



REGULAR MEETING OF THE MILPITAS CITY COUNCIL



AGENDA

TUESDAY, SEPTEMBER 2, 2025

CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA

6:00 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-2400

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3072

** To access written translation during the meeting, scan the QR Code.*

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.

You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.milpitas.gov/youtube>

Web Streaming: <https://www.milpitas.gov/webstreaming>

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may only be provided live during the City Council meeting in person, unless the City Council approves remote public comment. All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items. Members of the public may submit written comments by email to CityClerk@milpitas.gov

The meeting will be streamed via Zoom for viewing purposes only unless the City Council approves remote public comment. To watch via Zoom, please register at:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_BmtKQH7uQCOlvgUzFzXtA

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@milpitas.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (6:00 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6
Agency's Designated Representative(s): Rick Bolanos, Liebert Cassidy Whitmore
Employee Organization(s): Professional and Technical Employees, Mid-Management and Confidential Employees, Milpitas Employees Association, Unrepresented Employees

(b) CONFERENCE WITH LEGAL COUNSEL

Pursuant to Government Code Section 54956.9(d)(1)
Existing Litigation: *Steven Fox vs. City of Milpitas*, WCAB Case No. ADJ18132318

CLOSED SESSION ANNOUNCEMENT:

Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

PRESENTATION OF THE COLORS and PLEDGE OF ALLEGIANCE

- Troop 0164 Christ Community Church, Milpitas

INVOCATION (Councilmember Lien)

PRESENTATIONS

- IT Professionals Day (Proclamation)
- National Suicide Prevention Week (Proclamation)
- National Preparedness Month (Proclamation)

PUBLIC FORUM

Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Mayor's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive City Council Calendar of Meetings (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for September 2025.

C2. Approve City Council Meeting Minutes (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of August 12 and 19, 2025.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive the list of items that have been requested by City Councilmembers and received consensus in previous meetings to date.

C5. Consider Opting into Settlement Agreements with Purdue Pharma L.P. and the Sackler Family (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3050; and Christopher Creech, Acting City Attorney, 408-586-3040)

Recommendation: Opt into settlement agreement with manufacturers of opioids, Purdue Pharma L.P. and the Sackler Family, whereby the County of Santa Clara will receive the City's designated share of settlement funds and direct and authorize the City Manager to execute the settlement agreement and any documents necessary to implement the action.

C6. Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)

Recommendation: Receive Mayor Montano's recommendations and approve and confirm recommendations for appointments to City Commissions.

C7. Adopt Ordinance No. 65.155 for 2025 California Building Codes with Amendments (Staff Contact: Bill Tott, Building Official, 408-586-3263)

Recommendation: Waive the second reading and adopt Ordinance No.65.155 amending Chapters 3, 3.5, 4, 5, 6,7,10,11,14,16,19, and 150 of Title II of the Milpitas Municipal Code relating to adopting by reference the 2025 California Building Code, 2025 California Residential Code, 2025 California Mechanical Code, 2025 California Electrical Code, 2025 California Plumbing Code, 2025 California Energy Code, 2025 California Green Building Standards Code, 2025 California Wildland Urban Interface Code, 2025 California Existing Building Code, 2025 California Historical Building Code, 2025 Referenced Standards Code, 2024 International Property Maintenance Code, and 2024 International Swimming Pool and Spa Code, with amendments.

C8. Adopt Ordinance No. 113.27, Adopting by Reference the 2025 Edition of the California Fire Code with Certain Local Amendments (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)

Recommendation: Waive the second reading and adopt Ordinance No. 113.27, adopting by reference the 2025 Edition of the California Fire Code, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code, with certain local amendments.

C9. Waive the Second Reading and Adopt an Ordinance Approving Zoning Text and Zoning Map Amendment ZA25-0001 to Comprehensively Update the Zoning Ordinance (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: Determine that the Environmental Impact Report (EIR) Addendum adequately analyzes the potential environmental impacts associated with the proposed Zoning Amendments and is in compliance pursuant to CEQA Guidelines §15162 and §15164; and waive the second reading and adopt Ordinance No. 38.858 approving Zoning Text and Zoning Map Amendment No. ZA25-0001 to comprehensively update the Zoning Ordinance and achieve consistency between the Zoning Ordinance and Zoning Map.

- C10. Approve and Authorize the City Manager, or Designee, to Execute a Design Services Agreement with Bennett Engineering for Street Resurfacing Project 2026, CIP No. 4307 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: Approve and authorize the City Manager, or designee, to execute a Design Services Agreement with Bennett Engineering in an amount not to exceed \$509,112 for the Street Resurfacing Project 2026, CIP No. 4307.

- C11. Adopt a Resolution to Accept the Completed Public Improvements for the Bridge Point Silicon Valley Project, Approve a Reduction of the Faithful Performance Bond for the Project, and Authorize the City Engineer to Release the Remaining Portion of the Bond After the One-Year Warranty Period (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a resolution to accept the completed public improvements for the Bridge Point Silicon Valley Project, (2) Approve a reduction in the faithful performance bond to \$120,260; and (3) Authorize the City Engineer to release the remaining portion of the bond after the one-year warranty period without further City Council action, provided all required warranty work has been completed to the satisfaction of the City Engineer.

- C12. Authorize the City Manager to Execute Purchase Orders with Multiple Vendors for Public Works Related On-Call Services (Staff Contact: Luz Cofresi-Howe, Finance Director, 408-586-3111; and Christian De Renzo, Public Works Director, 408-586-2602)**

Recommendation: Authorize the City Manager, or designee, to (1) Negotiate and execute purchase orders with twenty-five (25) vendors for Public Works related on-call maintenance and repair services – including parts, specialty equipment, and materials as required – for a five-year term in a total amount not to exceed \$8,335,342, subject to the appropriation of funds; and (2) Adjust the not-to-exceed amounts between vendors in specified services areas as required.

- C13. Authorize the City Manager to Negotiate and Execute an Agreement with One Day Installation & Repair, Inc for Police Department Locker Room Renovation (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)**

Recommendation: Approve project plans and specifications, award bid, and authorize the City Manager, or designee, to negotiate and execute a Construction Agreement with One Day Installation & Repair, Inc. for Police Department Locker Room Renovation Project in an amount not to exceed \$700,000, which includes the base bid of \$598,609.25 and a contingency of \$101,390.75 for a maximum compensation of \$700,000, subject to the appropriation of funds, for a term of 270 days.

- C14. Adopt a Resolution Authorizing Submittal of a Grant Application to the California Department of Resources Recycling and Recovery for the Rubberized Pavement Grant Program, and Authorize the City Manager, or Designee, to Execute Grant Funding Agreements and Appropriate Award Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Recommendation: (1) Adopt a resolution authorizing submittal of a grant application to the California Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Grant Program, and (2) Authorize the City Manager, or designee, to execute grant funding agreement(s) with CalRecycle and appropriate awarded funds into City's street resurfacing program for five fiscal years.

C15. Consider a Fee Waiver Request from PRAGNYA (Preparing Resources & Alliances Galvanizing Neurodiversity Acculturation) (Staff Contact: Renée Lorentzen, Recreation and Community Services Director, 408-586-3409)

Recommendation: Approve a Fee Waiver of \$872 for the PRAGNYA event Dinkchak Dhamaal Dandiya at the Milpitas Senior Center on September 27, 2025.

LEADERSHIP AND SUPPORT SERVICES

16. Consider Modifying the City Council Code of Conduct Regarding Electronic Device Use at the Dais (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Adopt a revision to Chapter 3 of the City Council Procedures and Protocols Handbook to (1) Maintain the existing Code of Conduct with no changes; or (2) Revise the Code of Conduct language to state, "Use electronic devices appropriately while on the Council dais."

17. Provide Direction on City Council Salaries in Accordance with California Government Code (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Recommendation: Provide direction to staff to return to City Council with an ordinance to update Chapter 14 of Title 1 of the City of Milpitas Municipal Code, which outlines City Council salaries.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a "yes" or "no" as whether to move the item forward. If a majority of the City Council agrees to move the item forward, the City Manager shall place the item on a future agenda.

ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: ccreech@milpitas.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.milpitas.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.milpitas.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.milpitas.gov or at Milpitas City Hall. Contact the City Clerk's Office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to CityClerk@milpitas.gov prior to the meeting. You may request a larger font agenda.

August 2025						
S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
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31						

MILPITAS CITY COUNCIL CALENDAR

September 2025

October 2025						
S	M	T	W	T	F	S
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5	6	7	8	9	10	11
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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 CITY HOLIDAY City Hall Closed 	2 6:00 PM -Closed Session 7:00 PM -City Council	3 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) (Santa Clara)	4 12:00 PM -Santa Clara County Library JPA Board Meeting (CM) (Campbell, CA) 5:30 PM -Santa Clara VTA Board of Directors (CM) 5:30 PM -Milpitas Chamber of Commerce Board (GB)	5	6
7	8 4:30 PM -Economic Development and Trade Commission (WL)	9	10 4:30 PM -City Council Finance Subcommittee (CM/EC) 7:00 PM -Planning Commission 7:00 PM -Silicon Valley Clean Energy Board of Directors (GB) (Cupertino)	11 4:00 PM -Santa Clara VTA Policy Advisory Committee (EC) 4:00 PM -Treatment Plant Advisory Committee (CM) (San Jose) 6:00 PM -Youth Advisory Commission (HL) 7:00 PM -Cities Assoc of SCC (CM)	12	13
14	15 7:00 PM -Science, Technology, and Innovation Commission (WL) 7:00 PM -Library and Education Commission (HL) (Milpitas Public Library)	16 6:00 PM -Closed Session 7:00 PM -City Council	17 6:00 PM -Energy and Environmental Sustainability Commission (EC)	18 6:30 PM -Bay Area Water Supply Conserv Agency (CM) (Oak Room - San Mateo Main Library) 7:00 PM -Public Safety and Emergency Preparedness Commission (WL)	19	20
21	22 7:00 PM -Arts Commission (CM)	23	24 7:00 PM -Planning Commission	25 4:00 PM -Silicon Valley Regional Interoperability Authority (SVRIA) (GB)	26	27
28	29	30				



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, AUGUST 12, 2025

The City Council of the City of Milpitas convened in a Special Meeting of the Milpitas City Council on August 12, 2025, in the City Council Chamber, 455 E. Calaveras Blvd, Milpitas, CA, and via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Montano called the Regular City Council meeting to order at 5:31 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

ABSENT: None

The city council adjourned to Closed Session at 5:33 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
Facts and circumstances related to a Public Records Act request.
City as Defendant.

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened in open session at 6:48 PM.

Acting City Attorney Creech had nothing to report out from Closed Session.

PLEDGE OF ALLEGIANCE

Vice Mayor Barbadillo led the pledge of allegiance.

INVOCATION

Councilmember Lam provided the invocation.

PRESENTATIONS

There were no presentations.

PUBLIC FORUM

There were the following public speakers:

1. Voltaire Montemayor

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Acting City Attorney Creech asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. Acting City Attorney Creech asked the Mayor and City Councilmembers if they had any reportable campaign contributions. Councilmember Lien disclosed receiving a \$250 contribution from John of Mission Peak Homes within the past 12 months, related to item C12 on the consent calendar. By roll call, there were no other reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Councilmember Chua read the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

CONSENT CALENDAR

Councilmember Lam requested to pull items C7 and C10 from the consent calendar for separate discussion.

Acting City Attorney Creech advised taking a separate vote on item C12 to allow Councilmember Lien to recuse herself due to her campaign contribution disclosure.

After discussion, motion: To approve the consent calendar except for items C7, C10, and C12.

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Vote: 5-0.

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

Councilmember Lien recused herself and stepped off the dais for Item C12 due to her previously disclosed campaign contribution.

After discussion, motion: to approve Item C12.

Motion/Second: Vice Mayor Barbadillo / Councilmember Chua

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam

NOES: None

ABSTAIN: Councilmember Lien

1. **Receive City Council Calendar of Meetings (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received City Council Calendar of Meetings for August 2025.

2. **Approve City Council Meeting Minutes (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Approved City Council Meeting minutes of June 17, 2025.

3. **Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received the list of anticipated agenda items for the next regular City Council meeting.

4. **Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)**

Received the list of items that have been requested by City Councilmembers and received consensus in previous meetings to date.

5. **Report Back on City Manager Activity During Summer Recess (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)**

(1) Accepted the report on City Manager Activity during the City Council Summer Recess and confirm continuing authority to complete ongoing work, and; (2) Authorized the City Manager, or designee, to continue to negotiate and execute under City Manager Summer Recess Authority: (a) a Professional Services Agreement with The Lew Edwards Group for business license tax reform ballot measure communications services in an amount not-to-exceed \$113,500; and (b) Professional Services Agreements with professional services firms for organizational assessment services, and adjust the scope(s) of services, not-to-exceed amount(s) and term(s) of performance between individual firms as required in amounts that may exceed \$100,000, subject to budgetary appropriations.

6. **Award a Bid and Authorize the City Manager to Negotiate and Execute an Agreement with Technology, Engineering & Construction, Inc., dba TEC Accutite, for Aboveground/Underground Storage Tank Maintenance, Repair, and Related Services (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)**

Awarded a bid and authorized the City Manager, or designee, to (1) Negotiate and execute a Maintenance Services Agreement with Technology, Engineering & Construction, Inc., dba TEC Accutite, for aboveground/underground storage tank maintenance, repair, and related services for an initial one-year term and a maximum compensation of \$200,000; and (2) Exercise up to four additional one-year options with annual increases, if requested by vendor, limited to 3% or Consumer Price Index (CPI), whichever is less, for a total five-year contract not-to-exceed amount of \$1,061,827, subject to the appropriation of funds.

8. **Adopt a Resolution to Approve Project Plans and Specifications, Award Bid to Square Signs LLC, and Authorize the City Manager to Negotiate and Execute an Agreement for Scoreboard Replacement Services (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian DiRenzo, Public Works Director, 408-586-2602)**

Adopted **Resolution No. 9441** to (1) Approve project plans and specifications; (2) Award Bid to Square Signs LLC; and (3) Authorize the City Manager, or designee, to negotiate and execute a Construction

Agreement with the lowest responsive and responsible bidder, Square Signs LLC, for scoreboard replacement services in an amount not to exceed \$250,000, subject to the appropriation of funds.

9. **Adopt a Resolution to Increase Appropriation for the Annual Wholesale Water Purchase from Santa Clara Valley Water District (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)**

Adopted **Resolution No. 9442** to increase appropriation for the Annual Wholesale Water Purchase from the Santa Clara Valley Water District by \$446,073.32.

