations will promote safety, community health, and well-being in Milpitas because they provide clear and specific requirements for new development and modifications/expansions of existing buildings and sites that will improve the quality, appearance, and livability of new development. By improving development outcomes for property owners and adjacent residents and businesses, the proposed zoning amendments would advance numerous City goals related to community design, sustainable transportation, environment, and economic development.

SECTION 4. ADOPTION OF MILPITAS MUNICIPAL CODE TITLE XIII

Title XIII – Zoning of the Milpitas Municipal Code is hereby added to read as follows:

Commented [HP1]: New Zoning Ordinance text to be inserted here.

SECTION 5. REPEAL OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title XI, Chapter 10 (Zoning) of the Milpitas Municipal Code is hereby repealed.

SECTION 6. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 1, SUBSECTION 4.02

Title I, Chapter 1, Subection 4.02 (Titles Contained in the Code) of the Milpitas Municipal Code is hereby amended to read as follows:

I-1-4.02 Titles Contained in the Code

Said Milpitas Municipal Code shall consist of the following titles:

Title I	ADMINISTRATION
Title II	BUILDING REGULATIONS
Title III	BUSINESS AND PROFESSIONS
Title IV	FINANCIAL
Title V	PUBLIC HEALTH, SAFETY AND WELFARE
Title VI	PERSONNEL
Title VII	PUBLIC UTILITIES
Title VIII	PUBLIC WORKS
Title IX	REVENUE AND TAXATION
Title X	STREETS AND SIDEWALKS
Title XI	PLANNING AND ANNEXATION
Title XII	HOUSING
Title XIII	ZONING

SECTION 7. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE II, CHAPTER 8

Title II, Chapter 8 (Fence Regulations) of the Milpitas Municipal Code is hereby amended to read as follows:

Chapter 8 - FENCE REGULATIONS (Repealed. See XIII-C.2.040)

SECTION 8. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE III, CHAPTER 6, SECTION 2

Title III, Chapter 6, Section 2 (Definitions) of the Milpitas Municipal Code is hereby amended to read as follows:

III-6-2 Definitions

Unless a particular provision or its context otherwise requires, the definitions and provisions contained in this Section shall govern the construction, meaning, and application of words and phrases used in this Chapter:

- (a) "Act" means the Massage Therapy Act (Business and Professions (B&P) Code Section 4600, et seq.), as amended.
- (b) "Applicant" means the permit applicant and each owner.
- (c) "California Massage Therapy Council" or "CAMTC" means the California Massage Therapy Council established under Business and Professions Code section 4602.
- (d) "Certified massage practitioner" or "massage practitioner" means a person who is currently certified as a massage practitioner by the CAMTC pursuant to Business and Professions Code sections 4604.1 and/or 4604.2.
- (e) "Certified massage therapist" or "massage therapist" means a person who is currently certified as a massage therapist by the CAMTC pursuant to Business and Professions Code section 4604.
- (f) "Chief of Police" means the Chief of Police of the City of Milpitas Police Department, or his or her designee.
- (g) "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value. In addition to accepting other forms of compensation, a person may be deemed to have received compensation for performing a massage when the massage is offered as part of a membership, as part of a package of services or as incidental to the purchase of a product.
- (h) "Employee" means any person hired by a massage establishment who renders any service for the business/owner in exchange for any form of compensation from the business, including independent contractors.
- (i) "Managing officer/employee" means a person that can or does have or share ultimate control over the day-to-day operations of a business.
- (j) "Massage" means any method of treating the external parts of the body, usually with the hands, so as to stimulate circulation and make muscles or joints supple, or relieve tension, for remedial, or health purposes offered in return for any form of compensation. Methods of massage include, but are not limited to, stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body with or without the aid of any mechanical or electrical apparatus or appliances. Massage may occur with or without supplementary aids, such as rubbing alcohol, liniments,

antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to, Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath. Massage includes the application of various manipulation or touch techniques to the muscular structure and soft tissues of the human body as defined in the Act, Business and Professions Code section 4601(e), and recognized as legitimate by CAMTC.

- (k) "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.
- (l) "Massage technician" means and includes both a "massage practitioner" and a "massage therapist" as defined by this Chapter.
- (m) "Off-premises massage service" means any business where a function of such business is to engage in or carry on massage, not at a fixed location but at a location designated by the customer, massage technician, or other person, and sometimes known as an out-call massage service.
- (n) "Owner" means any individual who has any direct or indirect ownership interest in a massage establishment.
- (o) "Permit" means a Massage Establishment Permit issued pursuant to this Chapter. For purposes of this Chapter, the term "permit" shall not be used to refer to a business license issued by the Finance Department or to any permit or approval issued pursuant to Milpitas Municipal Code Title XIII, unless the specific context provides otherwise.
- (p) "Permittee" means the applicant and each owner(s) who has been issued a massage establishment permit or off-premises massage service permit.
- (q) "Rent-space massage therapist" means a person who provides massage at a massage establishment but is not an employee of the business.
- (r) "Sole provider" means a massage business where the owner owns 100 percent of the business, is the only person who provides massage for compensation at or for that business, and has no other employees, independent contractors or rent-space massage therapists.

SECTION 9. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE III, CHAPTER 6, SECTION 6

Title III, Chapter 6, Section 6 (Massage Establishment Permit) of the Milpitas Municipal Code is hereby amended to read as follows:

III-6-6 Massage Establishment Permit

- (a) Any person desiring to obtain a Massage Establishment Permit shall file a written application with the Chief of Police on a form provided by the City. At the time of filing an application for a Massage Establishment Permit, applicants shall pay a non-refundable fee in an amount established by resolution of the City Council.

- (b) The application and fee required under this Section shall be in addition to any license, permit or fee required under any other chapter of this Code or any other regulation of the City of Milpitas.
- (c) The application for a Massage Establishment Permit does not authorize a massage establishment to operate until such permit has been issued. The massage establishment shall also obtain any approvals or permits required by Title XIII (Zoning Ordinance) of this Code.
- (d) The applicant for a permit, each owner of the massage establishment and the managing officer/employee shall submit the following information under penalty of perjury:
 - (1) The full true name under which the business will be conducted.
 - (2) The present or proposed address where the business is to be conducted.
 - (3) The full, true name, other names used, date of birth, California driver's license number or California identification number, social security number (unless prohibited by law), present home address and home telephone number.
 - (4) The sex, height, weight, color of hair, and color of eyes.
 - (5) Proof that the applicant is at least eighteen (18) years of age.
 - (6) The previous two (2) residences and the inclusive dates at each address.
 - (7) The business, occupation, and employment history for ten (10) years preceding the date of application, and the inclusive dates of same.
 - (8) The massage permit history, including: whether such person has ever had any such permit or license issued by any agency, board, city, county, territory, or state; the date of issuance of such a permit or license; whether the permit or license was revoked or suspended or other disciplinary action taken and the reason therefor.
 - (9) All convictions for any crime involving conduct which requires registration under California Penal Code Section 290, convictions under California Penal Code Sections 266i, 314, 315, 316, 318, 647(a), 647(b), or 415 as a result of an arrest for 647(b) (as now written or as amended), or convictions of crimes designated in Government Code Section 51032 (as now written or as amended), including any felony involving the sale of a controlled substance specified in Sections 11054-11058 of the California Health and Safety Code (as now written or as amended), or convictions of any crime involving dishonesty, fraud, deceit, violence or moral turpitude, and any outstanding warrants for arrest and any pending criminal case. Convictions that have been expunged must be reported.
 - (10) All convictions for crimes under the laws of any other state or country which proscribe the same conduct or similar conduct as the California crimes designated in Section 6(d)(9). Convictions that have been expunged must be reported.
 - (11) All injunctions that have been issued against the applicant for nuisances under California Penal Code Section 11225 or for nuisances issued under similar laws of other states.
 - (12) A complete description of all services to be provided.
 - (13) A register that lists all massage technicians providing massage at or through the business, whether as employees, independent contractors and rent-space therapists, and each such person's state certificate number, home address, date of hiring, and whether the massage technician will be performing outcall massage. For each proposed massage technician, a copy

of that person's current certification from the CAMTC as a certified massage practitioner, certified massage therapist, or conditionally certified massage practitioner and a copy of that person's CAMTC-issued identification card.

- (14) The name, address, date of birth, California driver's license number or California identification number, social security number (unless prohibited by law), of each other employee who is or will be employed in the massage establishment.
- (15) The name and address of any other massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this section.
- (16) If the applicant is a corporation, limited liability company or other entity type, the name of the corporation or company shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation and the names and home addresses of each of its current officers and directors, and of each stockholder or member.
- (17) If the applicant is a partnership, the application shall set forth the name and home address(es) of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporate applicants shall apply to the corporate partner as well.
- (18) The name of the owner or employee designated by the applicant who shall act as the managing officer/employee. Such person shall complete and sign all application forms required of an individual applicant under this Chapter. The managing officer/employee must, at all times, meet all of the requirements set for permittees by this Chapter or the permit shall be suspended until a managing officer/employee who meets such requirements is designated. If no such person is designated within ninety (90) days, the permit is deemed canceled and a new application for permit must be filed.
- (19) For each applicant or owner who is not CAMTC certified, fingerprints must be furnished at a place designated by the Chief of Police. Any fee required for fingerprinting fee will be the responsibility of the applicant.
- (20) Two (2) photographs of the applicant, each owner and managing officer/employee to be taken by the Police Department.
- (21) A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant or owners.
- (22) The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property.
- (23) Authorization for the City of Milpitas, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application.
- (24) Proof of massage malpractice insurance in the sum of not less than one hundred thousand dollars (\$100,000.00) per licensed massage technician employed at the massage establishment up to a maximum of five hundred thousand dollars (\$500,000.00). This requirement may be satisfied by malpractice insurance being provided in the name of individual massage technicians.

- (25) The applicant shall notify the Chief of Police of any change of address or fact that may occur during the process of applying for a permit.

(e) Processing of Application and Investigations

- (1) The Chief of Police shall have up to sixty (60) days after submission of all required information, including the required certificate of occupancy, to investigate the application and the background of the applicant, provided said sixty (60) days may be extended for such period as may be necessary to obtain fingerprint records from the appropriate state agency.
 - (2) Upon receipt of an application for a new massage establishment, the Chief of Police shall refer the application to the City's applicable departments, which shall review the application and if necessary, inspect the premises to ensure that the operation of the business at the designated site will comply with the provisions of this Chapter and the City's zoning, building, fire and safety standards, and any other applicable codes. If any permit or approval is required for the massage establishment pursuant to Title XIII (Zoning Ordinance) of this Code, the applicant shall comply with such requirements.
- (f) Grounds for Denial. Upon the completion of the investigation, the Chief of Police shall grant the permit, with or without conditions, if the Chief of Police finds in the exercise of his or her discretion all of the following:
- (1) The required fee has been paid.
 - (2) The application conforms in all respects to the provisions of this Chapter and to all other laws.
 - (3) The applicant has not made a material misrepresentation in the application.
 - (4) The applicant, each owner and the managing officer/employee has not, within ten (10) years preceding the submission of the application, been convicted of, or pleaded guilty or no contest to, conduct which is a violation of the provisions of California Penal Code Sections 266i, 314, 315, 316, 318, 647(a), 647(b) or 415 as a result of an arrest for 647(b) (as now written or as amended), or of any crime designated in California Government Code Section 51032 (as now written or as amended), including any felony involving the sale of a controlled substance specified in Sections 11054—11058 of the California Health and Safety Code (as now written or as amended), or of any other crime involving dishonesty, fraud, deceit, violence or moral turpitude, or has not been enjoined under California Penal Code Section 11225 through 11235 (as now written or as amended). Convictions under the laws of other states or countries which proscribe the same or similar conduct as the California crimes stated above shall also be considered.
 - (5) The applicant, each owner and the managing officer/employee is not required to register under the provisions of California Penal Code Section 290.
 - (6) Within five (5) years preceding application, the applicant, owner(s) or managing officer/employee has not had a massage establishment permit, massage practitioner permit, or other similar permit or license revoked or suspended by the City of Milpitas, or any other state or local agency, and has not been subject to discipline by any state or local agency for conduct that would be grounds for revocation of a permit under this Chapter.
 - (7) The applicant, each owner and the managing officer/employee is at least eighteen (18) years of age.

- (8) The permit as requested by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and operating standards.
- (g) Notice to applicant of Grant or Denial of Application. The Chief of Police, or authorized representative, shall give written notice to the applicant of the grant or denial of the application for a permit. If the application is denied, the notice shall advise the applicant of the reasons for the denial and his/her right to appeal through the procedures set forth in Section III-6-18. The Chief of Police may delay issuance of the permit if the applicant is being prosecuted for a violation of any of the Penal Code sections specified in Section III-6-6(f)(4) until final adjudication. If the applicant pleads guilty, pleads no contest, or is found guilty, the Chief of Police shall deny the application.

SECTION 10. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE III, CHAPTER 6, SECTION 11

Title III, Chapter 6, Section 11 (Change of Location) of the Milpitas Municipal Code is hereby amended to read as follows:

III-6-11 Change of Location

A change in the location of a massage establishment must be submitted for approval by the Chief of Police, the Planning Director, and the Fire Chief, or their designated representatives. A change in the location of a massage establishment may require approval in accordance with the provisions of Milpitas Municipal Code, Title XIII (Zoning Ordinance). If the Chief of Police, in his or her discretion, determines that the new location satisfies the requirements of this Chapter, the existing Massage Establishment Permit shall be amended for the new location. A fee, as set by resolution of the City Council, shall be paid to the City to cover the cost of the investigation by the Chief of Police (or his or her authorized representative) necessitated by each change of location.

SECTION 11. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE III, CHAPTER 13, SUBSECTION 2.01

Title III, Chapter 13, Subsection 2.01 (Hotel) of the Milpitas Municipal Code is hereby amended to read as follows:

III-13-2.01 Hotel:

"Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, dormitory, public or private club, a mobilehome as defined in Health and Safety Code section 18008 located outside a mobilehome park or other similar structure or portion thereof at a fixed location in the City of Milpitas.

"Hotel" shall not include a timeshare estate as defined by Business and Professions Code section 11003.5, a membership camping contract as defined by Civil Code section 1812.300, or a mobilehome located within a mobilehome park, as defined in Title XIII, Chapter E.4 of the Municipal Code.

SECTION 12. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 3, SUBSECTION 2.06

Title V, Chapter 3, Subsection 2.06 (Permit Approval) of the Milpitas Municipal Code is hereby amended to read as follows:

V-3-2.06 Permit Approval

No permit as required in Title XIII (Zoning) of the Municipal Code of the City of Milpitas shall be issued for any building which is not to be connected to an approved public sanitary sewer, without the written approval of the Health Officer of the plan of the means of sewage disposal for said building.

SECTION 13. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 100, SUBSECTION 10.11

Title V, Chapter 100, Subsection 10.11 (Unlawful Parking – Peddlers, Vendors) of the Milpitas Municipal Code is hereby amended to read as follows:

V-100-10.11 Unlawful Parking—Peddlers, Vendors

10.11-1 Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or push-cart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this City, except that such vehicles, wagons or push-carts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this Subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.

10.11-2 Application

- (a) The provisions of V-100-10.11-5 shall be applicable to any vehicle, wagon or push-cart, to which V-100-10.11-1 applies.
- (b) The provisions of this Section V-100-10.11 shall not apply to mobile food vehicles as defined in Chapter XIII-E.4.

SECTION 14. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 210, SUBSECTION 7.01

Title V, Chapter 210, Subsection 7.01 (Animals in Residential Areas) of the Milpitas Municipal Code is hereby amended to read as follows:

V-210-7.01 Animals in Residential Areas

Except as otherwise provided herein, it shall be unlawful for any person to own, possess, have in custody or control, or to maintain any animal upon any lot in any residentially zoned district (pursuant to the

provisions of Title XIII of the Milpitas Municipal Code) when that lot is located within three hundred feet (300') of any residential building owned by someone other than the owner or custodian of said animal or the tenant of said owner or custodian.

SECTION 15. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 210, SUBSECTION 7.02

Title V, Chapter 210, Subsection 7.02 (Exceptions to Animals in Residential Areas) of the Milpitas Municipal Code is hereby amended to read as follows:

V-210-7.02 Exceptions to Animals in Residential Areas

The ownership, possession, custody, control, or maintenance of the following animals is permitted:

7.02-1 Dogs and Cats. Dogs and/or cats, as defined in Section V-210-2, are allowed in a number not to exceed a combined total of four (4) dogs and/or cats over the age of four (4) months. No household may contain more than one (1) unspayed female dog or one (1) unspayed female cat. Unless an owner provides evidence of spaying, there shall be a rebuttable presumption that a female dog or cat is unspayed. Written certification from a licensed veterinarian that an animal cannot be spayed for health reasons or is incapable of breeding shall be deemed a satisfactory substitution for a certificate stating that an animal is spayed. Authorized volunteers of City of Milpitas permitted animal adoption organizations who provide shelter to stray animals in their own homes may have up to a combined total of seven (7) dogs and/or cats over the age of four (4) months at their homes at any one time.

7.02-2 Birds. Any bird, continuously kept caged and within the confines of a dwelling house, is allowed. The ownership of more than twenty (20) birds at one time is not allowed.