11. **Adopt a Resolution Authorizing the City Manager to Accept the California Highway Patrol Cannabis Tax Fund Grant Program Award, Approve the Purchase of the Grant-Approved Specialty Vehicle, Enter into the Resultant Grant Agreement and other Ancillary Documents as Needed, and Approve the Related Budget Appropriation (Staff Contact: Jared Hernandez, Chief of Police, 408-586-2406)**

(1) Adopted **Resolution No. 9443** authorizing the City Manager, or designee, to accept the California Highway Patrol Cannabis Tax Fund Grant Program Award in the amount of \$248,547, (2) Approve the purchase of the grant-approved specialty vehicle, (3) Enter into the resultant grant agreement and other ancillary documents as needed; and (4) Approve the related budget appropriation in the amount of \$248,547 to the State Grants Police Department Fund.

12. **Approve and Authorize the City Manager to Execute an Improvement Agreement between the City of Milpitas and Mission Peak Homes, Inc. for a Residential Project at 470-500 Wool Drive (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Approved and authorized the City Manager, or designee, to execute an Improvement Agreement between the City of Milpitas and Mission Peak Homes, Inc., for a residential project at 470-500 Wool Drive.

13. **Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Purchase and Sale Agreement with Santa Clara Valley Water District for Property Acquisition for South Milpitas Boulevard Road Extension, Project No. 2016 (Staff Contact: Christian Di Renzo, Public Works, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)**

Adopted **Resolution No. 9444** to authorize the City Manager to (1) Negotiate and execute the Purchase and Sale Agreement with Santa Clara Valley Water District for the acquisition of approximately 18,920 square foot of Assessor's Parcel Number 086-37-018 in the amount of \$270,000, (2) Negotiate and grant a Watershed Easement Agreement on said Purchase and Easement Agreement on 1841 Tarob Court to Santa Clara Valley Water District, (3) Negotiate and accept Easement Agreement from Anton Milpitas, LLC (1828 South Milpitas Boulevard) and The Harlowe, LLC (1821 South Milpitas Boulevard); and (4) Find that the purchase is in conformance with the Milpitas General Plan for South Milpitas Boulevard Road Extension, CIP No. 2016.

PUBLIC HEARINGS

14. **Conduct a Public Hearing, Adopt a Resolution Approving General Plan Amendment GP25-0001, and Introduce an Ordinance Approving Zoning Text Amendment and Zoning Map Amendment ZA25-0001 to Comprehensively Update the Zoning Ordinance (Staff Contact: Jay Lee, Planning Director, 408-586-3077)**

Interim City Manager Santana introduced the item. Planning Director Lee presented the report, joined by Special Projects Associate Holly Pearson and Liebert Cassidy Whitmore Consultant Jen Murillo.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Yolie Garcia
2. Voltaire Montemayor

Mayor Montano closed the public hearing.

Councilmember Montano asked whether floor area ratio (FAR) standards could be revised in the future. Holly Pearson, Planning Project Manager, explained that revisions would require a general plan amendment followed by zoning adjustments.

Mayor Montano raised concerns about potential conflicts with SB 63. Planning Director Jay Lee stated that state law supersedes local ordinances where applicable and that the ordinance was drafted to maintain compliance while preserving local control where possible.

Councilmember Lien raised questions about the letter received from the California Housing Defense Fund regarding accessory dwelling unit (ADU) regulations. Planning Director Lee responded that staff believe the regulations comply with state law and recommended review by the Department of Housing and Community Development.

Acting City Attorney Creech read aloud the title of the ordinance.

After discussion, motion: to (1) Conduct a public hearing and determine that the Environment Impact Report (EIR) Addendum adequately analyzes the potential environmental impacts associated with the proposed General Plan and Zoning Amendments and is in compliance pursuant to CEQA Guidelines §15162 and §15164; (2) Adopt **Resolution No. 9445** approving General Plan Amendment No. GP25-0001; and (3) Waive the first reading beyond the title and Introduce **Ordinance No. 38.858** approving Zoning Text and Zoning Map Amendment No. ZA25-0001 to comprehensively update the Zoning Ordinance and to achieve consistency between the General Plan Land Use Element, Zoning Ordinance, and Zoning Map.

Motion/Second: Councilmember Chua / Councilmember Lien

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

ITEMS PULLED FROM CONSENT CALENDAR

7. **Award a Bid to Holiday Lights, Inc. and Authorize the City Manager to Negotiate and Execute an Agreement for the Annual Install/Removal of City-Owned Holiday Lights (Staff Contact: Luz Cofresi-Howe, Finance Director, 408-586-3111; and Christian Di Renzo, Public Works Director, 408-586-2602)**

Councilmember Lam expressed concerns about the cost of \$75,000 per year for five years for holiday light installation and removal on five trees at City Hall. He questioned the justification for this expense given the limited scope of work. Assistant City Manager Cano and Public Works Director Di Renzo explained that the work involves two days for installation and two days for removal, including

equipment rental, traffic control, permitting for Caltrans right-of-way, after-hours work, and proper storage of lights.

Vice Mayor Barbadillo questioned whether the City could use their own resources to handle the task and was skeptical of the \$75,000 cost, suggesting alternatives should be considered.

Councilmember Chua suggested reducing the number of trees decorated or finding other ways to reduce costs while maintaining the holiday spirit.

Interim City Manager Santana suggested bringing back options that could create a holiday environment at a lower cost, potentially redirecting savings to holiday activities and programs.

The council agreed to defer the item and directed staff to:

- Explore lower-cost alternatives for holiday decorations
- Consider decorating fewer trees or using different decoration methods
- Look into past decorations on Calaveras Boulevard medians
- Provide a breakdown of current holiday decoration plans and budgets
- Present options for creating a festive atmosphere within more limited resources

After discussion, motion: to not approve awarding the bid and to direct staff to explore additional proposals, including negotiating with the current bidder.

Motion/Second: Councilmember Chua / Councilmember Lam

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

10. Receive Report on Workforce Housing Rental Assistance, Approve Programmatic Updates, and Approve Additional Appropriation from the Affordable Housing Community Benefit Fund for the Workforce Housing Rental Assistance Program Round Two (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012; and Sarah Balcha, Senior Administrative Analyst, 408-586-3268)

Councilmember Lam asked about the use of a third-party administrator, program deadlines, and eligibility changes. Senior Administrative Analyst Balcha explained the role of FORWARD in administering the program, described funding timelines, and outlined proposed updates to broaden eligibility while prioritizing Milpitas residents.

Mayor Montano inquired about fraud prevention and the impact of state housing laws, with Ms. Balcha and Planning Director Lee providing responses. Councilmember Lam suggested varying assistance amounts, which staff noted could create administrative challenges. Assistant City Manager Cano clarified that Milpitas residents would be prioritized.

Council directed staff to continue using a third-party administrator, implement fraud prevention measures, cap payments at actual rent amounts, limit eligibility to Milpitas residents, conduct service evaluations, and return with a report on homeless outreach services funded under the program.

After discussion, motion:to (1) Receive report and approve Workforce Housing Rental Assistance

Program programmatic updates; and (2) Approve and authorize the City Manager, or designee, to allocate an additional appropriation of \$20,000 from the Affordable Housing Community Benefit Fund to FORWARD for administration of round two of the Workforce Housing Rental Assistance Program with direction to continue using a third-party administrator, implement fraud prevention measures, cap payments at actual rent amounts, limit eligibility to Milpitas residents, conduct service evaluations, and return with a report on homeless outreach services funded under the program.

Motion/Second: Councilmember Lam / Councilmember Lien
by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

There were the following public speakers:

1. Voltaire Montemayor

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

City Manager Santana reported that National Night Out was a success, with 28 neighborhood gatherings held throughout the city. She also announced that Mayor Montano would attend the VTA Policy Advisory Committee meeting on August 14 to support the VTA staff recommendation for full funding of the City's Smart Commuter program.

There were the following Councilmember Requests:

- Councilmember Chua requested that staff explore a program similar to San Leandro's, which provides Ring doorbell cameras to residents. There was unanimous consensus to add to the prioritization list.
- Councilmember Lam proposed expanding the Milpitas SMART program to include service to the San Jose Airport, with a suggested \$10 fare for airport trips. There was unanimous consensus to add to the prioritization list.

Mayor Montano shared her positive experience participating in National Night Out and noted the strong turnout and positive community engagement with first responders. She also requested that staff address widespread weed overgrowth throughout the city, which has generated numerous resident complaints.

ADJOURNMENT

Mayor Montano adjourned the meeting at 9 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

MINUTES
TUESDAY, AUGUST 19, 2025

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on August 19, 2025, in the City Council Chamber, 455 E. Calaveras Blvd, Milpitas, CA, and via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Montano called the Regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

ABSENT: None

Acting City Attorney Creech briefed the City Council on the Closed Session items. The City Council adjourned to Closed Session at 6:02 PM.

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6
Agency's Designated Representative(s): Rick Bolanos, Liebert Cassidy Whitmore
Employee Organization(s): Professional and Technical Employees, Mid-Management and
Confidential Employees, Milpitas Employees Association, Unrepresented Employees

CLOSED SESSION ANNOUNCEMENT:

The City Council reconvened at 7:00 PM.

Acting City Attorney Creech had nothing to report out.

PLEDGE OF ALLEGIANCE

Scout Troop 92 from St Olive Ministries presented the colors and led the pledge of allegiance.

INVOCATION

Councilmember Lam presented the invocation.

PRESENTATIONS

Mayor Montano presented a proclamation in recognition of Women's Equality Day to representatives from HikeQueen Buddies.

PUBLIC FORUM

There were the following public speakers:

1. Voltaire Montemayor
2. Priti, HikeQueen Buddies

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Acting City Attorney Creech asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. Acting City Attorney Creech asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Vice Mayor Barbadillo read the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

CONSENT CALENDAR

Motion/Second: Vice Mayor Barbadillo / Councilmember Chua

Vote: 5-0

There were no public speakers.

After discussion, motion: to approve the consent calendar.

Motion/Second: Vice Mayor Barbadillo / Councilmember Chua

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

1. Receive City Council Calendar of Meetings (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received City Council Calendar of Meetings for August and September 2025.

2. Approve City Council Meeting Minutes (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Approved City Council Meeting minutes of June 26 and July 1, 2025.

3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received the list of anticipated agenda items for the next regular City Council meeting.

4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Received the list of items that have been requested by City Councilmembers and received consensus in previous meetings to date.

5. Adopt a Resolution Extending the Memoranda of Understanding Between the City of Milpitas and Milpitas Professional and Technical Group and the Milpitas Employees Association (Staff Contact: Kelli Parmley, Human Resources Director, 408-586-3086)

(1) Adopted **Resolution No. 9446** extending the Memorandum of Understanding between the City of Milpitas and Milpitas Professional and Technical Group (ProTech) from July 1, 2025 to June 30, 2026, with a 3% wage increase retroactive to July 1, 2025, a one-time, lump sum, non-pensionable payment of \$2,450, and incorporating previous Side Letter Agreements regarding Holiday Break, Temporary Staffing Services and Compassionate Leave, as well as a Unit Modification Agreement regarding the Payroll Specialist classification; and (2) Adopted **Resolution No. 9447** extending the Memorandum of Understanding between the City of Milpitas and Milpitas Employees Association (MEA) from July 1, 2025 to June 30, 2026, with a 3% increase wage increase retroactive to the first full pay period in July, a one-time, lump sum, non-pensionable payment of \$2,450, and incorporating previous Side Letter Agreements regarding Overtime, Temporary Staffing Services and Standby Assignment; and (3) Amend the All Job Classifications/Salary Table in Alignment with the proposed Extensions of Memoranda of Understanding.

6. Approve the Final Map, Tract No. 10643; and Approve and Authorize the City Manager, or Designee, to Execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC for a Residential Project at 1905 Tarob Court (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)

(1) Approved the Final Map, Tract No. 10643, including all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and (2) Approved and authorized the City Manager, or designee, to execute the Subdivision Improvement Agreement between the City of Milpitas and Toll West Coast, LLC, which will be guaranteed by bonds or similar securities to be posted by the Toll West Coast LLC in the amount of \$2,718,000.

7. Consider a Fee Waiver Request from Saint Elizabeth Church (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Approved a fee waiver request of \$1,083.67 for the St. Elizabeth Church Family Festival at the St. Elizabeth Church Parking Lot on September 21, 2025.

PUBLIC HEARINGS

8. Introduce Ordinance No. 65.155 to Adopt by Reference the 2025 California Building Codes with Amendments (Staff Contact: Bill Tott, Building Official, 408-586-3263)

Interim City Manager Santana introduced the item. Building Official Tott presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

Vice Mayor Barbadillo asked about the main changes in the new codes. Building Official Tott explained that the baseline standards for energy efficiency and green building had been raised significantly, particularly in areas related to electrification and reducing carbon footprint.

Councilmember Lam inquired about the impact on gas appliances in new single-family homes. The Building Official clarified that while gas appliances would still be allowed, the new energy efficiency standards would make it difficult for standard gas-fired water heaters to meet the requirements.

Acting City Attorney Creech read the title of the ordinance.

After discussion, motion: to waive the first reading beyond the title and introduce **Ordinance No.65.155** amending Chapters 3, 3.5, 4, 5, 6,7,10,11,14,16,19, and 150 of Title II of the Milpitas Municipal Code relating to adopting by reference the 2025 California Building Code, 2025 California Residential Code, 2025 California Mechanical Code, 2025 California Electrical Code, 2025 California Plumbing Code, 2025 California Energy Code, 2025 California Green Building Standards Code, 2025 California Wildland Urban Interface Code, 2025 California Existing Building Code, 2025 California Historical Building Code, 2025 Referenced Standards Code, 2024 International Property Maintenance Code, and 2024 International Swimming Pool and Spa Code, with amendments. .

Motion/Second: Councilmember Chua / Councilmember Lien

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

9. Introduce Ordinance No. 113.27 to Adopt by Reference the 2025 Edition of the California Fire Code with Certain Local Amendments (Staff Contact: Arthur Belton, Deputy Chief/Fire Marshal, 408-586-3384)

Interim City Manager Santana introduced the item. Deputy Fire Chief/Fire Marshal Belton presented the report.

Mayor Montano opened the public hearing.

There were the following public speakers:

1. Voltaire Montemayor

Mayor Montano closed the public hearing.

Deputy Fire Chief / Fire Marshal Belton responded to questions from the City Council.

Acting City Attorney Creech read the title of the ordinance.

After discussion, motion: to waive the first reading beyond the title and introduce **Ordinance No. 113.27** to adopt by reference the 2025 Edition of the California Fire Code, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code, with certain local amendments.

Motion/Second: Councilmember Lien / Vice Mayor Barbadillo

by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

LEADERSHIP AND SUPPORT SERVICES

- 10. Award a Contract and Authorize the City Manager, or Designee, to Negotiate and Execute an Agreement with MaintStar Inc. for a Land Management and Permitting Solution and Agreement with DATA CLIMB, LLC for Project Management Services in Support of the Land Management and Permitting Solution Implementation (Staff Contact: Luz Cofresi-Howe, Finance Director, 408-586-3111; and Daniel Nam, Information Technology Director, 408-586-2712)**

Interim City Manager Santana introduced the item. Information Technology Director Nam presented the report.

There were the following public speakers:

1. Voltaire Montemayor

Councilmember Chua asked about the major benefits the new land management and permitting software would bring to the Building department, whether current processes would change with the new software, and if any features from the current Project Docs system would be kept.

Councilmember Lam raised questions regarding cost, vendor selection, and the opportunity to test the software. He expressed concern about the absence of a trial option, the selection process, and whether pricing was sufficiently negotiated. Information Technology Director Nam and Finance Director Cofresi-Howe described the evaluation process.

Vice Mayor Barbadillo asked about the services included in each contract, and IT Director Nam clarified that MaintStar's services covered implementation while Data Climb would provide short-term project management for integration.

Councilmember Evelyn Chua questioned the contract regarding the 10-year term and the exit clause. Acting City Attorney Creech explained that typical city software contracts include provisions allowing the city to terminate for convenience or non-appropriation by the city council, providing flexibility to end the contract if needed, while vendors are usually locked in for the longest agreed period to secure pricing and terms.

Mayor Montano highlighted the importance of improving the city's permitting process to streamline operations and support economic development.

After discussion, motion: to award a contract and authorize the City Manager, or designee, to negotiate and execute (1) a Software License and Professional Services Agreement with MaintStar Inc. for a Land Management and Permitting Solution, including related professional services, for an initial four-year term and up to two three-year options to extend the term of the Agreement for a total of 10 years, a maximum compensation of \$650,000 for the initial four-year term and an estimated \$1,571,000 for the full 10 years, and a 10% contingency, subject to the appropriation of funds; and (2) a Professional Services Agreement with DATA CLIMB LLC for Project Management Implementation Services for the Land Management and Permitting Solution for an initial term of two years, up to three one-year options to extend for a total of five years, and a maximum compensation of \$370,000 for the initial two-year term with total option year costs in amounts not to exceed \$200,000, subject to the appropriation of funds.

Motion/Second: Councilmember Lien / Councilmember Chua

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Mayor Montano proposed revisiting the mural selection committee process to make it more inclusive by involving all commissioners in the Arts Commission. The Council reached unanimous consensus to add the item to the prioritization list.

Councilmember Lam suggested holding an off-site workshop in early October to discuss and prioritize City Council goals and priorities for their terms. There was unanimous support to add the item to the prioritization list.

Vice Mayor Barbadillo proposed issuing a proclamation to thank and recognize the city of Dagupan, Philippines, following his visit there as part of the sister city program in April. There was unanimous support for the request.

ADJOURNMENT

Mayor Montano adjourned the meeting at 8:35 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta

TENTATIVE CITY COUNCIL AGENDA ITEM LIST

as of 8/28/2025

September 16, 2025 – Regular Meeting (7:00 PM)

CLOSED SESSION

INVOCATION (Councilmember Lien)

PRESENTATION

- Childhood Cancer Awareness Month (Proclamation)

CONSENT CALENDAR

1. Receive City Council calendar for September and October 2025 (City Clerk)
2. Approve City Council meeting minutes of August 26 and September 2, 2025 (City Clerk)
3. Preview list of items for October 7, 2025 (City Clerk)
4. Councilmember Request List (City Clerk)
5. Commission Appointments (City Clerk)
6. Commission Workplans (City Clerk / Recreation)
7. Sole Source Contract Report (Finance)
8. COLA for Unrepresented Employees (Human Resources)
9. Agreement with Mission Square (Human Resources)

PUBLIC HEARINGS

10. Fee Schedule (Finance)
11. CDBG CAPER – FY 24-25 Accomplishments Report (Housing)

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

OPEN ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
1	Issue a proclamation to thank and recognize the City of Dagupan, Phillipines, follwing visit as part of the Sister City program in April 2025	Barbadillo	8/19/2025	Proclamation tentatively scheduled for October 21, 2025
2	Conduct an offsite workshop in early October to discuss and prioritize Council goals and priorities for their terms	Lam	8/19/2025	An update on this item will be included in the next quarterly prioritization update.
3	Revisit the mural selection committee process to make it more inclusive by involving all commissioners in the Arts Commission	Montano	8/19/2025	An update on this item will be included in the next quarterly prioritization update.
4	Exapnd the Milpitas SMART program to include service to the San Jose Airport	Lam	8/12/2025	An update on this item will be included in the next quarterly prioritization update.
5	Staff explore a program similar to San Leandro's, which provides Ring doorbell cameras to residents	Chua	8/12/2025	An update on this item will be included in the next quarterly prioritization update.
6	Policy review on youth sport grant eligibility to address excluding homeschooled children	Mayor	6/17/2025	An update on this item will be included in the next quarterly prioritization update.

ACTIVE ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
7	Reinstate the posting of the colors by Boy Scouts at City Council Meetings	Chua	4/15/2025	An update on this item will be included in the next quarterly prioritization update.
8	Revise City Council Code of Conduct language regarding the use of electronic devices.	Lam	4/1/2025	An update on this item will be included in the next quarterly prioritization update.
9	Develop a project management informational memo.	Barbadillo	4/1/2025	An update on this item will be included in the next quarterly prioritization update.
10	Create a Milpitas Community Concert Choir with city support for marketing and rehearsal space.	Chua	4/1/2025	An update on this item will be included in the next quarterly prioritization update.
11	Look into adding an entertainment zone to Main Street.	Montano	3/4/2025	An update on this item will be included in the next quarterly prioritization update.
12	Staff provide a detailed analysis of overtime expenditures by department.	Barbadillo	3/4/2025	An update on this item will be included in the next quarterly prioritization update.
13	Look into a policy to require a Super Majority vote by Council for any deductions to budget reserves.	Chua	2/18/2025	An update on this item will be included in the next quarterly prioritization update.
14	Bring back a discussion regarding fentanyl-related issues	Barbadillo	2/18/2025	An update on this item will be included in the next quarterly prioritization update.
15	Feasibility study regarding a police satellite office.	Montano	2/18/2025	An update on this item will be included in the next quarterly prioritization update.
16	Staff organize a job fair for City job openings	Chua	11/19/2024	An update on this item will be included in the next quarterly prioritization update.
17	Bring back a study or analysis of the permit process	Chua	11/19/2024	An update on this item will be included in the next quarterly prioritization update.
18	Explore updating the city's business tax rate schedule	Chua	10/1/2024	An update on this item will be included in the next quarterly prioritization update.
19	Explore funding options for new signage following the decision to rename the Milpitas Library to the Milpitas Jose Esteves Library	Barbadillo	9/3/2024	An update on this item will be included in the next quarterly prioritization update.
20	Update the animal control ordinance to include other animals such as horses and cats	Chua	9/3/2024	An update on this item will be included in the next quarterly prioritization update.
21	Look into adopting an ordinance similar to San Jose allowing ADUs (Accessory Dwelling Units) to have a separate title and be sold separately.	Chua	8/13/2024	An update on this item will be included in the next quarterly prioritization update.
22	Conduct a traffic study on Escuela Parkway to address circulation concerns	Montano	5/7/2024	An update on this item will be included in the next quarterly prioritization update.
23	Explore the possibility of augmenting the Planning Commission stipend	Barbadillo	4/16/2024	An update on this item will be included in the next quarterly prioritization update.

NOTE: Deferred and Completed Items are not listed

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

ACTIVE ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
24	Consideration of the 20% Low Income Below Market Rate Housing	Montano	12/5/2023	An update on this item will be included in the next quarterly prioritization update.
25	Referral for utility infrastructure cost on Main Street from Carlo to Corning Streets	Montano	10/17/2023	An update on this item will be included in the next quarterly prioritization update.
26	Main Street International Festival	Lien	10/3/2023	An update on this item will be included in the next quarterly prioritization update.
27	Pickleball Pilot Project	Chua	2/28/2023	An update on this item will be included in the next quarterly prioritization update.
28	Main Street Infrastructure Projects	Montano	2/28/2023	An update on this item will be included in the next quarterly prioritization update.
29	Main Street Flooding at Library	Chua	2/28/2023	An update on this item will be included in the next quarterly prioritization update.
30	Have the City look into the possibility of a Citywide Senior Discount	Barbadillo	2/7/2023	An update on this item will be included in the next quarterly prioritization update.
31	City Manager look into implementing a workshop for small businesses on the bidding process for projects in the city	Chua	8/9/2022	An update on this item will be included in the next quarterly prioritization update.
32	Quarterly or Monthly crime statistics on Homekey Project	Chua	6/7/2022	An update on this item will be included in the next quarterly prioritization update.
33	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	2/1/2022	An update on this item will be included in the next quarterly prioritization update.
34	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	11/16/2021	An update on this item will be included in the next quarterly prioritization update.
35	Consider Community Museum and Park on Main St.	Phan	8/20/2019	Discussions with the property owner of this site are ongoing and staff is tracking returning to council by June 2025 with an update.

NOTE: Deferred and Completed Items are not listed



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Opting into Settlement Agreements with Purdue Pharma L.P. and the Sackler Family (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3050; and Christopher Creech, Acting City Attorney, 408-586-3040)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/2/2025
Recommendation:	Opt into settlement agreement with manufacturers of opioids, Purdue Pharma L.P. and the Sackler Family, whereby the County of Santa Clara will receive the City's designated share of settlement funds and direct and authorize the City Manager to execute the settlement agreement and any documents necessary to implement the action.

BACKGROUND:

In recent years, states, cities, and counties across the United States have sued opioid manufacturers and distributors for their role in the opioid addiction epidemic. Several of these high-profile lawsuits have resulted in nationwide settlements between these government entities and the defendants. Under the terms of these settlements, the opioid defendants have generally been required to pay billions of dollars to state and local governments, which the government entities must use to address the opioid addiction epidemic in their communities. The City has previously opted in to several of these settlements, including with Amerisource Bergen, Cardinal Health, and McKesson, and Janssen on [December 7, 2021](#) and with Teva, Allergan, CVS, Walgreens, and Walmart on [April 18, 2023](#).

Now, certain governmental entities have reached a settlement in a similar litigation with Purdue Pharma L.P. (Purdue), the manufacturer of the powerful opioid painkiller OxyContin, and the Sackler Family (Sacklers), the former majority owners of Purdue. In addition to distributing \$7.4 billion dollars over 15 years to governmental agencies across the United States to support opioid addiction treatment, prevention, and recovery programs, this settlement will also end the Sacklers' control of Purdue and prohibit many of the Sacklers from manufacturing or selling opioids in the United States. Purdue has also filed for bankruptcy, and this settlement would require the successor-in-interest to Purdue to implement safeguards to prevent diversion of prescription opioids. The State of California is expected to receive as much as \$440 million dollars as a result of this settlement. As with the prior settlements the City opted into, this settlement would resolve all legal claims of state and local governments against Purdue and the Sacklers.

Until September 30, 2025, the City may opt into this settlement, thereby releasing its claims against Purdue and the Sacklers to receive a share of the settlement proceeds. These funds would be restricted to certain opioid remediation uses. The City can either allow the funds to be used by the County of Santa Clara for county-wide remediation efforts or elect to use the funds itself. However, if the City elects to directly receive the funds, it would be subject to strict accounting and reporting requirements and would likely have to create and partially subsidize additional programs that it has not currently budgeted to operate.

As with the prior settlements, staff recommends the City opt into this settlement agreement and assign its share of the settlement proceeds to Santa Clara County for a coordinated, county-wide remediation effort that will maximize the impact of these funds in the region.

ANALYSIS:

Local governments not direct parties to the litigation – like the City of Milpitas – must choose to opt into this settlement by September 30, 2025 to receive a share of these settlement proceeds (\$7.4 billion dollars). In exchange, the City would give up any opioid-related claims they may have against Purdue and the Sacklers.

The City has not yet been allocated a percentage of the settlement amount, as that will be dependent upon whether other agencies participate in the settlement and other calculations the Settlement Administrator has yet to perform. However, the settlement does have an escalation clause such that if Milpitas and other Santa Clara County cities opt into the settlement agreement, additional funds will be directed toward Santa Clara County. Similarly, the total amount of settlement funds available for California increases when the state hits a higher percentage of city and county approval.

As with the prior settlements the City opted into, the settlement proceeds will be allocated by default to Santa Clara County for a coordinated, County-wide remediation effort.

Each county and city that receives payment of funds from the settlements must prepare written reports at least annually regarding the use of those funds until the funds are fully expended and for one year thereafter. These reports will also include a certification that all funds received have been used in compliance with the allocation agreements. Further, each county and city will need to track all deposits and expenditures. A county is not responsible for oversight, reporting, or monitoring of funds received by a city, which receives direct payment within such county. As such, if the City elected to directly receive these funds, in addition to establishing and funding qualifying programs, it would be required to undertake these additional reporting and administration costs without additional compensation.

In deciding whether to allow a city's funds to go directly to the county in which a city is located, a city should consider the following: (1) whether the amount of money is substantial enough for the city to handle it on its own; (2) whether the city offers the services and has the employees to spend the money in accordance with its prescribed uses; and (3) whether the city wants to engage in the reporting requirements over the course of the next fifteen years.

While the exact amount of money the City could receive annually cannot be calculated at this juncture, it is expected it would not be sufficient to fully fund meaningful programs in Milpitas. The City would likely have to subsidize personnel, administrative, and other costs related to any opioid remediation project. By way of example, in fiscal year 2022-2023, for the comparable \$5 billion dollar settlement with Janssen Pharmaceuticals, these Santa Clara County cities received the following distributions for opioid abatement efforts:

City	Population (2022)	Abatement Amt (2022-2023)
Los Gatos	~31,000	\$8,186.76
Campbell	~42,200	\$8,927.99
Gilroy	~56,800	\$16,092.05
Sunnyvale	~152,700	\$34,427.57
Santa Clara	~130,400	\$43,600.54

In addition, the Janssen settlement, like the presently proposed settlement, contemplates the highest payout during the first settlement year, which was 2022. Staff therefore does not expect that the City would receive sufficient settlement funds to justify the additional administrative, accounting, and reporting costs for receiving direct payment. These funds could be more immediately and efficiently used with greater local impact through coordinated regional programing through the County.

As with the prior settlements, staff therefore recommends the City opt into these settlements and allow its share to be assigned to the County.

POLICY ALTERNATIVES:

Alternative 1: Do not opt into the settlements.

Pros: The City could pursue legal action against Purdue and the Sacklers and seek to obtain a more favorable settlement or judgment.

Cons: The City and County would not receive the funds provided for in the proposed settlement agreements with the opioid distributors.