(a) A maximum of six (6) chickens may be kept outdoors in the backyard of a residential property for the personal use of and care by the occupants of the residence. Any outdoor coop or other enclosure for the keeping of chickens shall comply with the setbacks and other development standards for accessory structures that are required in the applicable zoning district, per Section XIII-C.2.020.

7.02-3 Mice, Rabbits, Hamsters, Etc. Any mouse, rabbit, guinea pig, hamster, squirrel, or animal of like size or species, continuously kept caged and within the confines of a dwelling house, is allowed. The ownership of more than ten (10) such animals at one time is not allowed.

7.02-4 Animals in a Terrarium or Aquarium. Any animal continuously confined to a terrarium or aquarium and within the confines of a dwelling house is allowed.

7.02-5 Animals for Which a Permit has been Obtained. Any animal for which a permit has first been obtained pursuant to the provisions of this Section is allowed.

SECTION 16. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 213, SECTION 3

Title V, Chapter 213, Section 3 (Unlawful to Create or Permit Disturbing Noise) of the Milpitas Municipal

Code is hereby amended to read as follows:

V-213-3 Unlawful to Create or Permit Disturbing Noise

(a) Residential Zone Regulations.

3.01 Except as permitted in Section V-213-3(b), it shall be unlawful for any person in any district zoned for residential use (under the provisions of Title XIII of the Milpitas Municipal Code) to make, continue, maintain, permit or cause to be made, continued, maintained, or permitted any Disturbing Noise that increases the noise exposure level by three dB over the local ambient noise level measured from the property line of the noise source, or more than 65 dB measured from the property line of the noise source, whichever is more restrictive.

3.02 Except as permitted in Section V-213-3(b), it shall be unlawful for any person who owns, possesses, or controls any real property in any district zoned for residential use (under the provisions of Title XIII of the Milpitas Municipal Code) to make, continue, maintain, permit or cause to be made, continued, maintained or permitted any Disturbing Noise that increases the noise exposure level by three dB over the local ambient noise level measured from the property line of the noise source, or more than 65 dB measured from the property line of the noise source, whichever is more restrictive.

3.03 Notwithstanding any other provision of this Chapter and in addition thereto, it is unlawful for any person or any person who owns, possesses, or controls real property in any district zoned for residential use (under provisions of Title XIII of the Milpitas Municipal Code) to make, continue, maintain, permit, or cause to be made, continued, maintained or permitted any Disturbing Noise. It shall be prima facie violation of this Section if any Disturbing Noise is audible during the hours of 10:00 p.m. to 7:00 a.m. from a distance of 50 feet from the property line of the noise source or from a distance of 100 feet from any nonstationary noise source. It shall also be prima facie violation of this Section if any Disturbing Noise is audible during the hours of 7:01 a.m. to 9:59 p.m. from a distance of 100 feet from the property line of the noise source or any nonstationary noise source.

3.04 The above prohibition against making, continuing, maintaining or permitting any Disturbing Noise in any district zoned for residential use shall not apply to the authorized collection of solid waste, recyclables, and/or yard trimmings by an authorized collector beginning at 6:00 a.m.

(b) Outdoor Music Regulations for Commercial and Mixed Use Zones.

3.05 Outdoor music shall be permitted on real property in the C1, C2, TC, MXD and MXD3 zoning districts (per Title XIII of the Milpitas Municipal Code) as an accessory use to a restaurant or bar that is a principal permitted use or approved conditional use. Outdoor music shall be permitted between the hours of 9:00 a.m. and 11:00 p.m.

3.06 Except as provided below in Subsection V-213-3(b) 3.06(1), noise levels for outdoor music as an accessory use shall not exceed 70-90 dB measured from the property line of the parcel on which the outdoor music occurs. See also "Table B.6.020-A_- Commercial Zone Use Regulations" in Title XIII, Section B.6.020 and "Table B.8.020-A - Mixed Use Zone Use Regulations " in Title XIII, Section B.8.020.

- (1) For any parcel in a C1, C2, TC, MXD, or MXD3 zoning district that is located within 100 feet of a parcel in a R1 or R2 zoning district, noise levels for outdoor music as an accessory use shall not exceed 65 dB measured from the property line of the parcel on which the outdoor music occurs.
- (2) For residential uses in the MXD and MXD3 zoning districts, it is recognized that ambient noise from outdoor music that is permitted as an accessory use to a restaurant or bar is a normal

condition inherent to a mixed-use, urban living environment; therefore accessory outdoor music at a restaurant or bar shall not be subject to the noise restrictions in Section V-213-3(a) 3.01 and 3.02 in the case of residential uses in the MXD and MXD3 zones.

(c) Site Construction Regulations.

3.07 No person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including, delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends. No construction work shall be conducted or performed on the holidays indicated in Section V-213-2-2.05 of this Chapter.

3.08 Exemption from Off-Site Construction Regulations. Exempt from the Off-Site Construction Regulations of this article are as follows:

- (1) Emergency construction and repair that is necessary for protection of life and property,
- (2) Operation preempted from local regulation by state law, such as construction of public school buildings,
- (3) Furnishing utility-type service including construction and maintenance of utility facilities,
- (4) Any work on an existing single-family or duplex (two-family) dwelling undertaken by the property owner,
- (5) Operation to construct and maintain facilities within the public right-of-way as deemed necessary by the Public Works Director, and
- (6) Any other circumstances where the City Manager deems that an exemption would be appropriate.

SECTION 17. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE VIII, CHAPTER 1, SUBSECTION 8.02

Title VIII, Chapter 1, Subsection 8.02 (Installer) of the Milpitas Municipal Code is hereby amended to read as follows:

VIII-1-8.02 Installer

8.02-1 Each installer shall:

- (a) Install at his own expense all in-tract and perimeter local services main and valves, and off-site facility as required by City (see 8.02-4).
- (b) Pay connection fees as provided in Subsection 7.01.

8.02-2 In-tract excess size mains and facilities: City may require an installer to in-tract excess size mains and facilities. If excess size mains or facilities are required, said installer shall be entitled to a credit for excess costs (as established by Subsection 8.05) incurred thereby in accordance with the provisions of Subsection 8.03-1.

The credit referred to herein (after set-offs to which City is entitled) shall be subject to reimbursement pursuant to a reimbursement agreement as hereafter provided and subject to the conditions hereafter provided.

8.02-3 Perimeter mains: Provided, however, said agreement shall provide for reimbursement to installer of only one-half of the cost of the perimeter mains and facilities. Reimbursement shall be computed on the basis of the front footage of land that develops along the perimeter main in proportion to the total footage of the perimeter main itself.

8.02-4 Water main extension and facilities: If installer installs a water main extension, said installer shall be entitled to apply to the City for reimbursement pursuant to a reimbursement agreement. Said agreement shall provide for reimbursement for the cost of the mains and facilities. Reimbursement shall be computed on the basis of the front footage of land that develops along the water main extension in proportion to the total footage of the water main extension itself.

8.02-5 Provided, however, that installer shall not be entitled to receive reimbursement for front footage fees from land which cannot be served by his perimeter main or water main extension as the result of some barrier such as a State freeway, railroad track, flood control channel or City sphere of influence boundary line.

8.02-6 An installer in the gravity zone shall be entitled to reimbursement only if the excess costs as described in this section are more than the acreage fees said installer is required to pay as a connector in which event reimbursement shall be computed as follows:

Excess costs	+ \$ A
Minus acreage fees	= \$ B
Equals Total Amount subject to reimbursement	= \$ C

8.02-7 Hillside Zone Facilities: Each installer of water facilities serving a hillside zone may be required by the City to install mains and facilities which not only benefit said installer's lands, but benefit other lands. In the event of the installation of such improvements, City may establish a hillside benefit district (see 8.03) requiring other connectors to pay a dwelling unit benefit fee (see 7.01-3). City may enter into a reimbursement agreement with installer, providing reimbursement of a portion of the cost of such improvements. The amount to be reimbursed shall be that portion of the cost of improvements equal to the difference between the amount it would have cost the installer to install such improvements to serve installer's land and the actual cost of such improvements.

8.02-8 Nothing herein contained shall be construed to relieve said hillside connector of any responsibility for payment of any fees hereunder in the event of a density transfer pursuant to the provisions of Title XIII of the Milpitas Municipal Code in connection with the land served by water mains provided that an installer who has entered a reimbursement agreement with City, shall not have any benefit under said reimbursement agreement impaired by virtue of any density transfer in connection with land providing fees used to make reimbursement under said agreement.

SECTION 18. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE X, CHAPTER 1, SECTION 2

Title X, Chapter 1, Section 2 (Intent) of the Milpitas Municipal Code is hereby amended to read as follows:

Section 2 Intent

The City Council hereby declares it to be its intent in enacting this Ordinance to require any person or persons who propose to erect, construct, alter, enlarge, convert, move or maintain any building or structure for which a building permit is required under and pursuant to the ordinances of the City of Milpitas on or upon any land adjacent to an unimproved street or who seeks to change the use of any land which includes or is adjacent to an unimproved street, to improve or agree to improve said street as herein required by the installation of such of the following improvements as may be necessary: curb, gutter, driveway, sidewalk, drains, street paving, and street lights, and where indicated, the dedication and improvement of service roads, facilities for off-street parking, alleys, easements for public utilities, drainage, walkways, water-courses, planting strips and non-access facilities. It is the further intent of the City Council that said improvement or agreement shall be a condition precedent to the issuance of any required building permit, site development permit, use permit, or variance approval or rezoning.

SECTION 19. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE X, CHAPTER 1, SUBSECTION 3.02

Title X, Chapter 1, Subsection 3.02 (Permittee) of the Milpitas Municipal Code is hereby amended to read as follows:

X-1-3.02 Permittee

As used herein, the term "Permittee" shall mean any individual, co-partnership, association, corporation, governmental body or unit or agency (other than the City of Milpitas) or any other entity owning or occupying land adjacent to an unimproved street, or unimproved streets, in the City of Milpitas who is required to have a building permit from the City of Milpitas in order to erect, construct, alter, convert, enlarge, move or maintain any building or structure upon said land, or who is required to have a site development permit, use permit, or variance approval or a rezoning in order to change the use of land in the City of Milpitas.

SECTION 20. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE X, CHAPTER 1, SUBSECTION 4.02

Title X, Chapter 1, Subsection 4.02 (Chapter not Limiting to the Power of the City Council) of the Milpitas Municipal Code is hereby amended to read as follows:

X-1-4.02 Chapter not Limiting to the Power of the City Council

Nothing contained in this Chapter shall be construed to limit the power of authority of the City Council of the City of Milpitas to impose requirements and conditions upon the rezoning of land (under and pursuant to the provisions of Ordinance No. ~~XX-XXX~~, enacted as Title XIII, of the Milpitas Municipal Code, and amendments thereto,) in addition to those authorized by this Chapter. The City Council of the City of Milpitas declares that in enacting this Chapter is expressly reserves the right to impose reasonable requirements and conditions upon the rezoning of land (regardless of whether the same are described herein), and the enactment of this Chapter is not intended to be a limitation upon said power.

SECTION 21. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE X, CHAPTER 1, SUBSECTION 8.01

Title X, Chapter 1, Subsection 8.01 (Required Improvements Prior to Issuance of a Building Permit) of the Milpitas Municipal Code is hereby amended to read as follows:

X-1-8.01 Required Improvements Prior to Issuance of a Building Permit

As a condition precedent to obtaining a building permit from the City of Milpitas under and pursuant to the provisions of Ordinance 65, enacted as Chapter I, Title II of the Milpitas Municipal Code, and amendments thereto, and as a condition precedent to obtaining a site development permit, use permit, or variance approval or a re-zoning under and pursuant to the provisions of Ordinance No. ~~XX-XXX~~, enacted as Title XIII of the Milpitas Municipal Code, and amendments thereto, any Permittee who proposes to erect, construct, alter, enlarge, convert, move or maintain any building or structure on or upon any land adjacent to an unimproved street or who seeks to change the use of any land which includes or is adjacent to an unimproved street, shall make provision for those matters hereafter set forth in this Chapter.

SECTION 22. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE X, CHAPTER 1, SUBSECTION 9.01

Title X, Chapter 1, Subsection 9.01 (Requirements) of the Milpitas Municipal Code is hereby amended to read as follows:

X-1-9.01 Requirements

As a condition precedent to obtaining a building permit from the City of Milpitas under and pursuant to the provisions of Ordinance No. 65, enacted as Chapter I, Title II of the Milpitas Municipal Code, and amendments thereto, and as a condition precedent to obtaining a site development permit, use permit, or variance approval or a re-zoning under and pursuant to the provisions of Ordinance No. ~~XX-XXX~~, enacted as Title XIII of the Milpitas Municipal Code, and amendments thereto, any Permittee who proposes to erect, construct, alter, enlarge, convert, move or maintain any building or structure on or upon any land (or who seeks to change the use of said land) which includes or is adjacent to a street which has been improved by the City of Milpitas, in whole or in part, after January 26, 1954, shall, in addition to meeting the other requirements of this Chapter:

9.01-1 Pay the City a sum computed in accordance with the schedules set forth in subsection X-1-10.05 of this Chapter for such improvements as the City of other public entity shall have theretofore installed (e.g., curbs, gutters, driveways, sidewalks, fire hydrants, drains, street paving and street lights); and

9.01-2 Pay the City such sum as the City or other public entity shall have paid to acquire the land upon which the improvements were installed.

SECTION 23. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE X, CHAPTER 3, SUBSECTION 2.02

Title X, Chapter 3, Subsection 2.02 (Permittee) of the Milpitas Municipal Code is hereby amended to read as follows:

X-3-2.02 Permittee

As used herein, the term "Permittee" shall mean any individual, partnership, association, corporation, trust, governmental body, or unit or agency (other than the City of Milpitas) or any other entity owning or occupying land adjacent to an unimproved street, or unimproved streets, in the City of Milpitas in order to erect, construct, alter, convert, enlarge, move or maintain any building or structure upon said land, or who is required to obtain a site development permit, use permit, or variance approval to change the use of land in the City of Milpitas or who seeks to rezone land in the City of Milpitas.

SECTION 24. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE X, CHAPTER 3, SUBSECTION 2.03

Title X, Chapter 3, Subsection 2.03 (Development Permit) of the Milpitas Municipal Code is hereby amended to read as follows:

X-3-2.03 Development Permit

As used herein, the term "Development Permit" shall apply to any of the following:

1. Building permit pursuant to the provisions of Chapter 1, Title II, of the Milpitas Municipal Code.
2. Site development permit, use permit, or variance approval pursuant to Title XIII of the Milpitas Municipal Code.

SECTION 25. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE X, CHAPTER 3, SUBSECTION 6.00

Title X, Chapter 3, Subsection 6.00 (Rezoning to "Agricultural" Classification) of the Milpitas Municipal Code is hereby amended to read as follows:

X-3-6.00 Rezoning to "Agricultural" Classification

The rezoning of a parcel of land under the provisions of Title XIII of the Milpitas Municipal Code to "Agricultural A" classification will not require either the dedication or improvement of land pursuant to this Chapter, but said dedication and improvement shall be postponed until a development permit or rezoning to a classification other than "Agricultural A" is subsequently sought for said land.

SECTION 26. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI

The Name of Title XI (Zoning, Planning and Annexation) of the Milpitas Municipal Code is hereby amended to read as follows:

Title XI – PLANNING AND ANNEXATION

SECTION 27. ADDITION OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 14

Title XI, Chapter 14 (Public Art Requirements for Private Development) is hereby added to the Milpitas

Municipal Code to read as follows:

Chapter 14 – PUBLIC ART REQUIREMENTS FOR PRIVATE DEVELOPMENT

XI-14-1.01 Definitions

"Affordable Housing" means either, as the context indicates, a residential development, as defined in Section XII-1-2.15 of this Code, or affordable units, as defined in Section XII-1-2.04 of this Code, that comply with the Milpitas Affordable Housing Ordinance (Title XII, Chapter 1 of this Code), including by providing sufficient dwelling units at an affordable housing cost, as defined in Section XII-1-2.02 of this Code, with sufficient resale controls and/or rent restrictions, as defined in Section XII-1-2.14, to ensure the continued restriction of affordable units.

"Building Development Costs" means those construction costs as declared on building permit applications, and as accepted by the Building Official. Building permit applications shall include building, plumbing, mechanical and electrical permit applications for the project.

"Developer and/or Owner" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality (other than the City of Milpitas), industry, public or private corporation, or any other entity that undertakes any construction within the City subject to the requirements in this Chapter 14.

"Public Art" is a process which results in the incorporation of original works of art by artists in publicly accessible spaces and which serves a socio-environmental function identifiable with people; is accessible to the mind and the eye; is integral to the site and responds to the concept of place making; is integrated with the work of other design professionals; is of high quality; serves the City by enhancing the quality of life for citizens and contributes to the City's prestige; is unique to its moment in time and place.

"Public Art Program In-Lieu Contribution" means the percentage of Building Development Costs required herein.

"Public Art Projects" are projects which involve artists working through the public art process that result in the creation of original works in publicly accessible spaces that include but are not limited to paintings, mural decorations, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Public Art Projects also include artists serving on design and development teams to identify opportunities to incorporate art in publicly accessible space.

"Publicly Accessible Art" means art that is accessible to the general public.

XI-14-1.02 Purpose and Intent

This Chapter 14 is intended to 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. A policy is hereby established to require certain private developments to include Publicly Accessible works of art for placement on the development site or contribute a Public Art Program In-Lieu Contribution as a condition of project approval. Developers and/or Owners are encouraged to employ Milpitas artists or arts organizations to fulfill the Public Art requirement.

XI-14-1.03 Contribution Requirements

A. Calculation.

1. **Nonresidential Building Developments.** Private nonresidential building developments involving 2,000 square feet or more of new floor area 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.
2. **Residential Building Developments.** 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.

B. Public Art Review. All proposed Public Art to be installed on a development site under this Chapter 14 shall first be reviewed and approved by the Art Commission for its artistic value and appropriateness in light of the size of the development project. The cost of the proposed Public Art shall not be the sole reason for rejecting the proposed Public Art.

C. In-Lieu Contribution.

1. At the discretion of the Developer and/or Owner, in lieu of installing on-site Public Art, the Developer and/or Owner may provide a Public Art Program In-Lieu Contribution to be deposited into the Public Art Fund for acquisition and placement of Public Art throughout the City.
2. The Art Commission may allow a Developer and/or Owner to satisfy the public art requirement by a combination of installing Publicly Accessible Art on the development site and make a Public Art Program In-Lieu Contribution if the Art Commission determines that the location, siting or scale of the development site makes the installation of Publicly Accessible Art inappropriate or impossible for the purposes of satisfying the one percent requirement for installing Publicly Accessible Art on the development site.

D. Subsequent Removal of Public Art or Alternative Compliance Space. If the Developer and/or Owner satisfies the Public Art requirement in accordance with subsection (A)(1), (A)(2), above, the Public Art previously installed on the development site may only subsequently be removed if the Developer and/or Owner makes a Public Art Program In-Lieu Contribution equivalent to the original amount to the Public Art Fund.

E. Exclusions. The requirements of this Chapter 14 shall not apply to an Affordable Housing development with a minimum of 20 percent Affordable Housing-units the Developer and/or Owner demonstrates to the satisfaction of the City Council that said requirements would cause the development project not to be economically feasible.

XI-14-1.04 Public Art Fund

Public Art Program In-lieu Contribution shall be placed in the Public Art Fund. The fund shall be used exclusively to (1) provide sites for works of art, (2) acquire and install works of art, (3) maintain works of art, or (4) fund other administrative costs associated with the Public Art Program. The Art Commission shall recommend utilization of monies in the Public Art Fund to the City Council.

XI-14-1.05 Compliance

Compliance with the provisions of this Chapter 14 shall be demonstrated by the Developer and/or Owner at the time of filing the Building Permit application as follows: (a) payment of the full amount of the Public Art Program In-Lieu Contribution, or (b) written proof to the Building Department and the Public Art Program of a contractual agreement to commission or purchase and to install the requested artwork on the development site by a date approved by City. The value of the Publicly Accessible Artwork shall be independently verified by a third party unrelated to the Developer and/or Owner and submitted to the City with the contractual agreement at the sole expense of the Developer and/or Owner. The Developer and/or Owner shall provide the City with proof of installation of the requested artwork on the development site or proof of full payment of the Public Art In-Lieu Contribution before issuance of the certificate of occupancy, unless the City has approved some other method of assuring compliance with the provisions of this Chapter 14. In the case of installation of Public Art on the development site, the Developer and/or Owner shall maintain said artwork in proper condition on an ongoing basis.

XI-14-1.06 Violations of this Section

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any permit granted to any Developer and/or Owner who violates the provisions of this Chapter 14.

SECTION 28. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XII, CHAPTER 1, SUBSECTION 2.01

Title XII, Chapter 1, Subsection 2.01 (Definitions – Accessory Dwelling Unit) of the Milpitas Municipal Code is hereby amended to read as follows:

XII-1-2.01

"Accessory dwelling unit" shall have the meaning set forth in Chapter E.4 of Title XIII of this Code.

SECTION 29. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XII, CHAPTER 1, SECTION 7.00

Title XII, Chapter 1, Section 7.00 (Incentives to Encourage On-Site Construction of Affordable Units) of the Milpitas Municipal Code is hereby amended to read as follows:

XII-1-7.00

Applicants shall receive incentives as specified in this Section to encourage the on-site construction of affordable units. If an applicant provides affordable units in excess of 20 percent of the total number of units in the project the City will provide the following incentives to include:

- A. Planning waivers. In addition to waivers, incentives and/or concessions that may be provided pursuant to density bonus law as outlined in Section XIII-C.12.040 in the Milpitas Municipal Code if the applicant provides affordable units in excess of 20 percent of the total number of units in the development, the Director of Planning shall grant up to two of the waivers listed below in this Section

that help increase the feasibility of the construction of affordable units. The applicant will receive an additional two waivers from the list below for every additional five percent of affordable units provided above the 20 percent. The applicant may choose from the following waivers:

1. Priority processing.
2. Reduced setback requirements not to exceed 50 percent of the minimum required setback.
3. Greater floor area ratio (FAR) not to exceed 50 percent of the maximum FAR for commercial space in mixed use zoning.
4. Reduced landscaping requirements.
5. Reduced interior or exterior amenities.
6. A maximum 20 percent reduction in parking requirements.
7. Height restriction waivers not to exceed 20 percent of the maximum zoning height limitations and in no event to exceed the general plan height limitations.

B. Fee deferral.

1. Development processing fees. The City Manager may approve deferred payment of City processing fees applicable to the review and processing of the project. The terms and payment schedule of the deferred fees shall be subject to the approval of the City Manager.
2. Development impact fees. The City Manager may authorize the deferred payment of development impact fees applicable to the affordable units. Approval of this incentive requires demonstration by the applicant that the deferral increases the project's feasibility. The applicant must provide appropriate security to ensure future payment of such fees.

SECTION 30. 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 as depicted within the map as attached hereto in **Exhibit A**.

SECTION 31. 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 32. 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.

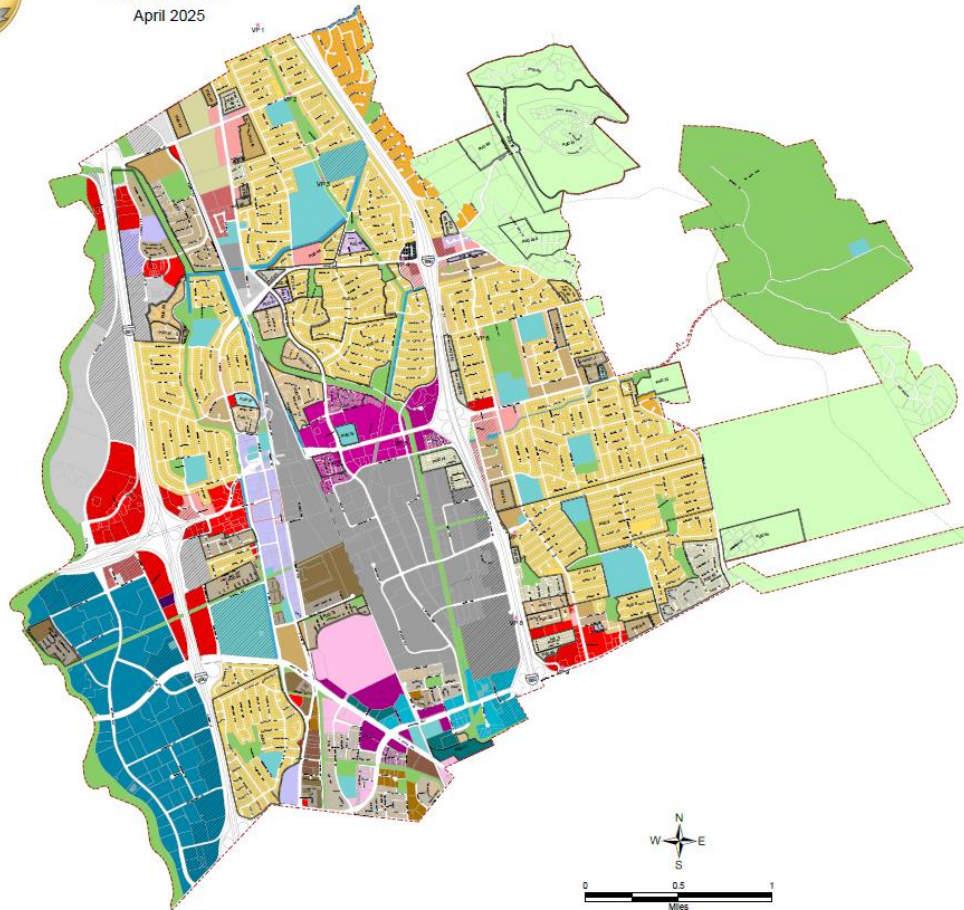
Exhibit A: Zoning Map Amendment



CITY OF MILPITAS ZONING MAP

April 2025

Public Hearing Draft



Zones

- Single-Family minimum lot size 2,500 s.f. (R1-2.5)
- Single-Family minimum lot size 3,000 s.f. (R1-3)
- Single-Family minimum lot size 4,000 s.f. (R1-4)
- Single-Family minimum lot size 5,000 s.f. (R1-5)
- Single-Family minimum lot size 6,000 s.f. (R1-6)
- Single-Family minimum lot size 10,000 s.f. (R1-10)
- Single-Family with Hillside Combining District (R1-H)*
- One or Two-Family (R2)
- Multi-Family (R3)
- Multi-Family Very High Density (R4)
- Mobile Home Park (MHP)
- Mixed Use (MXD)
- Very High Density Mixed Use (MXD3)
- Town Center (TC)
- Administrative and Professional Office (CO)
- Neighborhood Commercial (C1)
- General Commercial (C2)
- Highway Services (HS)
- Light Industrial (M1)
- Heavy Industrial (M2)
- Industrial Park (MP)
- Business Park Research & Development (BPRD)
- Institutional (I)
- Agricultural (A)
- Park and Open Space (POS)
- Waterway

Milpitas Metro Specific Plan Zones

- 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 & Development, Limited Residential (BPRD-R-Metro)
- Metro Business Park Research & Development (BPRD-Metro)

Overlay*

- Freeway Corridor Overlay (FC)

Other Features

- Planned Unit Development (PUD)
- Precise Plan Area
- Midtown Specific Plan Area
- City Boundary
- Parcels
- Crestline
- View Points

*Note: The "H" Hillside Combining District is mapped as R1-H. The Site and Architectural (S) Overlay was adopted through a voter initiative and is not currently mapped on any parcel.



City of Milpitas Comprehensive Zoning Ordinance Update Project

Addendum

City of Milpitas, Santa Clara County, California

PREPARED FOR:

City of Milpitas

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June 5, 2025

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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
AIA	Airport Influence Area
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practices
BPRD	Business Park Research and Development
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Occupational Health and Safety Administration
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CAP	Climate Action Plan
CBC	California Building Standards Code
CBSC	California Building Standards Commission
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
CNDDDB	California Natural Diversity Database
CO ₂	carbon dioxide
CPUC	California Public Utilities Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
DTSC	California Department of Toxic Substances Control
EOP	Emergency Operations Plan

EPA	Environmental Protection Agency
FAR	floor area ratio
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
GHG	greenhouse gas
HCP	Habitat Conservation Plan
HR	High Rise
HRA	Health Risk Assessment
LID	Low Impact Development
LOS	Level of Service
LRA	Local Responsibility Area
LUST	Leaking Underground Storage Tank
mgd	million gallons per day
MHP	Mobile Home Park
MND	Mitigated Negative Declaration
mph	miles per hour
MS4	Municipal Separate Storm Sewer System
N ₂ O	nitrous oxide
NCCP	Natural Community Conservation Plan
NCMU	Neighborhood Commercial Mixed-Use
ND	Negative Declaration
NFIP	National Flood Insurance Program
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
OO	Gateway Office
PM _{2.5}	particulate matter, including dust, 2.5 micrometers or less in diameter
POS	Public Open Space
PRC	Public Resources Code
RE	Recreation and Entertainment
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCFD	Santa Clara County Fire Department

SCVURPP	Santa Clara Valley Urban Runoff Prevention Program
SOI	Sphere of Influence
SR	State Route
SSMP	Sewer System Management Plan
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminant
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TOD	Transit-Oriented Development
UGB	Urban Growth Boundary
USACE	United States Army Corps of Engineers
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
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

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1 - INTRODUCTION

This Addendum, checklist, and attached supporting documents have been prepared to determine whether and to what extent the City of Milpitas General Plan Update Final Environmental Impact Report (General Plan FEIR, State Clearinghouse Number 2020070348 [previous EIR]) prepared for the City of Milpitas, Santa Clara County, remains sufficient to address the potential impacts of the proposed City of Milpitas Comprehensive Zoning Ordinance Update Project (proposed project), or whether additional documentation is required under the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] § 21000, *et seq.*).

1.1 - Environmental Checklist

Pursuant to Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164, subd. (a), this Addendum has been prepared to evaluate the proposed project. Consistent with the thresholds used by the lead agency in the previous EIR, the Addendum uses the standard environmental checklist categories provided in Appendix G of the CEQA Guidelines but provides answer columns for evaluation consistent with the provisions of CEQA Guidelines Section 15162, subd. (a).

1.2 - Environmental Analysis and Conclusions

The CEQA Guidelines establish the type of environmental documentation that is required when changes to a project occur after an EIR has been adopted. Section 15164 (a) states: “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” CEQA Guidelines Section 15164, subd. (a) provides that the lead agency or a responsible agency shall prepare an Addendum to a previously certified EIR or 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, subd. (a)).

An Addendum need not be circulated for public review but can be included in or attached to the Final EIR or ND (CEQA Guidelines § 15164, subd. (c)). The decision-making body shall consider the Addendum to the previous EIR prior to making a decision on the proposed project (CEQA Guidelines § 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 § 15164, subd. (e)).

Consequently, once an EIR or ND has been certified 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 or ND . . . 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 was certified as complete or the ND was adopted. . . 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, Section 15162, subd. (a); see also Pub. Resources Code, Section 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.

This Addendum addresses the conclusions of the General Plan FEIR (hereinafter referred to as the “previous EIR”) in light of the proposed project.

1.2.1 - Findings

There are no substantial changes proposed by the Milpitas Comprehensive Zoning Ordinance Update Project or under the circumstances in which the proposed project would be undertaken that would require major revisions of the previous EIR. The proposed zoning ordinance amendments do not require preparation of a new subsequent or supplemental EIR or MND due to either (1) the involvement of new significant environmental effects, (2) a substantial increase in the severity of previously identified significant effects, or (3) new information of substantial importance. No mitigation measures or alternatives previously found not to be feasible would in fact be feasible, nor has the City

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 [PRC], § 21068).

declined to adopt any additional mitigation measures or alternatives that would substantially reduce one or more significant effects on the environment. Applicable mitigation measures from the previous EIR are identified and discussed in this Addendum.

As illustrated herein, the proposed project is consistent with and within the scope of the previous EIR and would involve only minor changes; therefore, an Addendum is the appropriate level of CEQA compliance for the proposed project.

1.2.2 - Conclusions

The impacts of the proposed project remain within the impacts previously analyzed in the previous EIR (CEQA Guidelines § 15164).

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2 - PROJECT DESCRIPTION

The proposed Milpitas Comprehensive Zoning Ordinance Update (proposed project) includes amendments to the City's Zoning Ordinance, Zoning Map, and the Milpitas Municipal Code, as well as specific clerical amendments to the General Plan to ensure internal consistency between the General Plan and Municipal Code. No specific development or entitlements are contemplated or would be approved as part of the proposed project.

2.1 - Location and Setting

The project site consists of the General Plan Planning Area (Planning 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. The Planning Area is approximately 12,327 acres or approximately 19.3 square miles (Exhibit 2) and 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 José (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 (USGS) 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 policies and planning guidance that covers lands that are generally urbanized, including industrial, commercial, and residential land uses.

2.2 - Project Background

As noted, this Addendum evaluates whether the previous EIR remains 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 City of Milpitas General Plan 2040 (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 January 30, 2025.

2.2.2 - 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 previous EIR, which analyzed the potential environmental impacts associated with implementation of the General Plan.

In 2024, the City proposed amendments to the Zoning Ordinance and zoning map to ensure conformity with the General Plan and Metro Specific Plan and evaluated those amendments in an addendum (2024 Addendum). The 2024 Addendum tiered off both the General Plan EIR and Metro Specific Plan EIR and evaluated rezoning of certain parcels, amendments to certain 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. The 2024 Addendum was approved on June 4, 2024.² Pursuant to the conclusions of the 2024 Addendum, overall land uses, density, and intensity at full buildout of the City would remain relatively the same as previously evaluated in the previous EIR.

Other General Plan amendments that have occurred since 2021 are listed below in Table 2.

² City of Milpitas. Comprehensive Zoning Ordinance Update Website. Resources. Website:
<https://www.milpitaszoningupdate.org/resources>. Accessed February 19, 2025.