Reason not recommended: The City would have to hire outside legal counsel to independently bring a lawsuit against the opioid distributors with no certain legal outcome. It is unlikely that the City would obtain a sufficiently more favorable result than the present settlement that would justify this additional expense and uncertainty. Additionally, Purdue has declared bankruptcy, and any judgment or settlement the City could obtain at this juncture would likely be discharged by this bankruptcy.

Alternative 2: Choose to receive settlement payment directly.

Pros: The City could directly choose to fund qualifying programs with settlement funds.

Cons: The City would be required to undertake additional accounting, reporting, and administration costs, which may not leave sufficient funds to meaningfully provide annual opioid remediation efforts.

Reason not recommended: The City can achieve the most immediate and best local results possible with the limited settlement funds available through a cooperative effort through the County.

FISCAL IMPACT:

Without an additional cost to the City, the City Council's decision to opt into the settlement agreements will provide funding for County to run opioid abatement and remediation programs, the services of which are provided to Milpitas residents enrolled in those programs. If the City elected to directly receive these funds, it would incur additional administrative, accounting, and reporting costs in addition to whatever programmatic costs it may ultimately incur for whatever projects it may choose to fund.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The action is a fiscal activity of the City government or an action to create a City government funding mechanism that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and is not a project pursuant to Cal. Code of Regs., tit. 14, § 15378. The action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not a project pursuant to Pub. Resources Code, § 21065 and Cal. Code Regs., tit. 14, § 15378. Even if a project, the action is exempt from further CEQA review pursuant to Cal. Code Regs., tit. 14, § 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ATTACHMENT(S)

[Settlement Agreements](#) (link)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Recommendations from Mayor Montano for Appointments to City Commissions (Contact: Mayor Montano, 408-586-3024)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/2/2025
Recommendation:	Receive Mayor Montano's recommendations and approve and confirm recommendations for appointments to City Commissions.

BACKGROUND:

The City of Milpitas has 13 Commissions (including the Measure F Oversight Committee), with members appointed by the Mayor and confirmed by the City Council. The Commissions advise the Milpitas elected officials on a variety of community interest and policy areas. Commissioner appointments and removals are governed by various sections of the California Government Code, Milpitas Municipal Code, and the adopted Milpitas Commissioner Handbook and By-Laws.

Any resident interested in serving on a City Commission must complete a Commission Application and submit the form to the City Clerk. Copies of the applications are provided to the Mayor for her consideration. Per Government Code 40605, in a general law city where the office of Mayor is an elective office, the Mayor with the approval of the City Council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute.

In May 2025, the City Council approved staggered term expirations for the Veterans Commission to ensure continuity of service. To accomplish this, new appointments will be randomly assigned to expire in one of three consecutive years following Council approval.

The Milpitas Commissioner Handbook states that all Commissioners are expected to attend all regular meetings. Commissioners absent from three or more meetings in a year may be subject to removal from the Commission.

ANALYSIS:

Appointments and removals are as follows:

Community Housing Commission:

1. Appoint Cecile Lam as Alternate No. 2 with an unexpired term ending January 2026.

Parks, Recreation and Cultural Resources Commission:

1. Appoint Emilee Yan-Yi Chai as Non-Voting Student Member with a term ending June 2029.

Veterans Commission:

1. Appoint Leo Garcia to a full voting seat with a term ending March 2028.
2. Reappoint Puneet Sandhu to a full voting seat with a term ending March 2027.
3. Appoint Derek Brown to a full voting seat with an unexpired term ending March 2026.
4. Reappoint William Devereux to a full voting seat with an unexpired term ending March 2028.
5. Reappoint Bruce Choy to a full voting seat with a term ending March 2026.
6. Reappoint Victorino Monzon to a full voting seat with a term ending March 2028.
7. Reappoint Reynaldo Lingad to a full voting seat with an unexpired term ending March 2027.
8. Appoint Michael Tomlin as Alternate No. 1 with an unexpired term ending March 2027.
9. Appoint Tejus Karadi as Non-Voting Student Member with a term ending March 2028.

Youth Advisory Commission:

1. Appoint Shaan Sankaran to a full voting seat with a term ending March 2027.
2. Reappoint Parnika Sadhu to a full voting seat with a term ending March 2027.
3. Appoint Samyuktha Rangarajan to a full voting seat with a term ending March 2027.
4. Appoint Vihana Gandhi to a full voting seat with a term ending March 2027.
5. Appoint Sherry Yu to a full voting seat with a term ending March 2027.
6. Appoint Vivian Martin as Alternate No. 1 with a term ending March 2028.

Measure F Oversight Committee:

1. Appoint Simrat Pabla to a full voting seat with a term ending March 2027.

All recommended Commissioner appointments have been reviewed and confirmed by the City Clerk's office.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action is an organizational or administrative activity of the City government that will not result in direct or indirect physical changes in the environment and is not a project pursuant to Cal. Code of Regs., tit. 14, § 15378.

ATTACHMENTS:

(a) Commission Applications

Online Form Submittal: Commission Applications

From noreply@civicplus.com <noreply@civicplus.com>

Date Thu 6/12/2025 10:46 AM

To City Clerk <cityclerk@milpitas.gov>

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](#).

Commission Applications

Commission / Committee Community Advisory Commission
Applying for:

First Name Cecile

Last Name Lam

Address Type Residence

Address [REDACTED]

City Milpitas

State CA

Zip Code 95035

Phone Number [REDACTED]

Email Address [REDACTED]

Present Employer USA gateway

Other Phone [REDACTED]

Business Address (Optional) *Field not completed.*

City *Field not completed.*

State *Field not completed.*

Zip Code *Field not completed.*

Occupation Travel consultant

Education: If Youth Advisory Commission applicant, indicate your grade / school:	<i>Field not completed.</i>
College, Professional, Vocational, or other schools attended	Philippines
Major Subject	Psychology
Degree	Bachelor of Science
List community organizations to which you belong or have belonged (additional information may be attached).	
Name of Organization	<i>Field not completed.</i>
Member	<i>Field not completed.</i>
Name of Organization	<i>Field not completed.</i>
Member	<i>Field not completed.</i>
Name of Organization	<i>Field not completed.</i>
Member	<i>Field not completed.</i>
If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).	
Branch of Military	<i>Field not completed.</i>
Officer	<i>Field not completed.</i>
Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):	I want to give back to my community. I can offer : 1. Compassion. I can empathize with different situations and experiences of those in need of my service. 2. Commitment. I am dedicated to any cause i am supporting. 3.. Teamwork. I can collaborate with fellow volunteers and organization staff to achieve common goals. 4.. Communication. I am a good listener to cultivate trust and collaboration. 5. Positive Attitude. I always try my best to be optimistic and enthusiastic to inspire others.
Upload a File	<i>Field not completed.</i>
Date	6/12/2025
By submitting this form, I confirm I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.	

Name

Maria Cecilia Lam

Email not displaying correctly? [View it in your browser.](#)

CITY OF MILPITAS YOUTH COMMISSION APPLICATION

Youth Advisory Commission

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR ↑

If you are only applying for the Youth Commission, please indicate that on the line that states "Commission Applying for." If you would like to serve as a nonvoting member on another commission, see instruction below. Please note that you may apply for the Youth Commission and nonvoting commissions.

The City allow one nonvoting youth to server on the commissions listed below. Please indicate by checking the boxes below which commissions you would like to serve on as a nonvoting member. Please select all commissions you are interested in. The Mayor will review your application and make appointments as appropriate.

- ☒ **ARTS COMMISSION**
- ☒ **COMMUNITY ADVISORY COMMISSION**
- ☐ **ECONOMIC DEVELOPMENT & TRADE COMMISSION**
- ☒ **LIBRARY & EDUCATION COMMISSION**
- ☒ **PARKS, RECREATION & CULTURAL RESOURCES COMMISSION**
- ☐ **PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION**
- ☒ **SCIENCE, TECHNOLOGY & INNOVATION COMMISSION**
- ☐ **SENIOR ADVISORY COMMISSION**
- ☐ **VETERANS COMMISSION**

Emilee Yan-Yi Chai

Name: First (middle) Last

Address: Number Street (apt. # if needed) City & Zip Code

Telephone Number(s) e-mail address

Education: Please indicate your grade & school: The King's Academy, 8th Grade

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):
I can work with most people. I am very motivated to do a good job at things, and with any project, I would like to see a good outcome. I love planning things out, like helping to plan my friends' birthdays. I like to make things fair, and if someone is not contributing, I will try to encourage them to contribute. I like taking things hard, and I will go the extra mile on projects I am passionate about. I can commit to big projects.

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Signature

August 6, 2025

Date

Appointments to Commissions are made by the Mayor with the concurrence of the City Council. **Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.**

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

E-mail, send in US mail or drop off your completed application to:

City Clerk, Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: cityclerk@ci.milpitas.ca.gov

CITY OF MILPITAS – LIST OF COMMISSIONS

ARTS COMMISSION: Founded July 6, 2000. Meetings are held at 7:00 PM on fourth Mondays in alternate months in the City Hall Committee Room. The Arts Commission serves as an advisory body to the City Council on matters pertaining to supporting and promoting the arts in the City, including placement of public art. Seven members and two alternates are appointed to 3-year terms.

COMMUNITY ADVISORY COMMISSION: Founded July 20, 1954. Meetings are held at 7:00 PM on the first Wednesday each month in the City Hall Committee Room. CAC is as an advisory body on matters affecting Milpitas citizens, especially community improvement. CAC evaluates and makes recommendations to the City Council on issues including Citywide beautification, community and neighborhood clean-up and abatement issues. The Commission advises the Council on recommended Community Development Block Grant funds. CAC has 7 members and 2 alternates appointed to 3-year terms.

ECONOMIC DEVELOPMENT & TRADE COMMISSION: Founded February 18, 2003. Meetings are held at 4:30 PM on the second Monday every month at the City Hall Committee Room. EDC was established to advise the Council on business issues and to make recommendations on the design, development, and implementation of a comprehensive economic development program for the City of Milpitas. The Commission consists of 7 members appointed to 3-year terms and 2 alternates appointed to 3-year terms. Members represent specific industries and business community segments in Milpitas.

ENERGY & ENVIRONMENTAL SUSTAINABILITY COMMISSION: Founded February 5, 1991. Meetings are held at 6:00 PM on third Wednesdays monthly (except July) in the City Hall Committee Room. Formerly, Recycling and Source Reduction Advisory Commission (RSRAC). Advises Council on recycling and solid waste management issues. Seven members recommend programs designed to reduce solid waste, and monitor the City's achievement of diversion goals mandated by the state, along with other environmental issues. 7 Members and 2 alternates are appointed to serve in 3-year terms.

LIBRARY & EDUCATION COMMISSION: Founded January 17, 1961. Meetings are held at 7:00 PM on the second Monday of January, and third Monday of March, May, September, and November at the Milpitas Library. Advises the Santa Clara County Library which operates the Milpitas Library under the jurisdiction of a Joint Powers Authority, informs the City Council and County Librarian of community needs, and helps to determine library activities and levels of service. The Commission consists of 7 members and 2 alternates are appointed to 3-year terms.

PARKS, RECREATION & CULTURAL RESOURCES COMMISSION: Founded July 1, 1992. Meetings are held monthly at 7:00 PM on the first Monday at City Hall. PRCRC was formed when the Council combined functions of Parks & Recreation Commission and Cultural Resources Preservation Board into one body. Advises Council on operation of recreation services and historic preservation activities, and advises in the acquisition, planning, and development of new and existing parks and facilities. PRCRC assists activities related to City's cultural heritage. Commission consists of 7 members and 2 alternates appointed to 3-year terms.

PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION: Founded April 23, 1988. Meetings are held at 7:00 PM on the third Thursday in January, March, May, July, September, and November at Fire Station #1 Training Room. The Commission advises the City Council regarding emergency preparedness and disaster planning. PS&EPC consists of 7 Commissioners plus 2 alternate members in 3-year terms.

SCIENCE, TECHNOLOGY & INNOVATION COMMISSION: Founded September 6, 1994. Meetings are held at 7:00 PM on 3rd Mondays each month at City Hall Committee Room. Information technology, communications and information services offer challenges to Milpitas, so Commissioners advise on matters of technology policy, legislation and implementation at the local, state, and federal levels. 7 Members and 2 alternates are appointed to 3-year terms.

SENIOR ADVISORY COMMISSION: Founded April 20, 1993. Meetings are held at 1:30 PM on 4th Tuesdays of February, April, June, August, October, and December at the Barabara Lee Senior Center. Originally founded as the Senior Advisory Committee on December 14, 1978, it served in an advisory capacity to the Parks, Recreation, & Cultural Resources Commission. SAC advises the Council on matters pertaining to recreation and services for senior citizens in Milpitas. 7 Members and 2 alternates serve 3-year terms.

VETERANS COMMISSION: Founded December 1, 2009. Meetings are held on first Wednesdays at 5:30 PM at City Hall in February, April, June, August, October and December. 7 members and 2 alternates with 3-year terms are appointed by the City Council to advise the Council on matters pertaining to veterans in Milpitas. All Commissioners are current or retired U.S. military service members.

YOUTH ADVISORY COMMISSION: Founded May 21, 1996. Meetings are held at 7:00 PM on the second Thursday of each month excluding June at City Hall Committee Room. Commissioners must be ages 13 to 19 years, in grades 7 through 12, and live in Milpitas. YAC advises the City Council on issues involving youth and teens in Milpitas. 7 Members and 2 alternates are appointed to 3-year terms.

CITY OF MILPITAS COMMISSIONS, ALONG WITH CITY COUNCIL, DO NOT MEET IN THE MONTH OF JULY.

Re: City of Milpitas Veterans Commission

From Jessica Chen <jeschen@milpitas.gov>

Date Thu 6/5/2025 8:25 AM

To Leo Garcia [REDACTED]

Hi Leo,

I made a note of that after our phone conversation. The mayor will take your request into consideration when reviewing applications.

Thanks!



Jessica Jeri Chen

Deputy City Clerk

Phone (408) 586-3003

Email jeschen@milpitas.gov

455 E. Calaveras Blvd., Milpitas CA 95035

www.milpitas.gov



From: Leo Garcia [REDACTED]

Sent: Monday, Ju

To: Jessica Chen <jeschen@milpitas.gov>

Subject: Re: City of Milpitas Veterans Commission

CAUTION: EXTERNAL SENDER

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Yes.. as a commissioner not as an alternate. Thank you

Sent from
Leo Garcia

On Jun 2, 2025, at 4:00 PM, Jessica Chen <jeschen@milpitas.gov> wrote:

Good afternoon Leo,

Thank you for your service on the Veterans Commission. Please advise if you are interested in being reappointed to another term.