Table 2: General Plan Amendments Since 2021

Amendment #	Date	Description	Resolution No.
GP24-0002	6/4/2024	Amend Land Use Element Text and Land Use Map to achieve consistency between the Milpitas 2040 General Plan, Zoning Ordinance, and Zoning Map (GP Amendments adopted concurrently with Phase 1 Zoning Update)	9332
GP22-0001	11/7/2023	Remove language in Land Use Element related to California Circle Specific Plan. This includes amending the Neighborhood Commercial Mixed-Use (NCMU) designation (pg. LU-6), the “California Circle Specific Plan Overlay” statement (pg. LU-8) and removing Action LU-2b (pg. LU-17)	9282
GP23-0002	6/6/2023	Amend Land Use Map designations of 168 parcels for consistency with the new boundaries of Metro Specific Plan and the proposed boundaries of the draft Gateway-Main Street Specific Plan	9258
GP23-0001	1/24/2023	Adopt 2023–2031 Housing Element (6th cycle)	9214

2.3 - Project Characteristics

The proposed project includes a comprehensive set of updates to the City’s Zoning Ordinance and zoning map to guide decisions on future development and in a manner that ensures vertical consistency among the City’s planning documents. No physical development is proposed as part of the updates. The following discussion describes the key characteristics of each element of the updates.

2.3.1 - Zoning Ordinance Updates

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 includes updates to the Zoning Ordinance to make it more user friendly, to be in keeping with best practices in land use planning, and to ensure conformity with the current General Plan, Climate Action Plan (CAP), and Housing Element, as well as state and federal law. The updates would also promote more compact mixed-use and transit-oriented development in certain areas of the City.

Edits for Consistency with Best Planning Practices

The proposed project would amend definitions and categorizations of many land uses, and update the allowed uses in various zoning districts, in order to be consistent with best planning practices and current economic realities. These changes would consolidate existing allowed uses, clarify the applicability of different existing land use categories, and revise definitions of land uses to reflect modern uses and the evolving nature of land uses. However, permitted densities of development and more general land use categories would not change.

Amendments to reasonable accommodation procedures and site development permit findings are also proposed for consistency with best planning practices.

Furthermore, the proposed project would include edits to the Zoning Ordinance related to parking requirements, which are intended to encourage the use of alternative transit methods, which is a best practice in planning, as well as to more realistically reflect the actual parking demand for various land uses.

Clerical Amendments

The proposed project would relocate the Zoning Ordinance to Title XIII in the Municipal Code (currently Chapter 10 in Title XI) and would revise its organizational structure including revisions to the numbering system. The proposed project would also replace archaic language, update terms, text, and graphics, and simplify and clarify content. It would also incorporate new tables and graphics for clarity and illustration of standards where appropriate.

The proposed project would include edits to ensure legal compliance of the Zoning Ordinance (i.e., with state and federal law), including, but not limited to, revisions to the following regulations:

- Parking (e.g., Assembly Bill [AB] 2097 that prohibits requiring parking for projects within 0.5 mile of a major transit stop).
- Sign standards for content-neutrality based on the *Reed v. Town of Gilbert* (No. 135 S.Ct. 2218, 2015) decision.
- State density bonus law.
- Accessory dwelling units; and
- Public hearing noticing.

The proposed project would include edits to the Zoning Ordinance for compliance with State housing laws and the City's 2023–2031 Housing Element, including but not limited to revisions to the following regulations:

- Emergency shelters;
- Low barrier navigation centers;

- Supportive housing;
- Single room occupancy housing;
- Employee and farmworker housing; and
- Residential care facilities.

These proposed updates are either clerical or reflect existing requirements in the City's General Plan or state and federal law and would not affect the overall land uses, density, or intensity expected at full buildout of the approved General Plan.

Amendments to Zones

The proposed project would adjust the following development standards of certain zones to be consistent with the General Plan:

- Modify or increase density standards in the R2, R3, MHP, and MXD3 zones.
- Modify or increase floor area ratio (FAR) standards in the C1, M1, M2, and MP zones.
- Modify or reduce interior side and rear setbacks in R2 and R3 zones and open space requirement in R3 Zone to ensure consistency with Housing Element programs.

Furthermore, the proposed project would remove the R1-8 subzone and the R5, MXD2, and AR zones as they are not applied to any property. The proposed project would also remove the following overlays that are either outdated, not being used, or otherwise would be addressed elsewhere in the updated Zoning Ordinance:

- The Transit-Oriented Development (TOD) Overlay, which is now obsolete due to zones adopted in 2024 to implement the Metro Specific Plan.
- The High Rise (HR) Overlay, which was applied to one property as the result of a project-specific entitlement that was never constructed.
- The Gateway Office (OO) Overlay, which will be obsolete following approval of the Gateway-Main Specific Plan, which is currently under development.
- The Recreation and Entertainment (RE) Overlay, which is no longer consistent with the City's current land use policies. Most of the RE Overlay is applied to areas that are now zoned Business Park Research and Development Zone (BPRD), as evaluated in the 2024 Addendum.
- The Mobile Home Park Combining District, which would be replaced with a new base zone for mobile home parks, Mobile Home Park (MHP) Zone.

These updates would create consistency with the General Plan and/or provide administrative and clerical updates, and would not change the overall land uses, density, or intensity of development at full buildout of the City.

Amendments to Parking Regulations

The proposed project would include the following adjustments to parking regulations throughout the Zoning Ordinance to ensure consistency with the General Plan:

- Modification/reduction in required parking ratios consistent with state law, the Housing Element, and General Plan policies.
- Expanding alternative methods available to provide the required number of parking spaces (e.g., shared parking, off-site parking, car-share parking, etc.) consistent with the General Plan and Climate Action Plan policies.
- Adding citywide bicycle parking requirements consistent with the General Plan.
- Adding Transportation Demand Management (TDM) requirements for development projects over certain size thresholds, consistent with the CAP.

These updates would create consistency with the General Plan and help meet the goals of the Milpitas CAP. They would not change the overall land uses, density, or intensity of development at full buildout of the City.

Amendments to Other Citywide Standards

The following citywide standards in the Zoning Ordinance would be updated by the proposed project:

- Addition of comprehensive landscape standards consistent with the General Plan and CAP.
- Addition of exterior lighting standards (Draft Zoning Ordinance Section C.2.070, included in Appendix A).
- Expanding performance standards (e.g., noise, odor, hazardous materials, air contaminants, etc.) (Draft Zoning Ordinance Section C.2.110, included in Appendix A).
- Adding incentives for the development of larger affordable rental units (3 or more bedrooms) consistent with Housing Element programs. Incentives consist of 30 percent reduction in setbacks and 30 percent reduction in common open space required.
- Adding incentives for the consolidation of smaller existing lots into larger lots that can be more efficiently developed into higher density housing or mixed-use projects consistent with Housing Element programs. Incentives consist of 10 percent reduction in setbacks, 10 percent reduction in common open space required, and 20 percent reduction in guest parking.
- Updating and expanding regulations for special uses, including alcoholic beverage sales, drive-through facilities, home occupations, temporary uses, and service stations to clarify and modernize existing regulations.
- Adding design standards for newly constructed single-family residential units.

- Comprehensive rewrite of sign standards to reflect legally compliant, content-neutral sign types and associated sign definitions, standards, tables, and graphics.

These amendments would create consistency with the existing General Plan, Housing Element, or CAP, and/or would expand requirements related to CEQA topics such as lighting standards, noise, odor, hazardous materials, and air contaminants to reduce potential impacts of development through the application of uniformly applied standards. Other amendments would clarify and modernize existing regulations.

Amendments to Procedures

The proposed project would include updates to the following existing procedures outlined in the Zoning Ordinance:

- Revision of planning permit types and the applicable review authority for each to ensure clarity and to provide an appropriate level of review/discretion and public notification for development projects of various sizes and scales. The level of review (i.e., decision authority) for many project types has been reduced to a lower body (e.g., Zoning Administrator instead of Planning Commission).
- Offering streamlined review as an incentive for projects that exceed the City's building code energy efficiency requirements.
- Adding Minor Deviation approval and specific allowances for building height exceptions to allow certainty and clarity for deviating from development standards (replacing the current Conditional Use Permit procedure for these types of requests).
- Adding new Temporary Use Permit type and procedure, with greater detail and clarity as to the types of temporary uses that do and do not require Planning review and approval.
- Revising thresholds for Site Development Permit applicability.
- Adding Planned Unit Development procedures.
- Adding Development Agreement procedures.

These updates would provide administrative and clerical updates, and would not change the overall land uses, density, or intensity of development at full buildout of the City.

Municipal Code Changes

Other sections of the Municipal Code will need to be amended concurrently with the Zoning Ordinance update. These are non-substantive changes and include the following:

- Amend Municipal Code Title 1 (Administration), Chapter 1 (General Provisions), Section 4.02 (Titles Contained in the Code) to reflect the relocation of Zoning to a new Title (Title XIII).

- Update all references in the Municipal Code to the zoning ordinance (or specific sections thereof) to reflect new numbering in updated Zoning Ordinance.
- Amend name of Title XI to “Planning and Annexation.”
- Move public art requirements (currently Section 14 of the Zoning Ordinance) to Title XI, Chapter 14.
- Conduct minor text edits to Title V (Public Health, Safety, and Welfare), Chapter 210 (Animal Regulation), Section 7.02 (Exceptions to Animals in Residential Areas) – to reflect process for permitting chickens to be kept outdoors.

These updates would provide administrative and clerical updates, and would not change the overall land uses, density, or intensity of development at full buildout of the City.

Zoning Map Changes

Under the proposed project, the Milpitas Zoning Map would be amended to be consistent with the Zoning Ordinance text changes proposed. The Zoning Map changes primarily involve the removal of overlays, including:

- Transit-Oriented Development (TOD) Overlay
- High Rise (HR) Overlay
- Gateway Office (OO) Overlay
- Recreation and Entertainment (RE) Overlay

The Site and Architecture (S) Overlay would no longer be mapped on any parcel as it will be addressed with citywide Site Development Review process.

The Mobile Home Park (MHP) Overlay would also be replaced with the new mobile home park base zone (“Mobile Home Park” [MHP]).

All proposed changes to the Zoning Map would be consistent with the proposed changes to the Zoning Ordinance listed above.

Milpitas General Plan Updates

The proposed project would include clerical changes to the General Plan to reflect the proposed text changes in the Zoning Ordinance. All General Plan changes would be focused on Table 1 of the General Plan Land Use Element: General Plan Designations and Implementing Zones, as listed below:

- Remove the R5 Zone as an implementing zone for VHDMU land use designation (as the R5 Zone would be removed).
- Change the implementing zone for MHP land use designation to MHP – Mobile Home Park Zone (not “R1-MHP” as the MHP Overlay would be removed and replaced with a base zone).

2.4 - Project Summary

The proposed project would update the Municipal Code, Zoning Map, and General Plan. However, as explained above, all the amendments are either administrative, are meant to clarify and modernize existing regulations, or would expand requirements related to certain CEQA topics, or reflect existing requirements in the CAP, General Plan, State, or federal law. The proposed project does not include any physical development, specific development proposals or infrastructure plans. The overall projected land uses, density, and intensity of development at full buildout of the City would remain the same as previously evaluated in the approved General Plan and General Plan EIR.

2.5 - Discretionary Approvals

The proposed project requires the following discretionary approvals from the City of Milpitas:

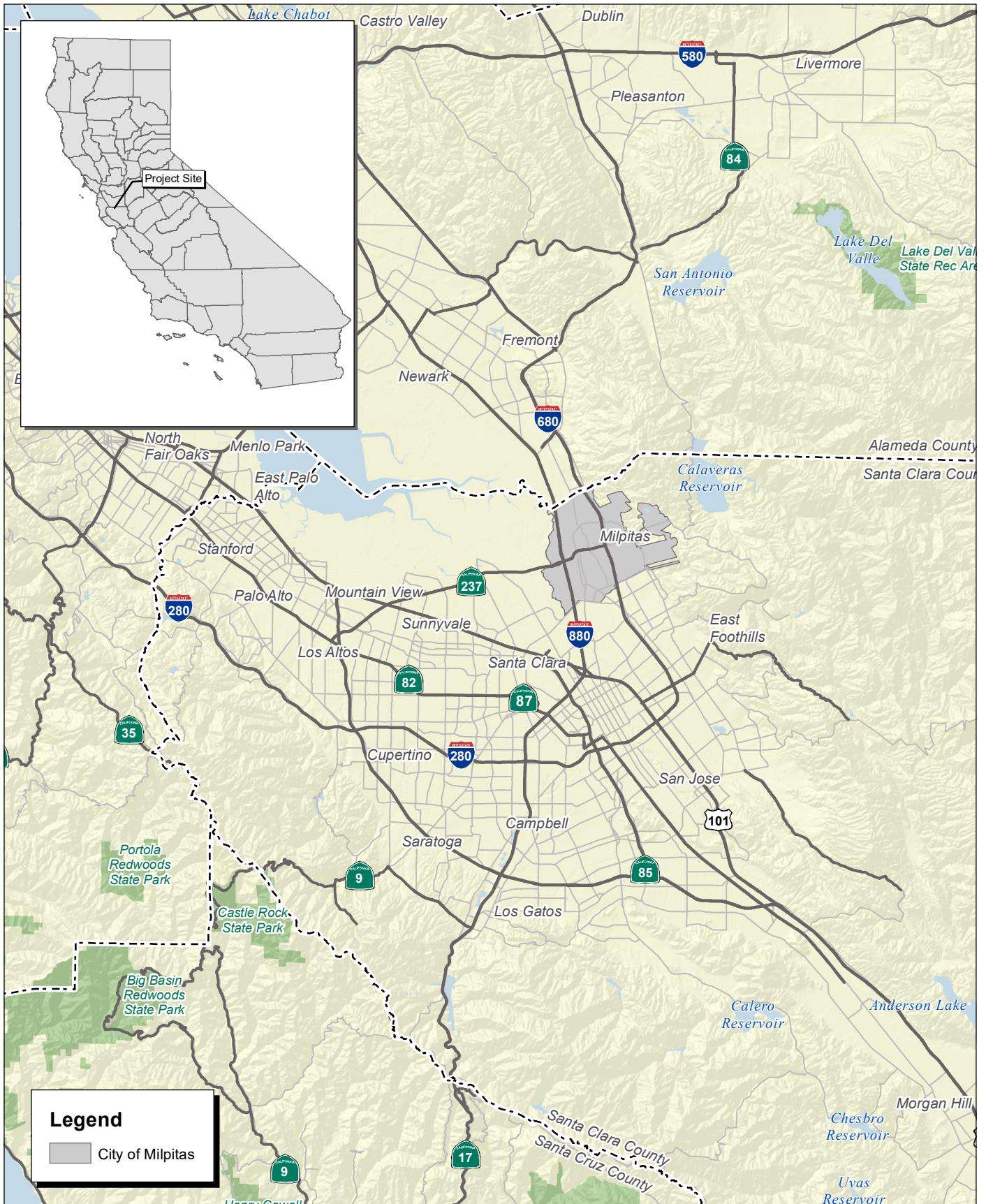
- Adoption and Approval of General Plan Amendments
- Adoption and Approval of Municipal Code Amendments
- Adoption and Approval of Zoning Map Amendments

2.6 - Intended Uses of this Document

The City of Milpitas, as the lead agency, has prepared this Addendum to the previous EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from adoption of the Milpitas General Plan and subsequent implementation of projects consistent with the General Plan. The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This Addendum to the previous EIR will be used as a supplemental environmental document to evaluate all subsequent planning and permitting actions associated with the General Plan.

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Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

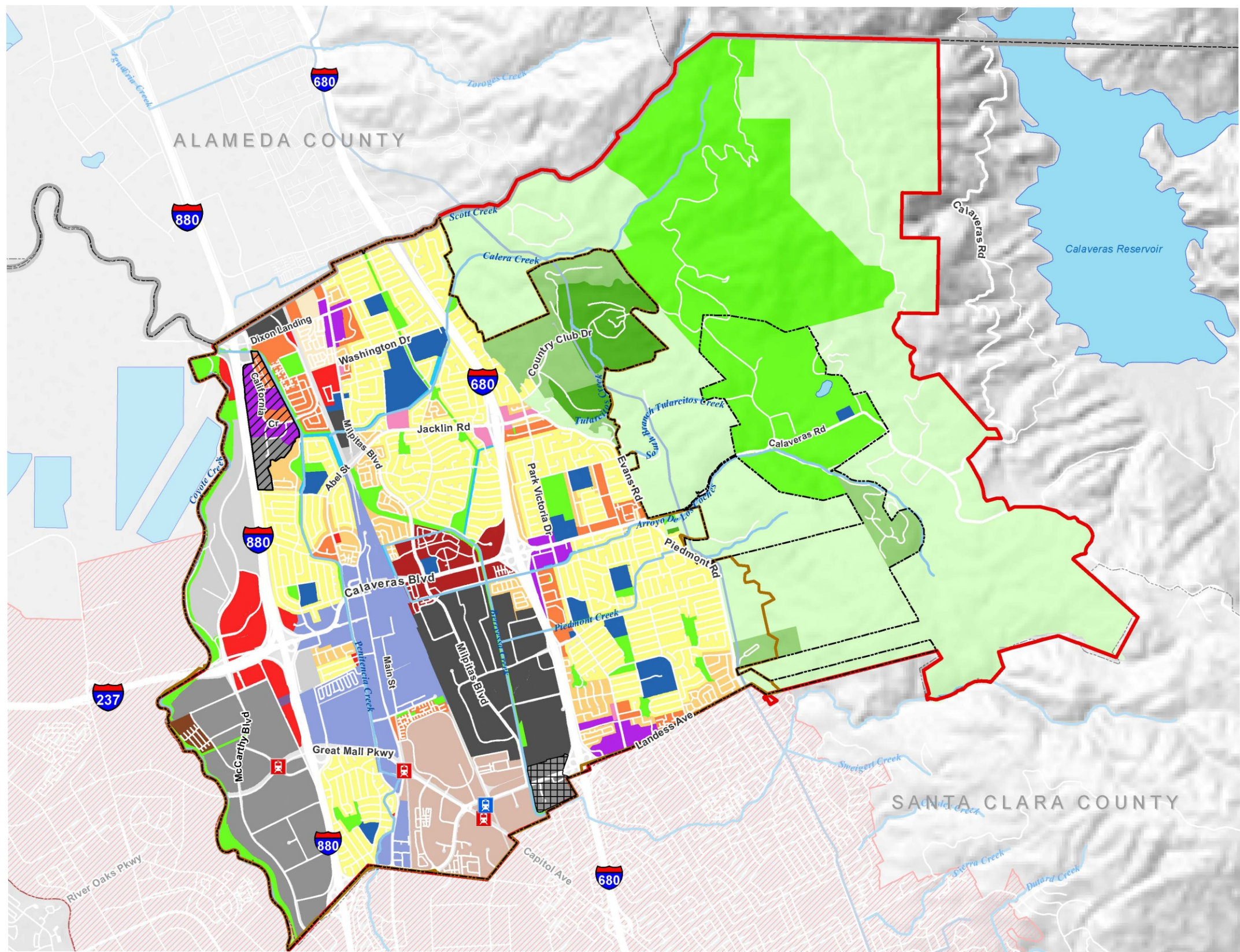
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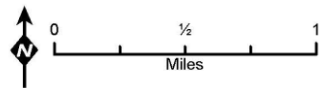
Exhibit 1 Regional Location Map

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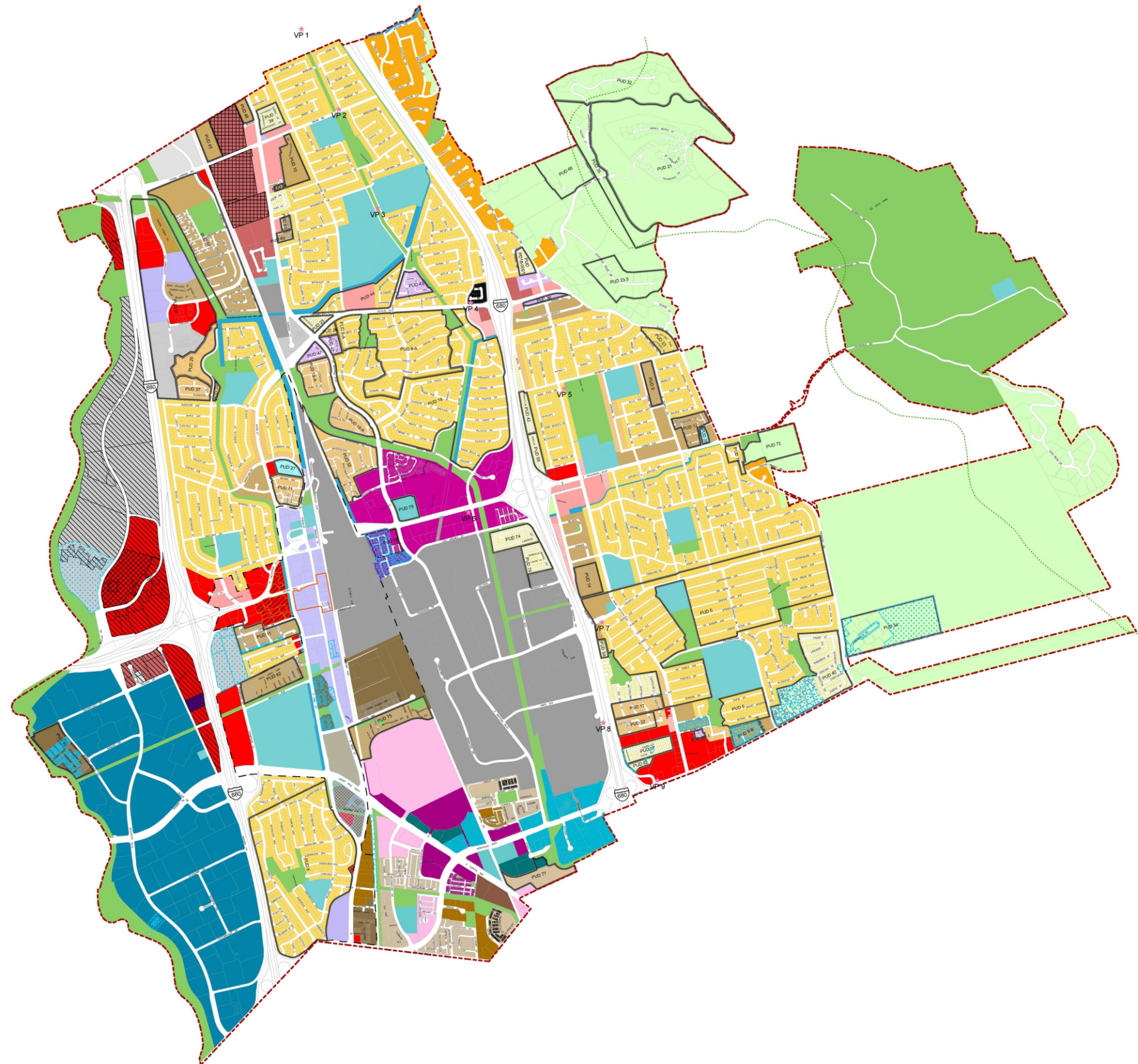
Legend

- HVL - Hillside Very Low Density
- HLD - Hillside Low Density
- HMD - Hillside Medium Density
- LDR - Low Density Residential
- MDR - Medium Density Residential
- HDR - High Density Residential
- VHDR - Very High Density Residential
- MHP - Mobile Home Park
- VHDMU - Very High Density Mixed Use
- NCMU - Neighborhood Commercial Mixed Use
- GNC - General Commercial
- NC - Neighborhood Commercial
- TWC - Town Center
- INP - Industrial Park
- BPRD - Business Park/Research & Development
- MFG - Manufacturing
- PF - Public Facilities
- POS - Permanent Open Space
- MMSP - Milpitas Metro Specific Plan
- MGSP - Milpitas Gateway-Main Street Specific Plan
- WW - Waterway
- Future Specific Plan Overlay
- Innovation District Overlay
- Planning Areas**
- City of Milpitas
- Milpitas Sphere of Influence
- Milpitas Urban Service Area
- San Jose Planning Limits of Urban Growth
- County Boundary
- Transit Stations**
- B BART Station
- V VTA Station

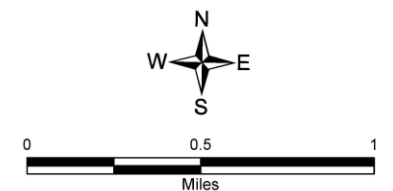


Source: City of Milpitas; Santa Clara County; USGS; CalAtlas. August 4, 2020. De Novo Planning Group.

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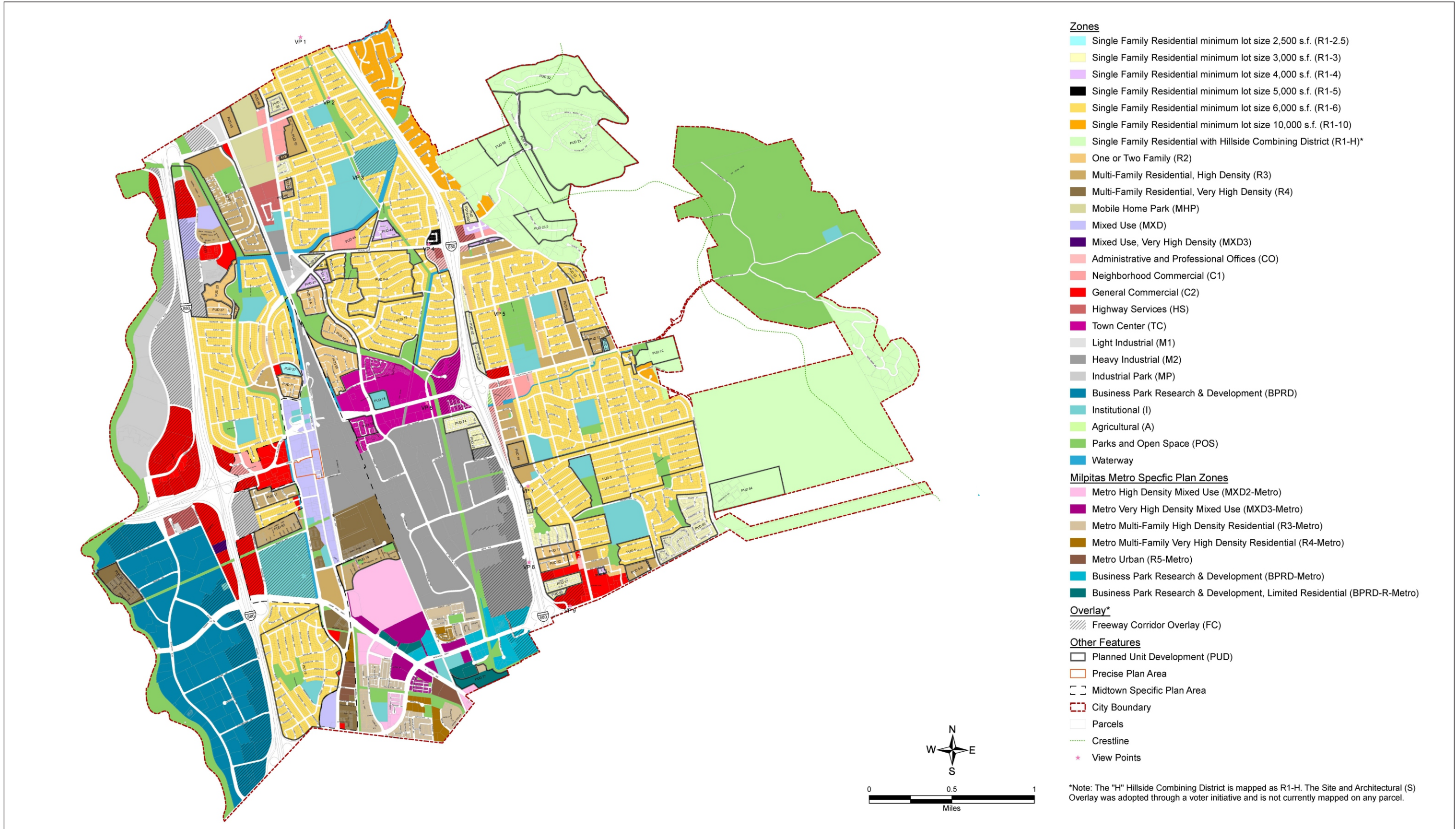


- Legend**
- Zones
- Single Family Residential minimum lot size 2,500 s.f. (R1-2.5)
 - Single Family Residential minimum lot size 3,000 s.f. (R1-3)
 - Single Family Residential minimum lot size 4,000 s.f. (R1-4)
 - Single Family Residential minimum lot size 5,000 s.f. (R1-5)
 - Single Family Residential 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)
 - Mixed Use (MXD)
 - Mixed Use, Very High Density (MXD3)
 - Administrative and Professional Offices (CO)
 - 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
- Planned Unit Development (PUD)
 - Precise Plan Area
 - Midtown Specific Plan Area
 - City Boundary
 - Parcels
 - Crestline
 - View Points



Source: City of Milpitas, June 2024.

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Source: City of Milpitas, December 2024.

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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 previous EIR.

3.1 - Explanation of Checklist Evaluation Categories

(1) Conclusion in the Previous EIR and Related Documents

This column summarizes the conclusion of the previous EIR 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 revised project will result in new significant environmental impacts not previously identified or mitigated by the previous EIR 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 project is undertaken that will require major revisions to the previous EIR 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 EIR was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (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 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 EIR 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 to Address Impacts

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3), this column indicates whether the previous EIR provides 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 Final EIR has 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 EIR 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
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and 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

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City of Milpitas Comprehensive Zoning Ordinance Update Project

Addendum

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
I. Aesthetics, Light, and Glare <i>Except as provided in Public Resources Code Section 21099, would the project:</i>					
a) Have a substantial adverse effect on a scenic vista?	Less than significant impact	No	No	No	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	No	No	No	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	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
governing scenic quality?					
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	No	No	No	None

Discussion

a) Have a substantial adverse effect on a scenic vista?

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that implementation of the General Plan would result in a less than significant impact regarding scenic vistas.

Proposed Project Analysis and Conclusions

There are no officially designated scenic vistas within the General Plan Planning Area. Accordingly, there would be no impact to scenic vistas. The previous EIR does, however, identify significant visual resources and features. As described in Section 2, Project Description, buildout of the proposed project would result in the same intensity of development as that anticipated in the General Plan and would have a similar impact on the identified visual resources and features.

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, as applicable, including provisions associated with the protection of visual resources and visual compatibility with open space resources. Future development would be required to undergo design review, through the site development permit process, to ensure consistency with the most up-to-date regulations.

The overall projected land uses, density, and intensity of development at full buildout of the City would remain the same as previously evaluated in the approved General Plan and previous EIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to scenic vistas or significant visual resources or create substantially more severe impacts than those analyzed in the previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR concluded that impacts associated with General Plan implementation would be less than significant with respect to scenic resources.

Proposed Project Analysis and Conclusions

There are no officially designated State Scenic Highways within 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.

The proposed project does not include any physical development, specific development proposals or infrastructure plans. The overall projected land uses, density, and intensity of development at full buildout of the City would remain the same as previously evaluated in the approved General Plan and General Plan FEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 Municipal Code. The previous EIR 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.

Proposed Project Analysis and Conclusions

As described in Section 2, Project Description, buildout of the proposed project would result in the same intensity of development as that anticipated in the General Plan.

Additionally, the proposed project includes updates to the Zoning Ordinance regarding design standards for signage and newly constructed single-family residential units, as well as additional landscape standards, all of which would protect visual character in the City.

The proposed project does not include any physical development, specific development proposals or infrastructure plans. 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 the most up-to-date development standards in the General Plan and Zoning Ordinance. The overall projected land uses, density, and intensity of development at full buildout of the City would remain the same as previously evaluated in the approved General Plan and previous EIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR 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.

Proposed Project Analysis and Conclusions

As described in Section 2, Project Description, buildout of the proposed project would result in the same intensity of development as that anticipated in the General Plan. As such, the proposed project would likely introduce a similar amount of light and glare to the Planning Area.

The proposed project includes the addition of new lighting standards, which would reduce impacts related to light and glare. The proposed project does not include any physical development, specific development proposals or infrastructure plans. The overall projected land uses, density, and intensity of development at full buildout of the City would remain the same as previously evaluated in the approved General Plan and previous EIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
II. Agriculture and Forestry Resources <i>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:</i>					
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	No	No	None
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	Less than significant impact	No	No	No	None
c) Conflict with existing zoning for, or cause rezoning	No impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
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?	No impact	No	No	No	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	No	No	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 the Previous EIR

The previous EIR 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 previous EIR concluded that implementation of the General Plan would result in a less than significant impact on Agricultural and Forestry Resources.

Proposed Project Analysis and Conclusions

There are currently no lands in the General Plan Planning Area currently being used for agriculture or forestry. While there are parcels with a land use designation of Agriculture (A) in the General Plan Planning Area, none of these parcels currently support agricultural uses. The proposed project also does not include changes to these zones to nonagricultural 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 previous EIR. No additional analysis is required.

Mitigation Measures

None required.

Conclusion

With regard to Agriculture and Forestry Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
III. Air Quality <i>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:</i>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less than significant impact	No	No	No	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	No	No	No	None
c) Expose sensitive receptors to substantial pollutant concentrations?	Less than significant impact	No	No	No	None
d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	Less than significant impact	No	No	No	None

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Summary of the Previous EIR

The previous EIR 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 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 previous EIR 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 (GHG) 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would update the Municipal Code, Zoning Map, and General Plan, to create conformity between the General Plan and the Zoning Ordinance. The proposed project would also expand performance standards, including those for air contaminants, to create consistency with the City's CAP. As explained under Section 2.3, Project Characteristics, buildout of the proposed project would result in the same land use densities and intensities as was previously evaluated under the approved previous EIR. Therefore, air quality impacts associated with the proposed project would remain consistent with those identified in the previous EIR analyses, including the conclusions that the General Plan is 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 the General Plan. At the time development proposals are submitted for application, they would be required to comply with the most up-to-date BAAQMD regulations and guidance, as well as the California Green Building Code (CALGreen), which provide additional policies and measures to reduce air quality impacts. Accordingly, none of the legislative changes represent new information of substantial importance because they do not show that the proposed project would have significant effects not discussed in or more severe than shown in the previous EIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. 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 the Previous EIR

Refer to summary provided in Impact III(a).