Best regards,

<Outlook-
mjd32llw.png>

Jessica Jeri Chen

Deputy City Clerk

Phone (408) 586 3003

Email jeschen@milpitas.gov

455 E. Calaveras Blvd., Milpitas CA 95035

www.milpitas.gov

<Outlook-3vfuvrf.png>

<Outlook_ajmorzo3.png>

<Outlook-w0qiv3ki.png>

From: noreply@civicplus.com
To: [City Clerk](#)
Subject: Online Form Submittal: Commission Applications
Date: Thursday, January 23, 2025 11:12:50 AM

CAUTION: EXTERNAL SENDER

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Commission Applications

Commission /
Committee Applying
for: Veterans Commission

First Name	Derek
Last Name	Brown
Address Type	Residence
Address	[REDACTED]
City	Milpitas
State	CA
Zip Code	95035
Phone Number	[REDACTED]
Email Address	[REDACTED]
Present Employer	Department of Veterans Affairs
Other Phone	[REDACTED]
Business Address (Optional)	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Occupation	Contract Specialist
Education: If Youth	Field not completed.

Advisory Commission
applicant, indicate your
grade / school:

College, Professional, Vocational, or other schools attended	Georgia Southern University - BS, University of Maryland University College - MS, CSU Eastbay
--	---

Major Subject	Political Science
---------------	-------------------

Degree	BS
--------	----

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization	National Contract Management Association
----------------------	--

Member	Member
--------	--------

Name of Organization	California Society of Certified Public Accountants
----------------------	--

Member	Member
--------	--------

Name of Organization	Alpha Phi Alpha Fraternity Inc
----------------------	--------------------------------

Member	Member
--------	--------

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Branch of Military	Army
--------------------	------

Officer	Sergeant First Class
---------	----------------------

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):	I spent my entire military career as a paralegal serving in various roles, one of which was legal assistance. During my time in the service as well as a Veteran I have a unique understanding of the challenges Veterans and families have acquiring resources and support, and ways to navigate through them. I believe my current role within the VA will provide a benefit to the Commission in assisting and providing knowledge to Veteran Owned Small Businesses that are interested in applying government contracts.
--	---

Upload a File	<i>Field not completed.</i>
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Date	1/23/2025
------	-----------

By submitting this form, I confirm I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Name

Derek Lamar Brown

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [City Clerk](#)
Subject: Online Form Submittal: Commission Applications
Date: Tuesday, May 27, 2025 7:32:08 PM

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Commission Applications

Commission /
Committee Applying
for: Veterans Commission

First Name Michael

Last Name Tomlin

Address Type Residence

Address

City Milpitas

State CA

Zip Code 95035

Phone Number

Email Address

Present Employer *Field not completed.*

Other Phone *Field not completed.*

Business Address
(Optional) *Field not completed.*

City *Field not completed.*

State *Field not completed.*

Zip Code *Field not completed.*

Occupation Retired

Education: If Youth Masters Degree

Advisory Commission
applicant, indicate your
grade / school:

College, Professional, Vocational, or other schools attended	San Jose State University & Santa Clara University
--	--

Major Subject	Liberal Studies/Education
---------------	---------------------------

Degree	BA & MA
--------	---------

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization	American Legion
----------------------	-----------------

Member	Member
--------	--------

Name of Organization	California Enlisted Association of the National Guard of the United States
----------------------	--

Member	Member
--------	--------

Name of Organization	<i>Field not completed.</i>
----------------------	-----------------------------

Member	<i>Field not completed.</i>
--------	-----------------------------

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Branch of Military	US Army (active duty) & CA Army National Guard (reserves)
--------------------	---

Officer	Staff Sergeant
---------	----------------

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):	I am an Honorably Retired US Veteran. I am a resident of Milpitas. I stay informed about current issues that affect US Veterans. I am proud that the City of Milpitas has a Veterans Commission and of the activities that the city organizes for Veterans, both living and deceased. I would like to take part in the Veterans Commission to do my part in assisting the city to continue its fine traditions.
--	---

Upload a File	<i>Field not completed.</i>
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Date	5/27/2025
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By submitting this form, I confirm I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Name

Michael Tomlin

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RE: want to continue as veterans commissioner

From puneet sandhu [REDACTED]
Date Tue 7/1/2025 5:17 PM
To City Clerk <cityclerk@milpitas.gov>

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Good afternoon,
As per our ph conversation I am sending this email. Please consider me again for the position of veterans commission for another term.

Regards,
Puneet Sandhu

CITY OF MILPITAS YOUTH COMMISSION APPLICATION

Youth Commission

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR ↑

If you are only applying for the Youth Commission, please indicate that on the line that states "Commission Applying for." If you would like to serve as a nonvoting member on another commission, see instruction below. Please note that you may apply for the Youth Commission and nonvoting commissions.

The City allow one nonvoting youth to server on the commissions listed below. Please indicate by checking the boxes below which commissions you would like to serve on as a nonvoting member. Please select all commissions you are interested in. The Mayor will review your application and make appointments as appropriate.

- ☒ **ARTS COMMISSION**
- ☒ **COMMUNITY ADVISORY COMMISSION**
- ☒ **ECONOMIC DEVELOPMENT & TRADE COMMISSION**
- ☒ **LIBRARY & EDUCATION COMMISSION**
- ☒ **PARKS, RECREATION & CULTURAL RESOURCES COMMISSION**
- ☒ **PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION**
- ☒ **SCIENCE, TECHNOLOGY & INNOVATION COMMISSION**
- ☒ **SENIOR ADVISORY COMMISSION**
- ☒ **VETERANS COMMISSION**

Tejus Karadi

Name: First (middle) Last

Address: Number Street (apt. # if needed) City & Zip Code

Telephone Number(s) e-mail address

Education: Please indicate your grade & school: Incoming 9th grader at MHS

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):
Please see attached.

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Signature

Date

Appointments to Commissions are made by the Mayor with the concurrence of the City Council. **Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.**

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

E-mail, send in US mail or drop off your completed application to:

City Clerk, Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: cityclerk@ci.milpitas.ca.gov

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I would like to be a member of the Youth Commission so I can have a voice in my community. As a Scout, I've had the chance to hike and camp in many parks, and I've also volunteered at various events. These experiences have made me want to help protect the parks I enjoy and make sure they are preserved for future generations.

I also volunteer at a non-profit called Inclusive World, where we help people with disabilities develop their skills. Through this, I've learned about the challenges faced by kids with special needs, and I want to speak up for their rights and needs.

I also compete in Geography Bee competitions at a national and international level. I use what I know to teach geography to elementary students through the PTA at John Sinnott Elementary. I want to help these kids get excited about learning and make sure they know more about subjects not widely taught. I want to be a voice for this community.

Lastly, my parents have taught me the importance of volunteering. They spend a lot of their time helping provide education to underprivileged children, and I've learned from them how rewarding and important it is to give back. I would love to bring that same passion and energy to the Youth Commission to make a positive difference in our community.

Please note that I'm open to serving on any Milpitas City Commission that has a need.

CITY OF MILPITAS YOUTH COMMISSION APPLICATION

Youth Advisory Commission

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR ↑

If you are only applying for the Youth Commission, please indicate that on the line that states "Commission Applying for." If you would like to serve as a nonvoting member on another commission, see instruction below. Please note that you may apply for the Youth Commission and nonvoting commissions.

The City allow one nonvoting youth to server on the commissions listed below. Please indicate by checking the boxes below which commissions you would like to servo on as a nonvoting member. Please select all commissions you are interested in. Tho Mayor will review your application and make appointments as appropriate.

- ☒ ARTS COMMISSION
- ☒ COMMUNITY ADVISORY COMMISSION
- ☐ ECONOMIC DEVELOPMENT & TRADE COMMISSION
- ☐ LIBRARY & EDUCATION COMMISSION
- ☒ PARKS, RECREATION & CULTURAL RESOURCES COMMISSION
- ☐ PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION
- ☒ SCIENCE, TECHNOLOGY & INNOVATION COMMISSION
- ☐ SENIOR ADVISORY COMMISSION
- ☐ VETERANS COMMISSION

Name: Shaan First Sankar (middle) Last

Address: [REDACTED] Number 95035 Street (apt. # if needed) City & Zip Code

Telephone Number(s) [REDACTED] e-mail address [REDACTED]

Education: Please indicate your grade & school: 11th grade; Milpitas High School

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I am generally in touch with people and friends of my age in school and neighboring districts and can provide insight into issues we face as well as trends. Also, I am interested in environmental change and would like to implement solutions. I have for environmental issues at a local level. I who are connected to modern technology and would find ways to implement it, locally. I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

[REDACTED] Signature 5/10/25 Date

Appointments to Commissions are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

E-mail, send in US mail or drop off your completed application to:

CS Scanned by City Clerk Milpitas City Hall 3rd Floor 135 E. Calaveras Blvd., Milpitas, CA 95035, email: cityclerk@ci.milpitas.ca.gov

Re: City of Milpitas Youth Advisory Commission

From Parnika Sadhu [REDACTED]
Date Thu 6/5/2025 9:28 PM
To Jessica Chen <jeschen@milpitas.gov>

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](#).

Hello Jessica,

Thank you for your email!

I am honored to have been part of the Youth Commission for this past term, and I am glad to have been able to serve the Youth Community of Milpitas.

Yes, I would be very grateful to serve again as a Youth Commissioner, and I am very interested in reappointment.

Would there be any process I would have to go through to be considered?

Thank you so much!

Sincerely,
Parnika Sadhu

On Thu, Jun 5, 2025 at 9:39 AM Jessica Chen <jeschen@milpitas.gov> wrote:

Good morning Parnika,

Thank you for your dedicated service on the Youth Advisory Commission. Your current term is set to expire in September 2025. If you are interested in being considered for reappointment, please let us know by responding to this email.

Please note that reappointment is not automatic and requires a recommendation from the Mayor and confirmation by the City Council.

Thank you again for your valuable contributions.

Best regards,



Jessica Jeri Chen

Deputy City Clerk

Phone [\(408\) 586 3003](tel:(408)5863003)

Email jeschen@milpitas.gov

455 E. Calaveras Blvd., Milpitas CA 95035

www.milpitas.gov



Re: City of Milpitas Youth Advisory Commission

From Samyuktha R [REDACTED]
Date Fri 6/6/2025 9:44 AM
To Jessica Chen <jeschen@milpitas.gov>

CAUTION: EXTERNAL SENDER

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Good morning Jessica,
I am interested in being reappointed to the Youth Advisory Commission. I wanted to know how I would be able to become a voting member of the commission as well.

Sincerely,
Samyuktha Rangarajan

On Thu, Jun 5, 2025 at 9:38 AM Jessica Chen <jeschen@milpitas.gov> wrote:

Good morning Samyuktha,

Thank you for your dedicated service on the Youth Advisory Commission. Your current term is set to expire in September 2025. If you are interested in being considered for reappointment, please let us know by responding to this email.

Please note that reappointment is not automatic and requires a recommendation from the Mayor and confirmation by the City Council.

Thank you again for your valuable contributions.

Best regards,



Jessica Jeri Chen
Deputy City Clerk
Phone [\(408\) 586-3003](tel:(408)586-3003)
Email jeschen@milpitas.gov
[455 E. Calaveras Blvd., Milpitas CA 95035](#)
www.milpitas.gov
  

CITY OF MILPITAS YOUTH COMMISSION APPLICATION

Youth Advisory Commission

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR ↑

If you are only applying for the Youth Commission, please indicate that on the line that states "Commission Applying for." If you would like to serve as a nonvoting member on another commission, see instruction below. Please note that you may apply for the Youth Commission and nonvoting commissions.

The City allow one nonvoting youth to server on the commissions listed below. Please indicate by checking the boxes below which commissions you would like to serve on as a nonvoting member. Please select all commissions you are interested in. The Mayor will review your application and make appointments as appropriate.

- ☐ ARTS COMMISSION
- ☐ COMMUNITY ADVISORY COMMISSION
- ☐ ECONOMIC DEVELOPMENT & TRADE COMMISSION
- ☐ LIBRARY & EDUCATION COMMISSION
- ☐ PARKS, RECREATION & CULTURAL RESOURCES COMMISSION
- ☐ PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION
- ☐ SCIENCE, TECHNOLOGY & INNOVATION COMMISSION
- ☐ SENIOR ADVISORY COMMISSION
- ☐ VETERANS COMMISSION

Name:	Vihana	Vishal	Gandhi
	First	(middle)	Last
Address:	[REDACTED]		Milpitas 95035
	Number	Street (apt. # if needed)	City & Zip Code
Telephone Number(s)	[REDACTED]		[REDACTED]
			e-mail address

Education: Please indicate your grade & school: 8th Grade, Rancho Middle School

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):
I bring a few standout qualifications to the table. 1. Leadership 2. Creativity and Problem-Solving Skills
3.Continuous Learning 4.Strong Communication Skills 5.Collaboration and Teamwork

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Vihana Gandhi

06/20/2025

Signature

Date

Appointments to Commissions are made by the Mayor with the concurrence of the City Council. **Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.**

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

E-mail, send in US mail or drop off your completed application to:

City Clerk, Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: cityclerk@ci.milpitas.ca.gov

CITY OF MILPITAS – LIST OF COMMISSIONS

ARTS COMMISSION: Founded July 6, 2000. Meetings are held at 7:00 PM on fourth Mondays in alternate months in the City Hall Committee Room. The Arts Commission serves as an advisory body to the City Council on matters pertaining to supporting and promoting the arts in the City, including placement of public art. Seven members and two alternates are appointed to 3-year terms.

COMMUNITY ADVISORY COMMISSION: Founded July 20, 1954. Meetings are held at 7:00 PM on the first Wednesday each month in the City Hall Committee Room. CAC is as an advisory body on matters affecting Milpitas citizens, especially community improvement. CAC evaluates and makes recommendations to the City Council on issues including Citywide beautification, community and neighborhood clean-up and abatement issues. The Commission advises the Council on recommended Community Development Block Grant funds. CAC has 7 members and 2 alternates appointed to 3-year terms.

ECONOMIC DEVELOPMENT & TRADE COMMISSION: Founded February 18, 2003. Meetings are held at 4:30 PM on the second Monday every month at the City Hall Committee Room. EDC was established to advise the Council on business issues and to make recommendations on the design, development, and implementation of a comprehensive economic development program for the City of Milpitas. The Commission consists of 7 members appointed to 3-year terms and 2 alternates appointed to 3-year terms. Members represent specific industries and business community segments in Milpitas.

ENERGY & ENVIRONMENTAL SUSTAINABILITY COMMISSION: Founded February 5, 1991. Meetings are held at 6:00 PM on third Wednesdays monthly (except July) in the City Hall Committee Room. Formerly, Recycling and Source Reduction Advisory Commission (RSRAC). Advises Council on recycling and solid waste management issues. Seven members recommend programs designed to reduce solid waste, and monitor the City's achievement of diversion goals mandated by the state, along with other environmental issues. 7 Members and 2 alternates are appointed to serve in 3-year terms.

LIBRARY & EDUCATION COMMISSION: Founded January 17, 1961. Meetings are held at 7:00 PM on the second Monday of January, and third Monday of March, May, September, and November at the Milpitas Library. Advises the Santa Clara County Library which operates the Milpitas Library under the jurisdiction of a Joint Powers Authority, informs the City Council and County Librarian of community needs, and helps to determine library activities and levels of service. The Commission consists of 7 members and 2 alternates are appointed to 3-year terms.

PARKS, RECREATION & CULTURAL RESOURCES COMMISSION: Founded July 1, 1992. Meetings are held monthly at 7:00 PM on the first Monday at City Hall. PRCRC was formed when the Council combined functions of Parks & Recreation Commission and Cultural Resources Preservation Board into one body. Advises Council on operation of recreation services and historic preservation activities, and advises in the acquisition, planning, and development of new and existing parks and facilities. PRCRC assists activities related to City's cultural heritage. Commission consists of 7 members and 2 alternates appointed to 3-year terms.

PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION: Founded April 23, 1988. Meetings are held at 7:00 PM on the third Thursday in January, March, May, July, September, and November at Fire Station #1 Training Room. The Commission advises the City Council regarding emergency preparedness and disaster planning. PS&EPC consists of 7 Commissioners plus 2 alternate members in 3-year terms.

SCIENCE, TECHNOLOGY & INNOVATION COMMISSION: Founded September 6, 1994. Meetings are held at 7:00 PM on 3rd Mondays each month at City Hall Committee Room. Information technology, communications and information services offer challenges to Milpitas, so Commissioners advise on matters of technology policy, legislation and implementation at the local, state, and federal levels. 7 Members and 2 alternates are appointed to 3-year terms.

SENIOR ADVISORY COMMISSION: Founded April 20, 1993. Meetings are held at 1:30 PM on 4th Tuesdays of February, April, June, August, October, and December at the Barbara Lee Senior Center. Originally founded as the Senior Advisory Committee on December 14, 1978, it served in an advisory capacity to the Parks, Recreation, & Cultural Resources Commission. SAC advises the Council on matters pertaining to recreation and services for senior citizens in Milpitas. 7 Members and 2 alternates serve 3-year terms.

VETERANS COMMISSION: Founded December 1, 2009. Meetings are held on first Wednesdays at 5:30 PM at City Hall in February, April, June, August, October and December. 7 members and 2 alternates with 3-year terms are appointed by the City Council to advise the Council on matters pertaining to veterans in Milpitas. All Commissioners are current or retired U.S. military service members.

YOUTH ADVISORY COMMISSION: Founded May 21, 1996. Meetings are held at 7:00 PM on the second Thursday of each month excluding June at City Hall Committee Room. Commissioners must be ages 13 to 19 years, in grades 7 through 12, and live in Milpitas. YAC advises the City Council on issues involving youth and teens in Milpitas. 7 Members and 2 alternates are appointed to 3-year terms.

CITY OF MILPITAS COMMISSIONS, ALONG WITH CITY COUNCIL, DO NOT MEET IN THE MONTH OF JULY.

CITY OF MILPITAS YOUTH COMMISSION APPLICATION

Youth Commission

PROVIDE COMPLETE INFORMATION (in black ink)

COMMISSION APPLYING FOR 

If you are only applying for the Youth Commission, please indicate that on the line that states "Commission Applying for." If you would like to serve as a nonvoting member on another commission, see instruction below. Please note that you may apply for the Youth Commission and nonvoting commissions.

The City allow one nonvoting youth to server on the commissions listed below. Please indicate by checking the boxes below which commissions you would like to serve on as a nonvoting member. Please select all commissions you are interested in. The Mayor will review your application and make appointments as appropriate.

- ☐ ARTS COMMISSION
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- ☐ PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMISSION
- ☐ SCIENCE, TECHNOLOGY & INNOVATION COMMISSION
- ☐ SENIOR ADVISORY COMMISSION
- ☐ VETERANS COMMISSION

RECEIVED
AUG 29 2025

BY: *Sinde*

Name: *Sherry* First (middle) *Yu* Last

Address:  Number Street (apt. # if needed) *Milpitas, 95035* City & Zip Code

Telephone Number(s)  e-mail address 

Education: Please indicate your grade & school: *9th. Valley Christian High School*

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

- 1. strong passion for community service*
- 2. good at drawing, singing*

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.


Signature

08/28/2025
Date

Appointments to Commissions are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

E-mail, send in US mail or drop off your completed application to:

City Clerk, Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: cityclerk@ci.milpitas.ca.gov

CITY OF MILPITAS YOUTH COMMISSION APPLICATION

PROVIDE COMPLETE INFORMATION (in black ink)

Youth
COMMISSION APPLYING FOR ↑

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- ☐ SCIENCE, TECHNOLOGY & INNOVATION COMMISSION
- ☐ SENIOR ADVISORY COMMISSION
- ☐ VETERANS COMMISSION

Name: Vivian (middle) Fontenot-Martin Last

Address: 1 [REDACTED] Street (apt. # if needed) Milpitas 95035 City & Zip Code

Telephone Number(s) [REDACTED] e-mail address [REDACTED]

Education: Please indicate your grade & school: Rancho Milpitas Middle School / 8th grade

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I am a natural born leader. To add on I have a very creative mind. As someone who is in Girl Scouts, it has taught me both leadership & responsibility, which are important qualities if you want to join the youth commission. I have also won the highest award, The Golden Jaguar at my elementary school, Zanker. Awarded to students who set good examples.
I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy.
hereby certify that all statements contained in this application are true.

[REDACTED] Signature 8/7/2025 Date

Appointments to Commissions are made by the Mayor with the concurrence of the City Council. **Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant.**

PLEASE BE AWARE THAT ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

E-mail, send in US mail or drop off your completed application to:

City Clerk, Milpitas City Hall 3rd floor, 455 E. Calaveras Blvd., Milpitas, CA 95035, email: cityclerk@ci.milpitas.ca.gov

From: noreply@civicplus.com
To: [City Clerk](#)
Subject: Online Form Submittal: Commission Applications
Date: Monday, August 12, 2024 5:36:50 PM

CAUTION: EXTERNAL SENDER

This email originated from outside the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. [Report suspicious messages](#) to the [IT Helpdesk](#).

Commission Applications

Commission /
Committee Applying
for: Measure F Oversight Committee

First Name	Simrat
Last Name	Pabla
Address Type	Residence
Address	[REDACTED]
City	Milpitas
State	Ca
Zip Code	95035
Phone Number	[REDACTED]
Email Address	[REDACTED]
Present Employer	WFG
Other Phone	Field not completed.
Business Address (Optional)	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Occupation	Financial advisers services
Education: If Youth	Field not completed.

Advisory Commission
applicant, indicate your
grade / school:

College, Professional, Vocational, or other schools attended	Medical assistance diploma from institute of technology sanjose ca
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Major Subject	<i>Field not completed.</i>
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Degree	<i>Field not completed.</i>
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List community organizations to which you belong or have belonged (additional
information may be attached).

Name of Organization	<i>Field not completed.</i>
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Member	<i>Field not completed.</i>
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Name of Organization	<i>Field not completed.</i>
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Member	<i>Field not completed.</i>
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Name of Organization	<i>Field not completed.</i>
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Member	<i>Field not completed.</i>
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If application is for Veterans Commission, indicate branch and service in any U.S.
military organization (retired or active duty).

Branch of Military	<i>Field not completed.</i>
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Officer	<i>Field not completed.</i>
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Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):	<i>Field not completed.</i>
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Upload a File	simrat resume 1.pdf
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Date	8/12/2024
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By submitting this form, I confirm I have sufficient time to devote to this
responsibility and will attend the required meetings if I am appointed to fill a future
vacancy. I hereby certify that all statements contained in this application are true.

Simrat Kaur pabla

Name

Email not displaying correctly? [View it in your browser.](#)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt Ordinance No. 65.155 for 2025 California Building Codes with Amendments (Staff Contact: Bill Tott, Building Official, 408-586-3263)
Category:	Consent Calendar-Community Development
Meeting Date:	9/2/2025
Recommendation:	Waive the second reading and adopt Ordinance No.65.155 amending Chapters 3, 3.5, 4, 5, 6,7,10,11,14,16,19, and 150 of Title II of the Milpitas Municipal Code relating to adopting by reference the 2025 California Building Code, 2025 California Residential Code, 2025 California Mechanical Code, 2025 California Electrical Code, 2025 California Plumbing Code, 2025 California Energy Code, 2025 California Green Building Standards Code, 2025 California Wildland Urban Interface Code, 2025 California Existing Building Code, 2025 California Historical Building Code, 2025 Referenced Standards Code, 2024 International Property Maintenance Code, and 2024 International Swimming Pool and Spa Code, with amendments.

BACKGROUND:

On August 19, 2025 Council introduced Ordinance No. 65.155 at a public hearing. Notice of the public hearing was published on July 25 and August 1, 2025 pursuant to Government Code Section 6066. There were no changes to the Ordinance from the first reading; the Ordinance is now ready for its second reading and adoption.

ANALYSIS:

Adoption of the new 2025 codes will ensure that buildings and structures in Milpitas will safeguard the health, safety, and general welfare of the public. Staff recommend that the Council adopt Ordinance No. 65.155 adopting the new codes with amendments. See attachments (a) for Ordinance 65.155 and Exhibit A, and (b) for Supplemental Findings for Appendices for the 2025 Codes.

FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense. Staff training on the new codes is needed and has been planned for in the budget. Training has begun and will be ongoing.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not a project pursuant to Pub. Resources Code, § 21065 and Cal. Code Regs., tit. 14, § 15378. Even if a project, the action is exempt from further CEQA review pursuant to Cal. Code Regs., tit. 14, § 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ATTACHMENTS:

- (a) Ordinance 65.155 and Exhibit A
- (b) Supplemental Findings for Appendices for the 2025 Codes

REGULAR

NUMBER: 65.155

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTERS 3, 3.5, 4, 5, 6, 7, 10, 11, 14, 16, 19, AND 150 OF TITLE II OF THE MILPITAS MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2025 CALIFORNIA BUILDING CODE, 2025 CALIFORNIA RESIDENTIAL CODE, 2024 INTERNATIONAL PROPERTY MAINTAINANCE CODE, 2025 CALIFORNIA MECHANICAL CODE, 2025 CALIFORNIA ELECTRICAL CODE, 2025 CALIFORNIA PLUMBING CODE, 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE, 2025 CALIFORNIA ENERGY CODE, 2025 CALIFORNIA EXISTING BUILDING CODE, 2025 CALIFORNIA WILDLAND URBAN INTERFACE CODE, 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE, AND 2025 CALIFORNIA HISTORICAL BUILDING CODE, WITH AMENDMENTS.

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of August 19, 2025, upon motion by _____, and was adopted (second reading) by the City Council at its meeting of September 16, 2025 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:

WHEREAS, the California Building Standards Commission has adopted and published an updated Title 24 of the California Code of Regulations, also referred to as the 2025 California Building Standards Code, that will become effective statewide on January 1, 2026; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 establish the authority for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 permit a city to make such local amendments and modifications as the city determines are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Milpitas has reviewed and intends to adopt the 2025 California Building Standards Code and the 2024 International Property Maintenance Code and 2024 International Swimming Pool and Spa Code.

WHEREAS, the City Council wishes to amend portions of the California Building Standards Code to better address local conditions and makes express findings that such amendments are reasonably necessary because of local climatic, geological or topographical conditions as set forth in this Ordinance.

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 the 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

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant effect on the environment because the changes made to the California Building Standards Code within are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, storms, floods, high winds and fire, and therefore is exempt from CEQA. Therefore, it can be seen with certainty that there is no possibility that the Ordinance in question may have a significant effect on the environment; accordingly, the Ordinance is categorically exempt from CEQA.

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE II

Chapters 3, 3.5, 4, 5, 6, 7, 10, 11, 14, 16, 19, and 150 of Title II of the Milpitas Municipal Code are hereby amended with the text below to read as follows:

Section 4 Appeals

II-1-4.01

Chapter 3 – BUILDING CODE

Chapter 3 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Building Code

Section 2 – Amendments to the Building Code

Section 1 Adoption of the Building Code

II-3-1.01

The 2025 California Building Code, published and copyrighted by the International Code Council, Inc. and the California Building Standards Commission in Part 2 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. This adoption includes Appendix I. The 2025 California Building Code shall be designated and referred to as the “Building Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Section 2 Amendments to the Building Code

II-3-2.01 Amendments: Chapter 4

Amend Section 402.5 of the California Building Code by deleting the exception.

Amend Section 403.3 of the California Building Code by deleting all exceptions.

Amend Section 404.3 of the California Building Code by deleting all exceptions.

Amend Section 410.6 of the California Building Code by deleting all exceptions.

II-3-2.02 Amendment: Section 1505.1.3

Amend Section 1505 of the California Building Code by adding Section 1505.1.3 to read as follows:

1505.1.3 Roofing requirements for hillside construction. Class A or Class B roof covering shall be required for all hillside construction.

II-3-2.03 Amendment: Section 1705.3 Exception 1

Amend Section 1705.3 Exception 1 of the California Building Code to read as follows:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based upon a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).

II-3-2.04 Amendment: Section 1808.1

Amend Section 1808.1 of the California Building Code by adding the following:

All new foundations for building additions to R-3 occupancies shall be of the same type of foundation system as the existing structure, unless foundation design recommendation from a soils engineer is provided and the foundation system is designed, and plans, calculations, and specifications are prepared, stamped and signed, by a California licensed engineer or architect.

II-3-2.05 Amendment: Table 2308.10.1

Amend Table 2308.10.1 title and footnotes to read as follows:

1. TABLE 2308.10.1^{a, f, g}
2. Footnotes “f” and “g” are added to Table 2308.10.1, to read:
 - f. Methods PBS, HPS, and SFB are not permitted in Seismic Design Categories D or E.
 - g. Methods GB, DWB and PCP are not permitted in Seismic Design Category E.

Chapter 3.5 – RESIDENTIAL CODE

Chapter 3.5 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Residential Code

Section 2 – Amendments to the Residential Code

Section 1 Adoption of the Residential Code

II-3.5-1.01

The 2025 California Residential Code, published by the International Code Council, Inc. and the California Building Standards Commission in Part 2.5 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. This adoption includes Appendix BF and Appendix BG. The 2025 California Residential Code shall be designated and referred to as the “Residential Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Section 2 Amendments to the Residential Code

II-3.5-2.01 Amendment: Section R902.1.3

Amend Section R902 of the California Residential Code by adding Section R902.1.3 to read as follows:

R902.1.3 Roofing requirements for hillside construction. Class A or Class B roof covering shall be required for all hillside construction.