Proposed Project Analysis and Conclusions

Consistent with the previous EIR, 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 the same as 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 also expand performance standards, including those for air contaminants, to create consistency with the City's CAP. The proposed project would also expand on existing performance standards, including those for air contaminants, to ensure consistency with the City's CAP. Furthermore, the proposed project would expand TDM requirements and reduce required parking ratios. Parking on its own is not considered a physical impact on the environment under CEQA. Reduced parking could promote alternative methods of transit such as walking and biking, which could decrease the number of vehicles on the road and the secondary effects to traffic and air quality.³ Reducing parking minimums (and promoting shared parking, off-site parking, and car-share parking) allows for more compact and efficient urban layouts that prioritize pedestrians and alternative transit, creating more livable and attractive neighborhoods. Reduction in parking could also allow for increased alternative transit infrastructure, such as bike lanes, pedestrian-friendly streets, and public transit hubs. The expansion of TDM requirements would improve transportation efficiency and further support and incentivize a reduction in traffic by promoting alternative transit. Therefore, air quality impacts associated with the proposed project would be consistent with those identified in the previous EIR analyses 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 the General 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 previous EIR. No additional analysis is required.

c) Expose sensitive receptors to substantial pollutant concentrations?***Summary of the Previous EIR***

The previous EIR determined that the implementation of the General Plan would have the potential to introduce new sources of toxic air contaminant (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 previous EIR 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 previous EIR found that all new

³ Washington State Department of Transportation (WSDOT). 2010. Impacts of VMT Reduction Strategies on Selected Areas and Groups. December.

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 previous EIR determined that the General Plan would minimize exposure to TACs and PM_{2.5} concentrations within the City. Therefore, the previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

As discussed above, buildout of the proposed project would result in the same land use densities and intensities as those analyzed under the previous EIR. 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. The proposed project would also expand performance standards, including those for air contaminants, to create consistency with the City's CAP. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. 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 the Previous EIR

The previous EIR determined that potential odor sources within the City are the Newby Island Landfill and Composting operation, the Santa Clara/San José 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 previous EIR 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 objectionable 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 previous EIR concluded that impacts related to odors would be less than significant.

Proposed Project Analysis and Conclusions

Implementation of the proposed project would result in the same land use patterns as well as land use densities and intensities as those identified and analyzed under the previous EIR. Additionally, the proposed project includes expansion of performance standards for odors and air contaminants, in order to create consistency with the City's CAP. Furthermore, the proposed project would not place sensitive land uses near odor sources beyond what was analyzed in the previous EIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. No additional analysis is required.

Mitigation Measures

None required.

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
IV. Biological Resources <i>Would the project:</i>					
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	No	No	No	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	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
and Wildlife Service?					
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?	Less than significant impact	No	No	No	None
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	No	No	No	None
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
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?	Less than significant impact	No	No	No	None

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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in the same land use patterns, densities, and intensities as those already evaluated in the previous EIR thereby precluding the potential for new impacts associated with biological resources beyond those already evaluated and disclosed in the previous EIR. 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, 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.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in the same land use patterns, densities, and intensities as those already evaluated in the previous EIR, thereby precluding the potential for new impacts associated with sensitive natural communities and riparian habitat beyond those already evaluated and disclosed in the previous EIR. 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, 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in the same land use patterns, densities, and intensities as those already evaluated in the previous EIR, thereby precluding the potential for new impacts associated with federally protected wetlands beyond those already evaluated and disclosed in the previous EIR. 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, 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 existing waterways as Public Open Space (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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in the same land use patterns, densities, and intensities as those already evaluated in the previous EIR. Additionally, the proposed project does not propose to convert any open space lands to urban uses. This would preclude the potential for new impacts on wildlife movement corridors beyond those already evaluated and disclosed in the previous EIR. 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, 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 previous EIR. 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 the Previous EIR

The previous EIR 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.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in the same land use patterns, densities, and intensities as those already evaluated in the previous EIR, thereby precluding the potential for new impacts on the City's local policies protecting biological resources beyond those already evaluated and disclosed in the previous EIR. Future development projects would be evaluated for conformance with the General 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 previous EIR. 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 the Previous EIR

The previous EIR found that implementation of the General Plan would not conflict with the Santa Clara Valley Habitat Plan or any other Habitat Conservation Plans (HCPs). 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 previous EIR determined that the Land Use Map did not re-designate any land designated for open space or habitat protection. Although the City 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in the same land use patterns, densities, and intensities as those already evaluated in the previous EIR, thereby precluding the potential for new impacts on HCPs or Natural Community Conservation Plans (NCCPs) beyond those already evaluated and disclosed in the previous EIR. 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, 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
V. Cultural and Tribal Cultural Resources					
<i>Would the project:</i>					
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	Less than significant impact	No	No	No	None
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Less than significant impact	No	No	No	None
c) Disturb any human remains, including those interred outside of formal cemeteries?	Less than significant impact	No	No	No	None
<i>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:</i>					
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	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	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	No	No	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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR 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 previous EIR concluded that impacts related to historic and 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 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 known to be 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 previous EIR. 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 the Previous EIR

Refer to the summary provided in Impact V(a).

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. 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. No additional analysis is required.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR 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 known to be sensitive for cultural or archaeological resources. If archaeological resources are identified, Action CON 4b requires all development, infrastructure, and other ground-disturbing projects to comply with certain conditions and processes in the event that there is an inadvertent discovery of human remains. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts related to Tribal Cultural Resources (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 known to be 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. Because the proposed project includes a General Plan Amendment, the City sent out a letter to X tribes requesting consultation pursuant to SB 18 on May 2, 2025 via email and on May 4, 2025 via certified mail. The Muwekma Ohlone Tribe responded on May 21, 2025, but did not request consultation. The Tamien Nation responded via email on June 2, 2025 requesting consultation. On June 5, 2025, the City reached out to the Tamien Nation to schedule consultation. No response has been received to date (Appendix A). Therefore, implementation of the proposed project would not

introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. No additional analysis is required.

Mitigation Measures

None required.

Conclusion

With regard to Cultural and Tribal Cultural Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
VI. Energy <i>Would the project:</i>					
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	No	No	No	None
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less than significant impact	No	No	No	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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR would comply with the state's latest Title 24 building energy efficiency standards and other Statewide measures intended to improve energy efficiency. Therefore, the previous EIR concluded that impacts related to energy 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 the same land use patterns, densities and intensities as those analyzed by the previous EIR. Therefore, the effects of the proposed project were anticipated in the previous EIR and there are no project-specific effects that were not analyzed in the previous EIR. All projects within the City would be required to comply with applicable regulations stated above to ensure efficient energy use. The proposed project also includes an update to the Zoning Ordinance that provides streamlined review for projects that exceed the City's building code energy efficiency requirements. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
VII. Geology, Seismicity, and Soils <i>Would the project:</i>					
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	No	No	No	None
ii) Strong seismic ground shaking?	Less than significant impact	No	No	No	None
iii) Seismic-related ground failure, including liquefaction?	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
iv) Landslides?	Less than significant impact	No	No	No	None
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact	No	No	No	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	No	No	No	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	No	No	No	None
e) Have soils incapable of adequately supporting the use of septic tanks or	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?					
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant impact	No	No	No	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?**
- a) **Result in substantial soil erosion or the loss of topsoil?**
- b) **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?**
- c) **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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR identified that, because the majority of the land within the city limits contains urban uses, the erosion potential is low.

The previous EIR 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 previous EIR concluded that impacts 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 previous EIR. 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, 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

Existing urban development within the General Plan Planning Area is currently served with sanitary sewer service provided by the City. New urban development that would occur within the Planning 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 previous EIR. No additional analysis is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would largely maintain the existing land use patterns throughout the General Plan Planning Area, thereby precluding the potential for new, unaddressed impacts on paleontological resources beyond those already evaluated and disclosed in the previous EIR. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
VIII. Greenhouse Gas Emissions <i>Would the project:</i>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than significant impact	No	No	No	None
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than significant impact	No	No	No	None

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 the Previous EIR

The previous EIR 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 (CO₂), methane (CH₄), and nitrous oxide (N₂O).

Short-term Emissions

Short-term GHG emissions would occur because of construction equipment used for demolition, grading, paving, and building construction activities. The previous EIR 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 Best Management Practices (BMPs) that reduce GHG emissions during construction. Further, General Plan Policy CON 7-4 requires projects to adhere to the requirements of the BAAQMD, and Policy CON 7-5 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 previous EIR 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 previous EIR acknowledges that the City's CAP is a Qualified GHG Reduction Plan per CEQA Guidelines Section 15183.5, which identifies reduction measures and implementation strategies to achieve the state-recommended GHG emissions reduction targets. The previous EIR 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 previous EIR concluded that impacts related to the generation of GHG emissions would be less than significant.

Conflict with Applicable Plans and Policies

The previous EIR determined that the General Plan is consistent with the City's adopted CAP, which satisfies the GHG reduction requirements established by AB 32. In addition, the previous EIR found that the General Plan would not conflict with the implementation of regional transportation-related GHG targets outlined in the Association of Bay Area Governments (ABAG) 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 California Air Resources Board's (ARB's) 2022 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

As described in the project summary under Section 2.3.1, Zoning Ordinance Updates, the proposed project would result in the same land use densities and intensities as those identified and analyzed in the previous EIR. Since certification of the previous EIR, there have been several legislative updates related to air quality. Notably, the Ninth Circuit questioned the validity of reach codes in *California Restaurant Association v. City of Berkeley* (9th Cir. 2023) — F.4th — (No. 21-16278). However, future individual development projects would need to comply with the latest CBC and its electrification

requirements that function to provide similar benefits as found in the City's Reach Code.⁴ Future individual development projects under the proposed project would comply with applicable policies and measures contained in the General Plan and the City's adopted CAP. The proposed project would also expand on existing performance standards, including those for GHG emissions, to ensure consistency with the City's CAP. Furthermore, the proposed project would expand TDM requirements and reduce required parking ratios. Parking on its own is not considered a physical impact on the environment under CEQA. Reduced parking could promote alternative methods of transit, such as walking and biking, which could decrease the number of vehicles on the road and the secondary effects to traffic and air quality.⁵ Reducing parking minimums (and promoting shared parking, off-site parking, and car-share parking) allows for more compact and efficient urban layouts that prioritize pedestrians and alternative transit, creating more livable and attractive neighborhoods. Reductions in parking could also encourage the use of alternative transit infrastructure such as bike lanes, pedestrian-friendly streets, and public transit hubs. The expansion of TDM requirements would improve transportation efficiency and further support and incentivize a reduction in traffic by promoting alternative transit. T, the effects of the proposed project were anticipated in the previous EIR and there are no project-specific effects that were not analyzed in the General Plan EIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. No additional analysis is required.

Mitigation Measures

None required.

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 previous EIR 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 previous EIR 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 previous EIR.

⁴ A "reach code" is a local ordinance that surpasses the state's minimum requirements for energy and green building standards.

⁵ Washington State Department of Transportation (WSDOT). 2010. Impacts of VMT Reduction Strategies on Selected Areas and Groups. December.

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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
IX. Hazards and Hazardous Materials					
<i>Would the project:</i>					
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	No	No	No	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	No	No	No	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	No	No	No	None
d) Be located on a site which is included on a list of	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
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?					
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	No	No	No	None
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
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	No	No	No	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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project includes the same land uses and intensity of development as those contemplated in the previous EIR. The proposed project includes expansions to performance standards, including those for hazardous materials, to create consistency with the City's CAP. The project does not propose specific development. Future development and land use activities within the Planning 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 previous EIR. 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 the Previous EIR

The previous EIR determined that there are no hazardous materials release sites compiled pursuant to Government Code Section 65962.5 within the Planning Area. The previous EIR 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 the Regional Water Quality Control Board (RWQCB), SB 1248 local agency, or other agency. The previous EIR 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 previous EIR concluded that future development projects would comply with applicable federal and state regulations, reducing impacts to less than significant.

Proposed Project Analysis and Conclusions

The project does not propose any physical development. As described above, there are no hazardous materials release sites within the General Plan Planning Area. While there are LUST sites and sites identified by EnviroStor in the General Plan 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. The proposed project includes expansions to performance standards, including those for hazardous materials, to create consistency with the City's CAP. 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 previous EIR. 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 the Previous EIR

The previous EIR determined that there are no airport facilities within the Planning Area and the nearest airport facility is the San José 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 Interstate 280 (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 José International Airport, and these incidents were small-scale and did not occur within Milpitas city limits. Furthermore, the previous EIR identified that the City is not located within one of the Airport Safety Zones for the San José International Airport. Therefore, the previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The project does not propose any development in areas not previously contemplated by the previous EIR. As described in the previous EIR, the closest airport to the General Plan Planning Area is the San José 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 José International Airport. Therefore, development and land use activities contemplated by the proposed project would not expose persons residing or working in the General Plan Planning 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 previous EIR. No additional analysis is required.

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development within the General Plan Planning 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. 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project does not approve or propose any physical development within the General Plan Planning Area. Furthermore, the proposed project would have the same land use patterns, densities and intensities as those analyzed by the previous EIR. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
X. Hydrology and Water Quality <i>Would the project:</i>					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than significant impact	No	No	No	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	No	No	No	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	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
manner which would:					
(i) result in substantial erosion or siltation on- or off-site;	Less than significant impact	No	No	No	None
(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	No	No	No	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	No	No	No	None
(iv) impede or redirect flood flows?	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Less than significant impact	No	No	No	None
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than significant impact	No	No	No	None

Discussion

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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 the Previous EIR

Construction

The previous EIR 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 Storm Water Pollution Prevention Plan (SWPPP) if it disturbs more than one acre of land to ensure BMPs are implemented during project construction. Further, the previous EIR 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 RWQCB. Therefore, the previous EIR concluded that impacts would be less than significant.

New Development

The previous EIR 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 previous EIR 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 previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant with implementation of all applicable federal, state, and local policies and regulations.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development. It would result in the same land use patterns, densities and intensities as those analyzed by the previous EIR; therefore, impacts related to polluted runoff are not anticipated beyond those analyzed in the previous EIR. Furthermore, future development and land use activities within the City's jurisdiction would be subject to General 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR 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 previous EIR 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.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in the same land use patterns, densities and intensities as those analyzed by the previous EIR. 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 previous EIR. Furthermore, future development and land use activities within the City's jurisdiction would be subject to General 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, 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 previous EIR. No additional analysis is required.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Summary of the Previous EIR

Flood

The previous EIR 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 previous EIR, 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 (Municipal Code Title XI, Chapter 15). Further, the previous EIR 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 previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

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 Policies SA 2-3 through SA 2-10, which describe flood control measures and requirements for new developments to reduce flooding risks. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XI. Land Use and Planning <i>Would the project:</i>					
a) Physically divide an established community?	Less than significant impact	No	No	No	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	No	No	No	None

Discussion

a) Physically divide an established community?

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR, 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would result in the same land use patterns as those evaluated in the previous EIR. 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project contains updates to the City's Municipal Code, General Plan, and Zoning Ordinance with the purpose of establishing consistency between the General Plan and Municipal Code. These updates would result in the same land uses, density, and intensity of development as what was evaluated in the previous EIR. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XII. Mineral Resources <i>Would the project:</i>					
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	No	No	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	No	No	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 the Previous EIR

The previous EIR 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 previous EIR

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 previous EIR 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 previous EIR 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.

Proposed Project Analysis and Conclusions

The proposed project does not propose any changes within the General Plan Planning Area that could potentially result in development in areas not previously contemplated by the previous EIR. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XIII. Noise <i>Would the project result in:</i>					
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)	No	No	No	None
b) Generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact	No	No	No	None
c) For a project located within the vicinity of a private airstrip or an airport	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
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?					

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 the Previous EIR

Traffic Noise

The previous EIR 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, such as residences, schools, or libraries. While the General Plan included several policies and actions to reduce noise and land use compatibility impacts from traffic noise sources, the previous EIR concluded that traffic noise would still exceed applicable noise exposure criteria even with implementation of General Plan requirements. 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 previous EIR 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 previous EIR 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 previous EIR 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 previous EIR 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 previous EIR 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 previous EIR concluded that implementation of General Plan policies and actions would reduce noise impacts from construction noise to a less than significant level.

Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development in areas not previously evaluated in the previous EIR. As described in Section 2, Project Description, buildout of the proposed project would result in the same intensity of development as that evaluated in the previous EIR, and would expand performance standards for noise to reduce potential impacts of development through the application of uniformly applied standards. Therefore, the proposed project does not anticipate any additional construction noise impacts beyond those analyzed in the previous EIR. 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, which would help reduce potential future noise impacts from the proposed project. Similar to the conclusions of the previous EIR, 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 previous EIR. No additional analysis is required.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Summary of the Previous EIR

Construction

The previous EIR 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 previous EIR concluded that, given the temporary nature of construction, and upon compliance with applicable General Plan policies and actions, impacts from construction vibration would be less than significant.

Operation

The previous EIR 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 previous EIR was certified. The previous EIR 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 previous EIR determined that impacts related to groundborne vibration during operation 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. As described in Section 2, Project Description, buildout of the proposed project would result in the same intensity of development as that anticipated in the previous EIR, and would expand performance standards for noise to reduce potential impacts of development through the application of uniformly applied standards. Therefore, the proposed project does not anticipate any additional construction vibration impacts beyond those analyzed in the previous EIR. 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. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. 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 the Previous EIR

Impacts related to airports are discussed in Section 3.8, Hazards and Hazardous Materials, of the previous EIR. The previous EIR concluded that Milpitas is not located within an airport land use plan or within 2 miles of a public airport. Therefore, implementation of the General Plan would result in less than significant impacts related to aircraft noise.

Proposed Project Analysis and Conclusions

The area associated with the proposed project is the same as the General Plan Planning 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 General Plan Planning 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 previous EIR. No additional analysis is required.

Mitigation Measures

None required.

Conclusion

With regard to Noise, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XIV. Population and Housing <i>Would the project:</i>					
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	No	No	No	None
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Less than significant impact	No	No	No	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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR, 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would update the Municipal Code, Zoning Map, and General Plan. These updates would be clerical and administrative in nature and are intended to create consistency between the General Plan and the Zoning Code. The proposed project also includes the same land uses and intensity of development as those evaluated in the previous EIR. Therefore, the proposed project does not anticipate any changes to direct and indirect population growth impacts in the City beyond those analyzed in the previous EIR, and implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the previous EIR. No additional analysis required.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Summary of the Previous EIR

The previous EIR determined that implementation of the General Plan would not displace substantial numbers of existing people or housing. The previous EIR 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 previous EIR concluded that impacts would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would update the City's Municipal Code, Zoning Map, and General Plan to ensure conformity with current General 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 the same as those envisioned and evaluated in the previous EIR. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XV. Public Services <i>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:</i>					
a) Fire protection?	Less than significant impact	No	No	No	None
b) Police protection?	Less than significant impact	No	No	No	None
c) Schools?	Less than significant impact	No	No	No	None
d) Parks?	Less than significant impact	No	No	No	None
e) Other public facilities?	Less than significant impact	No	No	No	None

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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts related to fire protection, police protection, schools, parks, and other public 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 General Plan Planning Area that could result in direct or indirect population growth not previously contemplated by the previous EIR. Additionally, the proposed project would maintain the same land use patterns as were envisioned and evaluated in the previous EIR and, as such, would result in the same 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 previous EIR. Furthermore, future development projects would be required to comply with applicable federal, state, regional, and local laws and regulations related to public services, including payment of impact fees that support the provision of increased public services. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XVI. Recreation					
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	No	No	No	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	No	No	No	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 the Previous EIR

The previous EIR 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 previous EIR 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 Permanent Open Space and Public Facilities land use designations to accommodate new parks and trails, in accordance with General Plan Policy PROS 1-4. The previous EIR 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 previous EIR concluded that impacts 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 General Plan Planning Area that could result in direct or indirect population growth not previously contemplated by the previous EIR. Additionally, the proposed project would maintain existing land use patterns as evaluated in the previous EIR. This precludes the potential for new impacts associated with new or expanded parks and recreational facilities beyond those already evaluated and disclosed in the previous EIR. 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.

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. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XVII. Transportation <i>Would the project:</i>					
a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less than significant impact	No	No	No	None
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	Significant and unavoidable impact	No	No	No	None available
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	No	No	No	None
d) Result in inadequate emergency access?	Less than significant impact	No	No	No	None

Discussion

- a) **Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts related to conflict with a program, plan, ordinance, or policy associated with the circulation system would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would result in the same intensity and density of development within the General Plan Planning Area, as well as result in the same land use patterns as those evaluated in the previous EIR. 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 previous EIR. No additional analysis is required.

- b) **Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR 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 previous EIR determined that they cannot be guaranteed and are not possible to

fully quantify or mitigate at the programmatic level. Therefore, the previous EIR concluded that impacts related to VMT would be significant and unavoidable.

Proposed Project Analysis and Conclusions

The proposed project would result in the same land use patterns, densities, and intensities as those evaluated in the previous EIR. 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. To create consistency with the City's CAP, the proposed project would update the Zoning Ordinance by adding TDM requirements. The proposed project would also expand TDM requirements and reduce required parking ratios. Parking on its own is not considered a physical impact on the environment under CEQA. However, reduced parking could promote alternative methods of transit, such as walking and biking, which could decrease the number of vehicles on the road and the secondary effects to traffic.⁶ Reducing parking minimums (and promoting shared parking, off-site parking, and car-share parking) allows for more compact and efficient urban layouts that prioritize pedestrians and alternative transit, creating more livable and attractive neighborhoods. Reduction in parking could also allow for increased alternative transit infrastructure, such as bike lanes, pedestrian-friendly streets, and public transit hubs. The expansion of TDM requirements would improve transportation efficiency and further support and incentivize a reduction in traffic by promoting alternative transit. Therefore, the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR concluded that impacts related to hazards due to geometric design features would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project includes updates to the Municipal Code, Zoning Map, and General Plan 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

⁶ Washington State Department of Transportation (WSDOT). 2010. Impacts of VMT Reduction Strategies on Selected Areas and Groups. December.

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 previous EIR. No additional analysis is required.

d) Result in inadequate emergency access?

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts related to emergency vehicle access would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would result in the same intensity, density, and land use patterns as those evaluated in the previous EIR, which precludes the potential for new impacts associated with emergency access. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XVIII. Utilities and Service Systems <i>Would the project:</i>					
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	No	No	No	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	No	No	No	None
c) Result in a determination by the wastewater treatment provider which serves or	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
may serve the project that it has 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	No	No	No	None
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than significant impact	No	No	No	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 the Previous EIR

Water

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts would be less than significant.

Wastewater

The previous EIR determined that the implementation of the General Plan would increase demand for wastewater services. The previous EIR 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 previous EIR also identified policies within the General Plan that are designed to ensure adequate wastewater treatment capacity is available to serve development. Therefore, the previous EIR concluded that impacts would be less than significant.

Stormwater Drainage

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts related to stormwater drainage would be less than significant.

Proposed Project Analysis and Conclusions

The purpose of the proposed project is to establish consistency between the General Plan and Zoning Code; therefore, the proposed project would result in the same density and intensity of development as well as the same land use patterns as those evaluated in the previous EIR. Accordingly, the proposed project would not result in direct or indirect population growth not previously contemplated by the previous EIR 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that impacts related to adequate water supplies would 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 the Previous EIR

The previous EIR 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 Urban Water Management Plan (UWMP). The previous EIR 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 José-Santa Clara RWF 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 previous EIR identified various General Plan policies designed to ensure an adequate wastewater treatment capacity for development. Therefore, the previous EIR concluded that impacts related to adequate wastewater treatment capacity 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?**
- e) **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Summary of the Previous EIR

The previous EIR 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, which serves Milpitas. The previous EIR 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 previous EIR concluded that impacts related to solid waste would be less than significant.

Proposed Project Analysis and Conclusions

The proposed project would not result in direct or indirect population growth not previously contemplated by the previous EIR 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 previous EIR. Future individual development projects would be required to comply with General Plan policies as well as AB 939 (which mandated that 50 percent of solid waste

be diverted by 2000) and the City's UWMP. 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
XIX. Wildfire <i>If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:</i>					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Less than significant impact	No	No	No	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	No	No	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	Less than significant impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
ongoing impacts to the environment?					
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	No	No	None

Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Summary of the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR 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.

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 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 previous EIR. 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 the Previous EIR

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 previous EIR 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 previous EIR 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.

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, 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR 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 previous EIR concluded that implementation of the General Plan would result in a less than significant impact regarding installation or maintenance of infrastructure and wildfire risk.

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 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 previous EIR. 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 the Previous EIR

The previous EIR found that a large portion of central Milpitas and areas along Coyote Creek are located within a mapped portion of 1 percent annual chance flood hazard and 0.2 percent annual chance flood hazard zones, according to the FEMA Flood Hazard Map Viewer. The General Plan Planning Area has not been impacted by fires. However, 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 previous EIR 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.

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 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 previous EIR. No additional analysis is required.

Mitigation Measures

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 previous EIR 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 previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Environmental Issue Area	Conclusion in Previous EIR	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?	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	No	No	No	None
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable"	Significant and unavoidable impact	No	No	No	None

Environmental Issue Area	Conclusion in Previous EIR	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?	Mitigation Measures
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)?					
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	Significant and unavoidable impact	No	No	No	None

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 the Previous EIR

The previous EIR 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 previous EIR 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.

Proposed Project Analysis and Conclusions

The proposed project would result in the same intensity and density of development, as well as the same land use patterns, as those envisioned and evaluated in the previous EIR. Therefore, the proposed project would have similar environmental effects related to biological resources, cultural resources, and TCRs as evaluated and disclosed in the previous EIR. 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 previous EIR. 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 the Previous EIR

The previous EIR 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 previous EIR concluded that the implementation of the General Plan would have cumulatively considerable impacts related to noise and transportation.

Proposed Project Analysis and Conclusions

The proposed project does not approve any specific development and would result in the same intensity and density of development, as well as the same land use patterns, as those envisioned and evaluated in the previous EIR, because the proposed project would ensure consistency between the Zoning Ordinance and General 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 previous EIR. 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 previous EIR. 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 the Previous EIR

The previous EIR 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).

Proposed Project Analysis and Conclusions

The proposed project would result in the same intensity and density of development, as well as the same land use patterns, as envisioned and evaluated in the previous EIR because the proposed project would ensure consistency between the Zoning Ordinance and General Plan. Accordingly, the proposed project would have similar environmental effects related to noise, air quality, and GHG emissions, as evaluated and disclosed in the previous EIR. 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 previous EIR. No additional analysis is required.

Mitigation Measures

None required.

Conclusion

With regard to Mandatory Findings of Significance, the analysis demonstrates that:

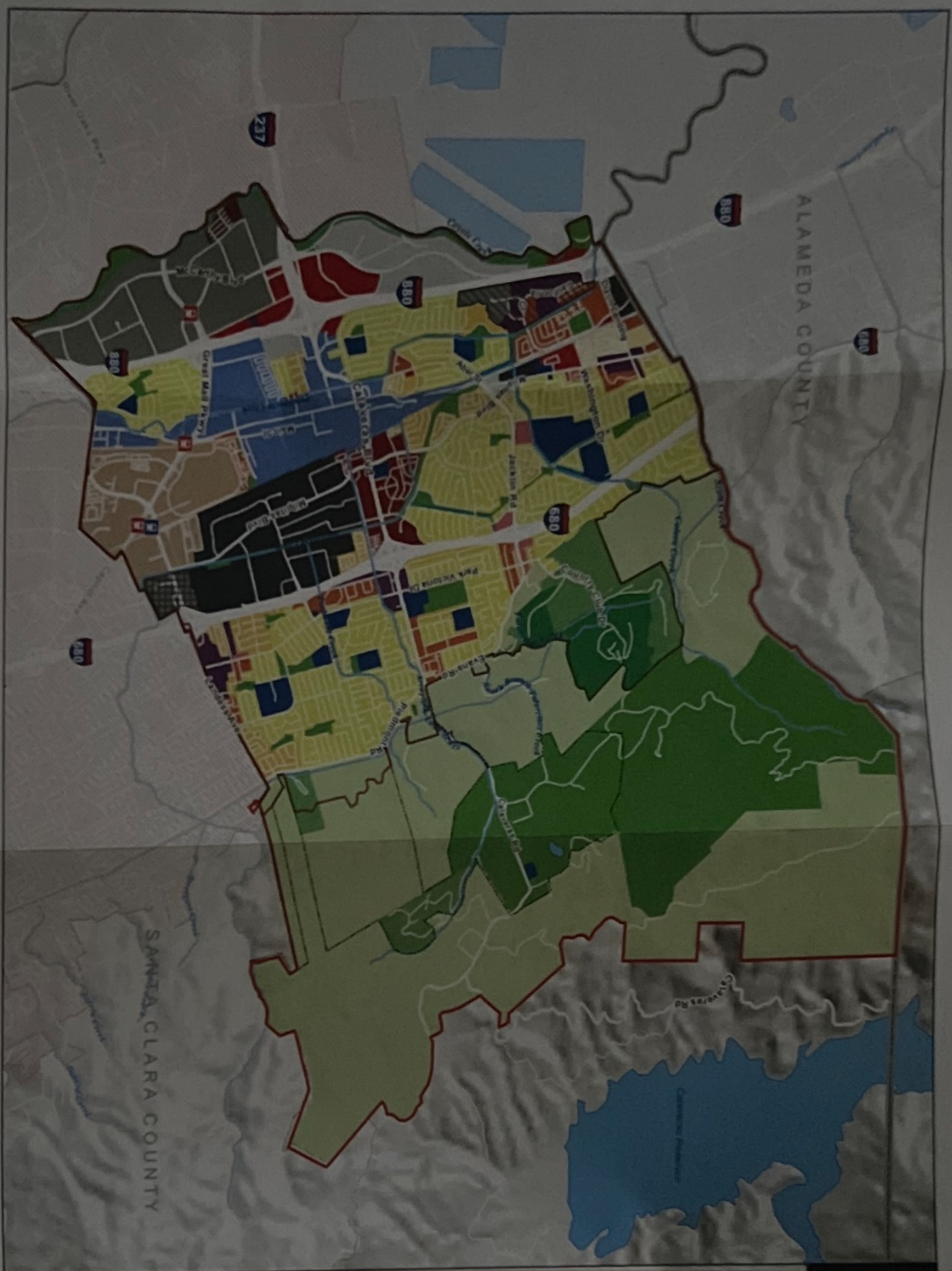
1. No substantial changes are proposed in the project which require major revisions to the previous EIR due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previous EIR 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 previous EIR.
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 CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

Appendix A:

Tribal Cultural Resources Supporting Information

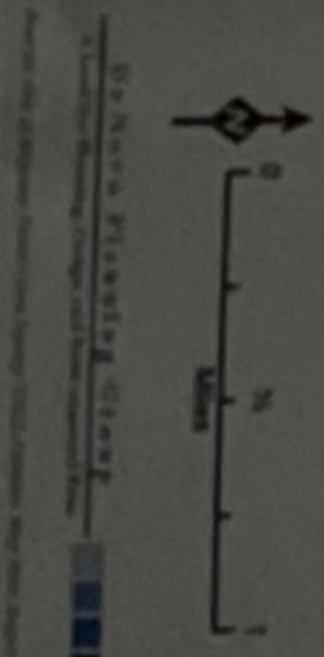
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FIGURE LU-1
GENERAL PLAN LAND USE MAP



Legend

- HVL - Hillside Very Low Density
- HLD - Hillside Low Density
- HMD - Hillside Medium Density
- LDR - Low Density Residential
- MDR - Medium Density Residential
- HDR - High Density Residential
- VHDR - Very High Density Residential
- MHP - Milpitas Home Park
- V-HDMU - Very High Density Mixed Use
- NCMU - Neighborhood Commercial Mixed Use
- GMC - General Commercial
- NC - Neighborhood Commercial
- TYC - Town Center
- IHP - Industrial Park
- BRPD - Business Park/Research & Development
- MFG - Manufacturing
- PF - Public Facilities
- POS - Permanent Open Space
- MMSGP - Milpitas Metro Specific Plan
- MGSP - Milpitas Gateway-Milpitas Transit Specific Plan
- WW - Waterway
- Future Specific Plan Overlay
- Innovation District Overlay
- Planning Areas
- City of Milpitas
- Milpitas Sphere of Influence
- Milpitas Urban Service Area
- San Jose Planning Limits of Urban Growth
- County Boundary
- Transit Stations
- BART Station
- VTA Station



By Name Planning Group
A Landmark Planning Group and Urban Planning Firm
Approved by the Board of Directors, January 12, 2011. Adopted by the Board, February 1, 2011.



City of Milpitas

408.586.3000

455 E. Calaveras Blvd.

Milpitas, CA 95035

www.milpitas.gov

May 2, 2025

Via E-mail with Certified Mail to Follow

Richard Massiatt, Councilmember/MLD Tribal Rep.
Muwekma Ohlone Tribe of the SF Bay Area
1169 S. Main Street, Suite 336
Manteca, CA 95337

RE: Senate Bill 18 Consultation for Proposed General Plan Amendment, Milpitas, California.

Dear Mr. Massiatt:

On behalf of the City of Milpitas, we are providing you with notice of a proposed minor amendment to the Milpitas 2040 General Plan that will be considered in conjunction with the forthcoming comprehensive update to the City's Zoning Ordinance. This notice is provided in accordance with California Government Code § 65352.3. Below please find a description of the proposed General Plan amendment and the name of the project point of contact.

- Amend Table 1: General Plan Designations and Implementing Zoning Districts in the Land Use Element to
 - (1) remove R5 as an implementing zone for the Very High Density Mixed Use (VHDMU) designation, since the R5 zone will be replaced with other zones through the zoning ordinance update and will be eliminated from the code; and
 - (2) change the implementing zone for the Mobile Home Park (MHP) land use designation to MHP – Mobile Home Park Zone, since the existing Mobile Home Park Combining District Overlay will be replaced with a new Mobile Home Park (MHP) base zone as part of the zoning ordinance update.