II-3.5-2.02 Amendment: Table R602.10.3(3)

Amend Table R602.10.3(3) title and footnotes to read:

TABLE R602.10.3(3)^{i, j}

Footnotes:

- i. Methods PBS, HPS, SFB and CS-SFB are not permitted in Seismic Design Categories D₀, D₁, and D₂.
- j. Methods GB, DWB and PCP are not permitted in Seismic Design Categories D₀, D₁, and D₂ where S₁ is greater than or equal to 0.75.

II-3.5-2.03 Amendment: Section R403.1

Amend Section R403.1 of the California Residential Code by adding the following:

All new foundations for building additions to R-3 occupancies shall be of the same type of foundation system as the existing structure, unless foundation design recommendation from a soils engineer is provided and the foundation system is designed, and plans, calculations, and specifications are prepared, stamped and signed, by a California licensed engineer or architect

Chapter 4 – PROPERTY MAINTENANCE CODE

Chapter 4 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Property Maintenance Code

Section 2 – Amendments to the Property Maintenance Code

Section 1 Adoption of the Property Maintenance Code

II-4-1.01

The 2024 International Property Maintenance Code, published by the International Code Council, Inc., is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The 2024 International Property Maintenance Code shall be designated and referred to as the “Property Maintenance Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Section 2 – Amendments to the Property Maintenance Code

II-4-1.02

Delete Section 404.5 of the International Property Maintenance Code.

Delete Table 404.5 of the International Property Maintenance Code.

Delete Section 404.5.1 of the International Property Maintenance Code.

Delete Section 404.5.2 of the International Property Maintenance Code.

Chapter 5 – MECHANICAL CODE

Chapter 5 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Mechanical Code

Section 1 Adoption of the Mechanical Code

II-5-1.01

The 2025 California Mechanical Code, published and copyrighted by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission in Part 4 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The 2025 California Mechanical Code shall be designated and referred to as the “Mechanical Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Chapter 6 – ELECTRICAL CODE

Chapter 6 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Electrical Code

Section 2 – Amendments to the Electrical Code

Section 1 Adoption of the Electrical Code

II-6-1.01

The 2025 California Electrical Code, published and copyrighted by the National Fire Protection Agency and the California Building Standards Commission in Part 3 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Annexes A, B, C, D, and F. The 2025 California Electrical Code shall be designated and referred to as the “Electrical Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Section 2 Amendments to the Electrical Code

II-6-2.01

Amend Section 230.2 of the California Electrical Code by adding subsection (F) to read as follows:

230.2(F). Underground Service. All new electrical services shall be underground and installed per Section 230.30, Underground Service-Lateral Conductors.

Exception: Relocation or replacement of existing electrical services at existing buildings.

II-6-2.02

Amend Section 230.70(A) of the California Electrical Code by adding subsection (4) to read as follows:

(4) Main Service Disconnect Location. The building’s main service disconnect and/or disconnects shall be installed on the first floor level of the building, in accordance with 230.70(A)(1), (A)(2), and (A)(3).

II-6-2.03

Amend Section 250.50 of the California Electrical Code by adding subsection (A) to read as follows:

250.50(A). Grounding System in New Buildings. Grounding electrode systems in all new buildings shall be an electrode encased by at least 50 mm (two inches) of concrete, located horizontally near the bottom or vertically, and within that portion of a concrete foundation or footing that is in direct contact with earth. The electrode shall consist of at least 6.0 m (20 feet) of one or more steel reinforcing bars or rods, of not less than 13 mm (½ inch) diameter, or consisting of at least 6.0 m (20 feet) of bare copper conductor not smaller than 4 AWG. The connection side of this concrete-encased electrode shall be located remotely away from the main electrical service equipment.

Chapter 7 – PLUMBING CODE

Chapter 7 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Plumbing Code

Section 1 Adoption of the Plumbing Code

II-7-1.01

The 2025 California Plumbing Code, published and copyrighted by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission in Part 5 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendices A, B, C, D, I, and M. The

2025 California Plumbing Code shall be designated and referred to as the “Plumbing Code” for the City of Milpitas. There is one copy of said code on file in the office of the Building Official for use and examination by the public.

Chapter 10 – SWIMMING POOL AND SPA CODE

Chapter 10 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Swimming Pool and Spa Code

Section 1 Adoption of the Swimming Pool and Spa Code

II-10-1.01

The 2024 International Swimming Pool and Spa Code, published by the International Code Council, Inc., is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The 2024 International Swimming Pool and Spa Code shall be designated and referred to as the “Swimming Pool and Spa Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Chapter 11 – ENERGY CODE

Chapter 11 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Energy Code

Section 1 Adoption of the Energy Code

II-11-1.01

The 2025 California Energy Code, published and copyrighted by the International Code Council, Inc. and the California Building Standards Commission in Part 6 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The 2025 California Energy Code shall be designated and referred to as the “Energy Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Chapter 14 – EXISTING BUILDING CODE

Chapter 14 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Existing Building Code

Section 1 Adoption of the Existing Building Code

II-14-1.01

The 2025 California Existing Building Code, published and copyrighted by the International Code Council, Inc. and the California Building Standards Commission in Part 10 of Title 24 of the California Code of Regulations, is

hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendices A1, A2, A3, and A5. The 2025 California Existing Building Code shall be designated and referred to as the “Existing Building Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Chapter 16 – WILDLAND URBAN INTERFACE CODE

Chapter 16 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Wildland Urban Interface Code

Section 1 Adoption of the Wildland Urban Interface Code

II-16-1.01

The 2025 Wildland Urban Interface Code published and copyrighted by the International Code Council, Inc. and the California Building Standards Commission in Part 7 is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The 2025 Wildland Urban Interface Code shall be designated and referred to as the “Wildland Urban Interface Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Chapter 19 – GREEN BUILDING STANDARDS CODE

Chapter 19 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Green Building Standards Code

Section 1 Adoption of the Green Building Standards Code

II-19-1.01

The 2025 Green Building Standards Code, published and copyrighted by the International Code Council, Inc. and the California Building Standards Commission in Part 11 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The 2025 Green Building Standards Code shall be designated and referred to as the “Green Building Standards Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Chapter 150 – HISTORICAL BUILDING CODE

Chapter 150 of Title II of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

Sections:

Section 1 – Adoption of the Historical Building Code

Section 1 Adoption of the Historical Building Code

II-150-1.01

The 2025 California Historical Building Code, published and copyrighted by the International Code Council, Inc. and the California Building Standards Commission in Part 8 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The 2025 California Historical Building Code shall be designated and referred to as the “Historical Building Code” for the City of Milpitas. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

SECTION 4. EXPRESS FINDINGS

Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5, the City Council hereby finds that the above amendments are necessary due to local climatic, geological or topographical conditions as set forth in **Exhibit A**.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES

Upon adoption of each new California Building Standards Code, the Ordinance adopting the previously adopted California Building Standards Code is superseded in its entirety. This Ordinance does not repeal Ordinance No. 65.153, which adopts by reference and amends the 2022 California Energy Code, Ordinance No. 65.154, which adopts by reference and amends the 2022 California Green Building Standards Code, nor Ordinance No. 113.26, which adopts by reference and amends the 2019 California Fire Code.

SECTION 6. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 7. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its final adoption by the City Council, but no sooner than January 1, 2026. The City Clerk of the City of Milpitas shall 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

FINDINGS IN SUPPORT OF AMENDMENTS TO TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS: LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS

Chapter 3 – BUILDING CODE

The proposed substantive amendments to the Building Code involve the following:

- (1) Automatic sprinkler systems
- (2) Roofing cover requirement for hillside areas
- (3) Special inspection exception
- (4) Foundations and foundation reinforcement
- (5) Restrict use of bracing methods

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions:

(1) Automatic sprinkler systems

Amending the Code to remove exceptions where automatic sprinklers are not required is due to Milpitas being situated in an area of high seismic activities as indicated by the United States Geological Survey and the California Division of Mines and Geology. There is a higher level of risk for significant building damage and fire due to the higher incidence and magnitude of earthquakes in this area. Maintaining a higher level of life-safety of building occupants by providing removal of exceptions to installation of automatic fire sprinkler systems is therefore required.

(2) Roofing cover requirement for hillside areas

Amending the Code to require that the roof covering for structures in the hillside area is a minimum Class B is necessary due to the climatic conditions of the area. The hillside area has a long history of high winds, with an associated higher risk of accelerated and more significant structure damage and higher potential for related casualties.

(3) Special inspection exception

Amending the Code to require special inspection for isolated spread concrete footings of buildings of three stories or less where the structural design of the footing is based upon a specified compressive strength of concrete greater than 2,500 psi is necessary due to expansive (clay) soils and seismic activity common to this geological area.

(4) Foundations and foundation reinforcement

Amending the Code to require all new foundations for building additions to R-3 occupancies shall be of the same type of foundation system as the existing structure, unless foundation design recommendation from a soils engineer is provided, and the foundation system is designed, and plans, calculations, and specifications are prepared, stamped and signed, by a California licensed engineer or architect, is necessary due to expansive (clay) soils and seismic activity common to this geological area.

(5) Restrict use of bracing methods

Amending the Code Table 2308.6.1 with added footnotes f and g to prohibit the use of bracing methods PBS, HPS, and SFB in seismic design categories D or E, and prohibit the use of bracing methods GB, DWB and PCP in seismic design category E due to their poor performance in earthquakes. Milpitas is in seismic design category D or E with potential for frequent and more intense seismic activity

Chapter 3.5 – RESIDENTIAL CODE

The proposed substantive amendments to the Residential Code involve the following:

- (1) Roofing cover requirement for hillside areas
- (2) Restrict use of bracing methods
- (3) Foundations and foundation reinforcement

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions:

(1) Roofing cover requirement for hillside areas

Amending the Code to require that the roof covering for structures in the hillside area is a minimum Class B is necessary due to the climatic conditions of the area. The hillside area has a long history of high winds, with an associated higher risk of accelerated and more significant structure damage and higher potential for related casualties.

(2) Restrict use of bracing methods

Amending the Code Table R602.10.3(3) and adding footnotes i and j to restrict the use of bracing methods PBS, HPS, SFB, CS-SFB, GB, DWB and PCP in Seismic Design Categories D0, D1 and D2 due to their poor performance in earthquakes. Milpitas is in seismic design category D2.

(3) Foundations and foundation reinforcement

Amending the Code to require all new foundations for building additions to R-3 occupancies shall be of the same type of foundation system as the existing structure, unless foundation design recommendation from a soils engineer is provided, and the foundation system is designed, and plans, calculations, and specifications are prepared, stamped and signed, by a California licensed engineer or architect, is necessary due to expansive (clay) soils and seismic activity common to this geological area.

Chapter 6 – ELECTRICAL CODE

The proposed substantive amendments to the Electrical Code involve the following:

- (1) Requirement for all new electrical services to be underground
- (2) Disconnects of electrical power for each building to be in a readily accessible location on the first floor
- (3) Grounding systems in new buildings shall be an electrode encased in concrete

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions:

(1) Requirement for all new electrical services to be underground

Buildings in many areas of Milpitas are located in high wind areas and flood plains. Due to these local climatic conditions, amending the Code to provide for elimination of overhead services that are inherently less safe in the event of windstorms and floods will provide a higher level of safety.

(2) Disconnects of electrical power for each building to be in a readily accessible location on the first floor

Amending the Code provides for a quicker means of finding the location of the main power disconnects to buildings in the event of seismic events and related potential for fire and other emergencies. This is critical as Milpitas is located in an area of high seismic activities.

(3) Grounding systems in new buildings shall be an electrode encased in concrete

Amending the Code allows significantly higher assurances that the grounding of the building electrical system will not deteriorate and fail due to the acidic and expansive properties of local soils. Other types of grounding, such as rods, will be subject to deterioration in local soils, whereas an encased electrode will not be in contact with the soils.

Providing equipment grounding conductors enhances capability of keeping electrical systems grounded, which is important in high amperage electrical services common to the City of Milpitas.

EXHIBIT B

SUPPLEMENTAL FINDINGS IN SUPPORT OF APPENDICES TO TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS FOR LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS

The following findings are in support of the Appendices that are reasonably necessary because of local climatic, geological or topographical conditions:

2025 CALIFORNIA RESIDENTIAL CODE - Appendix BG Sound Transmission

Adopting Appendix BG for sound transmission is necessary due to topographic and climatic conditions. The hillside areas have sustained high winds that are heightened by the sloped hillsides and create a significantly higher noise level, which the requirements under this appendix will help mitigate. It will also help mitigate the effects of the topographical influences on wind generated noise for the lower areas as these areas form a valley that has the effect of heightening the wind noise levels as well.

2025 CALIFORNIA PLUMBING CODE – Appendix C Alternate Plumbing Systems

Adopting Appendix C for alternate plumbing systems is necessary due to climatic conditions. The State of California experiences numerous extreme drought conditions over great expanses of time, that trigger the imposition of severe water rationing. The City of Milpitas has had water use restrictions in place for extended periods of time due to these climatic conditions. The requirements under the appendix would help lower potable water usage through the design and implementation of engineered plumbing systems.

2025 CALIFORNIA PLUMBING CODE - Appendix M Peak Water Demand Calculation

Adopting Appendix M for use of the peak water demand calculator is necessary due to climatic conditions. The State of California experiences numerous extreme drought conditions over great expanses of time, that trigger the imposition of severe water rationing. The City of Milpitas has had water use restrictions in place for extended periods of time due to these climatic conditions. The requirements under the appendix would help lower potable water usage through the use of the peak water demand calculator which allows for smaller water supply pipes to serve more efficient plumbing fixtures.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt Ordinance No. 113.27, Adopting by Reference the 2025 Edition of the California Fire Code with Certain Local Amendments (Staff Contact: Arthur Belton, Deputy Fire Chief / Fire Marshal, 408-586-3384)
Category:	Consent Calendar-Public Safety
Meeting Date:	9/2/2025
Recommendation:	Waive the second reading and adopt Ordinance No. 113.27, adopting by reference the 2025 Edition of the California Fire Code, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code, with certain local amendments.

BACKGROUND:

The California State Building Standards Commission adopted the 2024 International Fire Code with State Amendments, known as the 2025 California Fire Code, which becomes effective for all local jurisdictions on January 1, 2026. To maintain the current level of regulation without interruption, jurisdictions must adopt the code with local amendments. As with past code adoptions, the Santa Clara County Fire Marshals Association collaborates to develop standardized amendments for use throughout the County that maintain the existing level of regulation for the protection of public health and safety

The proposed Ordinance includes certain findings necessary to locally amend portions of the California Fire Code. Such findings shall be based on but not limited to Health and Safety Code Sections 18941.5, as well as 17958.5 and 17958.7, relative to local climatic, geographical, or topographical conditions.

Ordinance No. 113.27 was introduced during the City Council Meeting on August 19, 2025. The Ordinance repeals and replaces Chapter 300 of Title V of the Milpitas Municipal Code, adopting by reference the 2025 California Fire Code along with specified local amendments.