This text amendment would apply to the entire General Plan planning area (City of Milpitas boundaries and Sphere of Influence) – see enclosed map. For your reference, the Milpitas 2040 General Plan can be viewed online: <https://www.milpitas.gov/370/Milpitas-2040-General-Plan>

The purpose of Tribal Consultation is to determine whether or not Tribal Cultural Resource(s) are present within the areas affected by the proposed General Plan Amendment, and, if so, whether or not those resources will be significantly impacted. If Tribal Cultural Resources may be significantly impacted, then consultation will help to determine the most appropriate way to avoid or mitigate those impacts.

No grading or other ground-disturbing activities are proposed as part of these amendments.

The City respects and values your input. In accordance with Government Code § 65352.3, you have 90 days from the receipt of this letter to either request or decline consultation in writing for this project. If you do not believe there would be an impact to protected cultural resources from these



From: [Holly Pearson](#)
To: [Maddie Dolan](#)
Subject: FW: Senate Bill 18 Consultation General Plan Admendment, Milpitas California
Date: Wednesday, June 4, 2025 10:02:28 AM
Attachments: [May 19, Doc 3.pdf](#)

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From: Richard Massiatt <rmassiatt@muwekma.org>
Sent: Wednesday, May 21, 2025 7:01 PM
To: Holly Pearson <hpearson@milpitas.gov>; Marni McManus <mcmanus@muwekma.org>; Alan Leventhal <aleventh@muwekma.org>; Charlene Nijmeh <cnijmeh@muwekma.org>
Subject: Senate Bill 18 Consultation General Plan Admendment, Milpitas California

Hello Holly Pearson,

Thank you for reaching out to Muwekma Ohlone Tribe, Inc., we are interested in your project and would like to have further discussions in assisting you with our services. We offer Tribal Consultations as defined under Section 106, CEQA, Assembly Bill (AB) 52, Senate Bill (SB) 18 Consultation, and California Public Resources Code § 21080.3.1. Should your agency and/or project developers choose to work with our Tribe for monitoring and, if necessary, burial recovery services after reviewing documents our Senior Tribal Archeologist and Ethnohistorian Alan Leventhal will have further discussions with you.

At your request we can email you our services and our Muwekma Rate sheet for your review. Any other future concerns please contact us.

Please update new mailing address 1169 S. Main St. Ste. 336 Manteca CA. 95337

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City of Milpitas

408.586.3000
455 E. Calaveras Blvd.
Milpitas, CA 95035
www.milpitas.gov

May 2, 2025

Via E-mail with Certified Mail to Follow

Quirina Luna Geary, Chairperson
Tamien Nation
PO Box 8053
San Jose, CA 95155

RE: Senate Bill 18 Consultation for Proposed General Plan Amendment, Milpitas, California.

Dear Ms. Geary:

On behalf of the City of Milpitas, we are providing you with notice of a proposed minor amendment to the Milpitas 2040 General Plan that will be considered in conjunction with the forthcoming comprehensive update to the City's Zoning Ordinance. This notice is provided in accordance with California Government Code § 65352.3. Below please find a description of the proposed General Plan amendment and the name of the project point of contact.

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This text amendment would apply to the entire General Plan planning area (City of Milpitas boundaries and Sphere of Influence) – see enclosed map. For your reference, the Milpitas 2040 General Plan can be viewed online: <https://www.milpitas.gov/370/Milpitas-2040-General-Plan>

The purpose of Tribal Consultation is to determine whether or not Tribal Cultural Resource(s) are present within the areas affected by the proposed General Plan Amendment, and, if so, whether or not those resources will be significantly impacted. If Tribal Cultural Resources may be significantly impacted, then consultation will help to determine the most appropriate way to avoid or mitigate those impacts.

No grading or other ground-disturbing activities are proposed as part of these amendments.

The City respects and values your input. In accordance with Government Code § 65352.3, you have 90 days from the receipt of this letter to either request or decline consultation in writing for this project. If you do not believe there would be an impact to protected cultural resources from these



limited General Plan changes, we would appreciate you affirmatively informing us of this as soon as possible.

Please send your written response to the **City of Milpitas, Planning Department, 455 East Calaveras Blvd., Milpitas, California 95035, Attn: Holly Pearson**, or by email to hpearson@milpitas.gov.

We look forward to receiving your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly Pearson", written over a light gray rectangular background.

Holly Pearson, AICP
Senior Special Projects Associate



TN-20250520-01

TAMIEN NATION
P.O. Box 8053, San Jose, California 95155
(707) 295-4011 tamien@tamien.org

June 02, 2025

Holly Pearson, AICP Senior Special Projects Associate

City of Milpitas

455 East Calaveras Blvd., Milpitas, CA 95035

Sent Via Email: hpearson@milpitas.gov

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b),(d) and (e).

Project: Senate Bill 18 Proposed General Plan Amendment, Milpitas, California

Dear Holly,

Thank you for the notification. We sincerely appreciate your time and effort in reaching out to us. This letter serves as a formal request for tribal consultation in accordance with the provisions of the California Environmental Quality Act (CEQA) Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Tamien Nation requested formal notice and information for all projects within your agency's geographical jurisdiction and received project notification on May 20, 2025

Tamien Nation requests consultation on the following topics checked below, which shall be included in consultation (Public Resources Code section 21080.3.2.

- ☒ Alternatives to the project
- ☒ Recommended mitigation measures
- ☒ Significant effects of the project

Tamien Nation also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2(, subd. (a):

- ☒ Type of environmental review necessary
- ☒ Significance of tribal cultural resources, including any regulations, policies standards used by you agency or to determine significance of tribal cultural resources
- ☒ Significance of the project's impacts on tribal cultural resources

Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 - a. Protecting the cultural character and integrity of the resource;
 - b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Additionally, Tamien Nation would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to draw your attention to CEQA Guidelines Section 15126.4, subdivision (b)(3), emphasizing that avoidance and preservation in place is the preferred method for mitigating impacts to archaeological sites. The California Court of Appeal has clarified in the case of *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48 (disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439) that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts."

It is crucial to adhere to this guideline in order to ensure the effective preservation of tribal cultural resources. If you have any questions or require further clarification on this matter, please do not hesitate to reach out.

To streamline the process, please send us the requested documentation at least ten (10) business days before our initial consultation meeting. You can view our availability and schedule a consultation meeting with us here: <https://calendly.com/tamien/ab-52sec106-consultation>.

For consultation, please contact the designated Tamien Nation representatives listed below

Please include all listed contacts in any correspondences.

Quirina Geary
Chairwoman
(707) 295-4011
qgeary@tamien.org

Lillian Camarena
Director of Cultural Resources
(559) 363-5914
lcamarena@tamien.org

Tracie Carrasco
Administrative Assistant
(559) 975-9407
tcarrasco@tamien.org

For physical mail, address it to the same individuals at the following address: PO Box 8053, San Jose, CA 95155.

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter. Please refer to identification number TN-20250520-01 in any correspondence for this project.

On behalf of Tamien Nation, we thank you for providing us with this notice and the opportunity to comment.

Sincerely,



Quirina Geary
Chairwoman

cc: Native American Heritage Commission

From: [Maddie Dolan](#)
To: [Alex Ortiz](#)
Subject: Fwd: Senate Bill 18 Consultation for Proposed General Plan Amendment, Milpitas, CA
Date: Thursday, June 5, 2025 12:49:34 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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From: Holly Pearson <hpearson@milpitas.gov>
Sent: Thursday, June 5, 2025 9:48:39 PM
To: Maddie Dolan <mdolan@fcs-intl.com>
Subject: FW: Senate Bill 18 Consultation for Proposed General Plan Amendment, Milpitas, CA

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From: Holly Pearson <hpearson@milpitas.gov>
Sent: Thursday, June 5, 2025 1:20 PM
To: Tracie Carrasco <tcarrasco@tamien.org>
Cc: Quirina Geary <qgeary@tamien.org>; Lillian Camarena <lcamarena@tamien.org>
Subject: RE: Senate Bill 18 Consultation for Proposed General Plan Amendment, Milpitas, CA

RE: TN-20250520-01 (City of Milpitas - proposed Gen. Plan Amendment)

Good afternoon,

I have scheduled a consultation meeting regarding the project referenced below for June 25, 2025 at 9:00 am Pacific time.

I will send a more detailed response to your letter, including the requested documentation, at least 10 days prior to that date.

Thank you for your interest in our General Plan Amendment process and for your willingness to meet with our staff!

Kind regards,
Holly Pearson

Holly Pearson, AICP
Zoning Update Project Manager – Planning



Department

Phone [\(408\) 609-0072](tel:(408)609-0072) **Fax** (408) 586-2700

Email hpearson@milpitas.gov

455 E. Calaveras Blvd., Milpitas CA 95035

www.milpitas.gov



From: Tracie Carrasco <tcarrasco@tamien.org>

Sent: Monday, June 2, 2025 11:30 AM

To: Holly Pearson <hpearson@milpitas.gov>

Cc: Quirina Geary <ggeary@tamien.org>; Lillian Camarena <lcamarena@tamien.org>

Subject: RE: Senate Bill 18 Consultation for Proposed General Plan Amendment, Milpitas, CA

Good Morning,

Thank you for contacting Tamien Nation regarding the **SB 18** Notification for Re: Senate Bill 18 Consultation for Proposed General Plan Amendment, Milpitas, CA

Please see the attached letter requesting formal consultation. Kindly reference TN-202505**20-01** in all future correspondence.

When scheduling consultations, we ask that you include Chairwoman Quirina Geary, Cultural Resource Director Lillian Camarena, and Administrative Assistant Tracie Carrasco on the invite.

We appreciate your time and look forward to your response.

Best regards,

Tracie Carrasco

Administrative Assistant

Tamien Nation

www.tamien.org

Holly Pearson

Subject: Holly Pearson and Tamien Nation - Quirina Geary, Chairwoman
Location: TN-20250520-01 (City of Milpitas - proposed Gen. Plan Amendment)

Start: Wed 6/25/2025 10:00 AM
End: Wed 6/25/2025 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Quirina Geary

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.

Event Name: AB 52/SEC 106 Consultation

Please send all requested documentation at least 10 business days before our scheduled meeting to allow us time to review.

Please send a video/teleconference invite link to ggeary@tamien.org

Suururuy (thank you) and we look forward to working with you.

Location: TN-20250520-01 (City of Milpitas - proposed Gen. Plan Amendment)

Project address: Citywide (City of Milpitas)

Please enter a virtual meeting invite link here or email link to: ggeary@tamien.org :

Milpitas Planning Department is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://ci-milpitas-ca->

[gov.zoom.us/j/86902690846?pwd=bRundTyYOVWYlAiwagXynqLhRy14WH.1](https://zoom.us/j/86902690846?pwd=bRundTyYOVWYlAiwagXynqLhRy14WH.1)

Meeting ID: 869 0269 0846

Passcode: 734135

Provide link to documents here or via email to ggeary@tamien.org: I will send requested documentation via email at least 10 days prior to this meeting date. Thank you!

Need to make changes to this event?

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When

Wednesday Jun 25, 2025 · 9am – 10am (Mountain Standard Time - Phoenix)

Location

TN-20250520-01 (City of Milpitas - proposed Gen. Plan Amendment)

[View map](#)

Guests

Quirina Geary - organizer

Tracie Carrasco

hpearson@milpitas.gov

Lillian Camarena

[View all guest info](#)

Reply for hpearson@milpitas.gov

Yes	No	Maybe
More options		

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Summary of Zoning Ordinance Changes for Comprehensive Zoning Ordinance Update (Phase 2)

General

- Relocate the Zoning Ordinance to a new Title in the MMC (i.e., currently Chapter 10 in Title XI; proposed to be a new Title XIII).
- Revise the organizational structure of the Zoning Ordinance.
- Revise the numbering system for the Zoning Ordinance.
- Replace archaic language; updated terms, text, and graphics; simplified and clarified content.
- Incorporate tables and graphics for clarity and illustration of standards where appropriate.
- Edits for legal compliance (i.e., state and federal law). This includes, but is not limited to, revisions to the following:
 - Allowed land uses and definitions of allowed land uses;
 - Parking (e.g., AB 2097 that prohibits requiring parking for projects within 0.5 mile of a major transit stop);
 - Sign standards for content-neutrality based on the *Reed v. Town of Gilbert* (No. 135 S.Ct. 2218, 2015) decision;
 - State density bonus law;
 - Accessory dwelling units; and
 - Public hearing noticing.
- Edits for compliance with state law and the City’s 2023-2031 Housing Element. This includes, but is not limited to, revisions to the following:
 - Emergency shelters;
 - Low barrier navigation centers
 - Supportive housing;
 - Single-room occupancy;
 - Employee and farmworker housing;
 - Residential care facilities;
 - Parking;
 - Reasonable Accommodation procedure; and
 - Site Development Permit findings.

Zones

- Modify zones and associated development standards to implement the General Plan (*Note - Draft Zoning Ordinance Table B.2.020-A shows alignment of zones to General Plan Land Use Designations*).
- Remove the R1-8 subzone and the R5, MXD2, and AR zones as they are not applied to any property.
- Remove overlays that are outdated, not being used, or otherwise would be addressed elsewhere in the updated Zoning Ordinance.
 - Transit-Oriented Development (TOD) Overlay [addressed by the Metro Specific Plan Zones adopted in Phase 1]
 - High Rise (HR) Overlay [applied to one property as the result of a project-specific entitlement that was never constructed]
 - Gateway Office (OO) Overlay [will be addressed in the Gateway-Main Specific Plan, which is currently underway]
 - Recreation and Entertainment (RE) Overlay [addressed by the Business Park Research and Development Zone that was adopted in Phase 1 and will be addressed through updated land use tables in the Zoning Ordinance]
 - Mobile Home Park Combining District [will be replaced with a base zone for mobile home parks "Mobile Home Park" (MHP) Zone]
- Modify/increase density standards to be consistent with the General Plan (i.e., R2, R3, MHP, MXD3 zones).
- Modify/increase FAR standards to be consistent with the General Plan (i.e., C1, M1, M2, MP zones).
- Modify/reduce interior side and rear setbacks in R2 and R3 zones and open space requirement in R3 Zone consistent with Housing Element programs.
- Comprehensively update allowed land uses (consolidate allowed uses, add new uses where appropriate, and revise definitions of land uses to reflect modern uses and best practices). Recategorize some specific land use types into broader and well-defined classes of land uses.
- Lower land use permit requirements where appropriate (e.g., staff level approval instead of Planning Commission approval). *Also see Procedures section below.*

Parking

- Modify/reduce required parking ratios consistent with state law, the Housing Element, and General Plan policies.

- Expand alternative methods available to provide the required number of parking spaces (e.g., shared parking, off-site parking, car-share parking, etc.) consistent with the General Plan and Climate Action Plan policies.
- Add citywide bicycle parking requirements consistent with the General Plan.
- Add transportation demand management (TDM) requirements consistent with the Climate Action Plan.

Other Citywide Standards

- Substantially revised sign standards:
 - Zoning standards for signs have been comprehensively rewritten, including the roster of sign types and how they are defined/categorized
 - Sign standards (allowable height, area, etc.) have been reorganized into a table format for easier reference
 - New illustrations have been included to demonstrate sign types and applicable standards for size and placement, and color graphics and photos have been added to illustrate the sign design standards.
- Add comprehensive landscape standards consistent with the General Plan and Climate Action Plan.
- Add exterior lighting standards (Draft Zoning Ordinance Section C.2.070).
- Expand performance standards (e.g., noise, odor, hazardous materials, air contaminants, etc.) (Draft Zoning Ordinance Section C.2.110).
- Add incentives for the development of larger affordable rental units (3 or more bedrooms) consistent with Housing Element programs. Incentives consist of 30% reduction in setbacks and 30% reduction in common open space required.
- Add incentives for the consolidation of smaller existing lots into larger lots that can be more efficiently developed into higher density housing or mixed-use projects consistent with Housing Element programs. Incentives consist of 10% reduction in setbacks, 10% reduction in common open space required, and 20% reduction in guest parking.
- Update and expand regulations for special uses, including alcoholic beverage sales, drive-through facilities, home occupations, temporary uses, and service stations.
- Add design standards for newly constructed single-family residential units.
- Comprehensively rewrite sign standards to reflect legally compliant, content-neutral sign types and associated sign definitions and standards; add photos and graphics to illustrate sign standards.

Procedures

- Revise planning permit types and the applicable review authority for each for clarity, and to provide for an appropriate level of review/discretion and public notification for development

projects of various sizes and scales. The level of review (i.e., decision authority) for many project types has been reduced to a lower body (e.g., Zoning Administrator instead of Planning Commission).

- Offer streamlined review as an incentive for projects that exceed the City's building code energy efficiency requirements.
- Add Minor Deviation approval and specific allowances for building height exceptions to allow certainty and clarity for deviating from development standards (replacing the current Conditional Use Permit procedure for these types of requests).
- Add new Temporary Use Permit type and procedure, with greater detail and clarity as to the types of temporary uses that do and do not require Planning review and approval
- Revise thresholds for Site Development Permit applicability.
- Add Planned Unit Development procedures.
- Add Development Agreement procedures.