The City Council did not request any changes to the Ordinance.

ANALYSIS:

The California Fire Code and local amendments are typically adopted every three years. The 2022 Edition of the California Fire Code with certain local amendments was adopted by the Milpitas City Council on [December 6, 2022](#), and became effective January 1, 2023. The proposed ordinance would replace the previous adoption and allow for seamless transition with regards to regulation and enforcement historically.

The California Fire Code is Part 9 of 13 parts of the official compilation and publication of adoptions, amendment, and repeal of building regulations to the California Code of Regulations, Title 24 which is also referred to as the California Building Standards Code. The California Building Standards Code incorporates by adoption the 2024 International Fire Code of the International Code Council with necessary California Amendments.

The purpose of the California Fire Code is to establish the minimum requirements consistent with nationally recognized best practices to safeguard public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

The provisions of the California Fire Code shall apply to the construction, alterations, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every

building or structure or any appurtenances connected or attached to such building structures throughout the State of California.

POLICY ALTERNATIVE(S):

Alternative 1: Do Not Adopt Certain Local Amendments for the 2025 California Fire Code

Pros: None

Cons: Not adopting certain local amendments in conjunction with the 2025 California Fire Code, does not address some of the unique concerns and nuances relative to the residential, commercial, and industrial communities within the City of Milpitas.

Reason for Not Recommending: To further save lives and preserve property, as well as ensuring the highest level of public safety for the community of Milpitas, local amendments must be addressed.

FISCAL IMPACT:

Section 66014 of the California Government Code as referenced in the Health & Safety Code Section 13146, as well as the 2025 California Fire Code Sections 1.11.2.1.1, and Section 106.2, allows fire departments to charge fees for permit, inspection, and enforcement activities. The City of Milpitas Master Fee Schedule aligns with these Code Sections.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not a project pursuant to Pub. Resources Code, § 21065 and Cal. Code Regs., tit. 14, § 15378. Even if a project, the action is exempt from further CEQA review pursuant to Cal. Code Regs., tit. 14, § 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ATTACHMENT(S):

Draft Ordinance No. 113.27

REGULAR

NUMBER: 113.27

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS REPEALING AND REPLACING CHAPTER 300 OF TITLE V OF THE MILPITAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2025 EDITION OF THE CALIFORNIA FIRE CODE WITH SPECIFIED LOCAL AMENDMENTS

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 Councilmember _____. 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 Council of the City of Milpitas intends to adopt by reference into the Milpitas Municipal Code the 2025 California Fire Code; and

WHEREAS, in doing so, the City Council wishes to amend portions of the California Fire Code to better address local concerns and to be consistent with amendments made by the other jurisdictions in Santa Clara County as well as neighboring counties in the Bay Area; and

WHEREAS, Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require such amendments to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City Council hereby makes the following findings with respect to the amendments to the 2025 California Fire Code and determines that there is a sufficient factual basis to justify these findings:

A. The local climatic conditions of the City of Milpitas can affect the acceleration, intensity, and size of fires. Average annual rainfall for the City of Milpitas (approximately 14.9 inches per year), and drought conditions in the State of California require water-use restrictions and may also limit access to water during emergencies. Prevailing winds from the Northwest have velocities ranging from 5-mph to 15-mph, but the region has experienced extreme winds up to 60 mph. Times of little rainfall and high winds can exacerbate and spread fires.

B. The local geological and topographical conditions of the City of Milpitas can affect the response time of emergency service providers. The San Francisco Bay area region is densely populated and located in an area of high seismic activities. In particular, the City of Milpitas is located near the San Andreas Fault zone, which is capable of producing major earthquakes. Should a significant seismic event occur, hazardous materials and gases may be leaked and expose members of the public to significant health risks. Severe seismic events could disrupt communications, damage gas mains, and cause extensive electrical hazards that may exacerbate the size and number of emergencies, and consequently hinder the Fire Department's ability to respond to emergencies effectively and in a timely manner.

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.

The City Council finds that the amendments to the 2025 California Fire Code herein adopted are reasonably necessary because of local climatic, geological, or topographical conditions, and the above-listed findings correspond with the following amendments to the 2025 California Fire Code:

Amendment	Finding(s)
101.1	Administrative
102.3	Administrative
102.4	Administrative
102.5	Administrative
103.2	Administrative
104.10	Administrative
105.1	Administrative
105.2	Administrative
105.5-105.5.67	Administrative
105.6-105.6.26	Administrative
108.2	Administrative

109.1-109.7	Administrative
112.1-112.3	Administrative
113.1.1-113.1.8	Administrative
202	Findings A & B
316.7	Finding A
503-503.1	Finding A
503.2.1	Finding A
503.2.4	Finding B
503.6	Finding B
503.7	Finding A
504.2	Finding B
504.3.1	Finding A
504.5	Finding A
504.6	Finding A
505.3	Finding A
507.5.1.1	Finding A
507.5.7	Finding A
508.1	Finding A
508.1.6	Finding A
510.1	Finding B
510.4	Finding B
510.5	Finding B
510.5.3	Finding B
604.1.1	Findings A & B
608.9	Finding A & B
901.6.3	Finding B
903.1.2	Findings A & B
903.2	Findings A & B
903.2.11.7	Finding B
903.3.1.1	Findings A & B
903.3.1.4	Findings A & B
903.3.5.3-903.3.5.7	Findings A & B
907.2.9.1	Findings A & B
913.7	Findings A & B
914.2.1	Findings A & B
914.3.1	Findings A & B
914.3.9-914.3.10	Findings A & B
914.4.1	Findings A & B
914.6.1	Findings A & B
916.8	Findings A & B
1103.2	Findings A & B
1207.6.1-1207.6.1.3	Findings A & B
1207.6.2-1207.6.2.1.2	Findings A & B
2807.6	Findings A & B
2808.11	Findings A & B
3307.1.2	Findings A & B

3307.1.3.1	Findings A & B
3306.5	Finding B
4103.1	Finding A
4103.1.1	Finding A
5001.2.2.2	Finding B
5001.5.1-5001.5.1.1	Finding B
5003.1.3.1	Finding B
5003.1.5	Finding B
5003.1.6	Finding B
5003.2.2.1-5003.2.2.2	Finding B
5003.2.9.1	Finding A & B
5003.3.1	Finding B
5003.5.2-5003.5.3	Finding B
5003.9.8	Finding B
5003.9.11	Finding B
5003.9.12	Finding B
5003.10.4.3	Finding B
5004.2.1	Findings A & B
5004.2.2	Findings A & B
5004.2.2.2	Findings A & B
5004.2.2.5	Findings A & B
5004.2.3	Findings A & B
5005.4.4	Findings A & B
5303.5.3	Finding B
5307.3.2	Finding A & B
5601.1.3	Findings A & B
5704.2.7.5.8-5704.2.7.5.9	Finding B
5707	Finding B
5707.3.3	Finding B
5707.3-5707.4	Finding B
5707.5.5	Finding B
5707.6.4-5707.6.7	Finding B
5809.3.3	Finding B
Chapter 60	Finding B
6004-6004.1.1.3	Finding B
6004.1.2-6004.1.14	Finding B
6004.2-6004.2.2.10.4	Finding B
6004.3-6004.3.3	Finding B
6405.3.1	Finding B
B105.2	Finding A & B
D101.1	Finding A
D103.1	Finding A
D103.2-D103.5	Finding A & B
D104.1-D104.2	Finding A
D105.2	Finding A
D106.1	Findings A & B
D106.2	Findings A & B
D107.1	Findings A & B

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant effect on the environment because the changes made to the California Building Standard Code within are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, high winds and fire, and therefore is exempt from CEQA. Therefore, it can be seen with certainty that there is no possibility that the Ordinance in question may have a significant effect on the environment; accordingly, the Ordinance is categorically exempt from CEQA.

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 300

Chapter 300 of Title V of the Milpitas Municipal Code is hereby amended to read as follows:

Chapter 300

FIRE CODE

Sections:

V-300-1 Adoption of the California Fire Code, 2025 Edition

V-300-2 Amendments to the 2025 California Fire Code

V-300-1.01 Adoption of the California Fire Code, 2025 Edition

An Ordinance of the City of Milpitas adopting the 2025 edition of the *California Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Milpitas providing for the issuance of permits and collection of fees. That a certain document, except as herein amended, one (1) copy of which is on file in the office of the City Clerk, known as the California Fire Code, including Chapter 1, Chapter 4, and Appendices B, BB, C, CC, D, H and K as published by the International Code Council, based on the International Fire Code, 2024 Edition, is hereby adopted by reference as the Fire Code for the City of Milpitas in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions penalties, conditions and terms of said Fire Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

V-300-2.01 Amendments to the 2025 California Fire Code

Chapter 1, Scope and Administration, of the California Fire Code, 2025 Edition, is hereby adopted and amended as follows:

V-300-2.02

Section 101.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Milpitas, herein referred to as ‘this Code.’

V-300-2.03

Section 102.3 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

102.3 Changes in use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this Code and the City of Milpitas Building Codes adopted under Title II of the Milpitas Municipal Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this Code and the City of Milpitas Building Codes for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

V-300-2.04

Section 102.4 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

102.4 Application of Building Code. The design and construction of new structures shall comply with the City of Milpitas Building Codes adopted under Title II of the Milpitas Municipal Code, and any alterations, additions, changes in use or changes in structures required by this Code, which are within the scope of the City of Milpitas Building Codes, shall be made in accordance therewith.

V-300-2.05

Section 102.5 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

102.5 Application of Residential Code. Where structures are designed and constructed in accordance with the City of Milpitas Building Codes adopted under Title II of the Milpitas Municipal Code, the provisions of this Code shall apply as follows:

1. Construction and design provisions: Provisions of this Code pertaining to the exterior of the structure shall apply, including, but not limited to premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devise are installed, construction permits required by Section 105.7 of this Code shall also apply.
2. Administrative, operational and maintenance provisions: All such provision of this Code shall apply.

V-300-2.06

Section 103.2 of the California Fire Code, 2025 Edition, is deleted in its entirety.

V-300-2.07

Section 104.10 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

104.10 Fire Investigations. The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

The fire code official and authorized members of the fire department shall have the powers of a peace officer pursuant to Penal Code Section 830.37. Other members of the fire department, as designated by the Fire Chief, may issue citations for violations of fire-related laws and ordinances pursuant to Penal Code Section 836.5.

V-300-2.08

Section 105.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.26.

V-300-2.09

Section 105.2 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

105.2 Application. Applications for a permit required by this Code shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official. Said application shall be accompanied by a fee in the amount set by Section 106.2 of this Code.

V-300-2.10

Section 105.5 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

105.5 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.5.1 through 105.5.63.

V-300-2.11

Table 105.5.9 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

**TABLE 105.5.9
PERMIT AMOUNTS FOR COMPRESSED GASES¹**

TYPE OF GAS	AMOUNT (cubic feet) ²
	X 0.0283 for m ³
Carbon dioxide used in carbon dioxide enrichment systems	875 (100lb)
Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications	875 (100lb)
Corrosive	200
Flammable (except cryogenic and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	200
Irritant	200
Moderately toxic	20
Other health hazards	200
Oxidizing (including oxygen)	200
Pyrophoric	Any amount
Radioactive	Any amount
Sensitizer	200
Toxic	Any Amount
Unstable (reactive)	Any amount

For SI: 1 cubic foot = 0.02832m³.

¹ Refer to Chapters 27, 30, 32, 35, 37, 40 and 41 for additional requirements and exceptions.

² Cubic feet measured at normal temperature and pressure.

V-300-2.12

Tab of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

**TABLE 105.5.11
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS**

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	55
Inert	55	55
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L

V-300-2.13

Section 105.5.18, subsections (3.), (10.) and (11.) of the California Fire Code, 2025 Edition, are amended to read as follows:

3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 55 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707.
11. To utilize a site for the dispensing of liquid fuels from tank vehicle into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to utilize a site for on-demand mobile fueling operations in accordance with Section 5707.

V-300-2.14

Table 105.5.22 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

**TABLE 105.5.22
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Carcinogens	10 pounds
Class II and IIIA Combustible liquids	
Inside	25 gallons
Outside	55 gallons
Class IIIB Combustible Liquids	55 Gallons
Corrosive materials:	
Gases	See Table 105.5.9
Liquids	55 gallons
Solids	500 pounds
Cryogens	See Table 105.5.11
Explosive materials	Any Amount
Flammable materials:	
Gases	See Table 105.5.9
Liquids	See Section 105.5.18
Solids	10 pounds
Highly toxic materials:	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Moderately toxic gas	20 cubic feet
Organic peroxides:	
Liquids: Class I-II	Any Amount
Liquids: Class III	1 gallon
Liquids: Class IV	2 gallons
Liquids: Class V	No Permit Required
Solids: Class I-II	Any Amount
Solids: Class III	10 pounds
Solids: Class IV	20 pounds
Solids: Class V	No Permit Required

TYPE OF MATERIAL	AMOUNT
Oxidizing materials: Gases Liquids: Class 4 Liquids: Class 3 Liquids: Class 2 Liquids: Class 1 Solids: Class 4 Solids: Class 3 Solids: Class 2 Solids: Class 1	See Table 105.5.9 Any amount 1 gallon 10 gallons 55 gallons Any amount 10 pounds 100 pounds 500 pounds
Other health hazards: Liquids Solids	55 gallons 500 pounds
Pyrophoric materials: Gases Liquids Solids	Any amount Any amount Any amount
Radioactive materials: Gases Liquids Solids	Any Amount See Section 105.5.61 See Section 105.5.61
Toxic materials: Gases Liquids Solids	Any amount 10 gallons 100 pounds
Unstable (reactive) materials: Liquids Class 4 & 3 Class 2 Class 1 Solids Class 4 & 3 Class 2 Class 1	Any Amount 5 gallons 10 gallons Any Amount 50 pounds 100 pounds
Water-reactive materials: Liquids Class 3 Class 2 Class 1 Solids Class 3 Class 2 Class 1	Any amount 5 gallons 55 gallons Any Amount 50 pounds 500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454kg.

V-300-2.15

Section 105.5.51 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

105.5.51 Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19 m²), or a canopy in excess of 400 square feet (37 m²). Smaller tents or canopies set side by side are considered as one, unless separated from each other by 10 feet on all sides.

Exceptions:

1. Tents used exclusively for recreational camping purposes.

V-300-2.16

Section 105.5.60 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.5.60 B Occupancy restaurants. An operational permit is required to operate a B Occupancy restaurant.

V-300-2.17

Section 105.5.61 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.5.61 Day care facility. An operational permit is required to operate a large family day care home facility, a Group E day care facility or a Group I-4 day care facility.

V-300-2.18

Section 105.5.62 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.5.62 Emergency responders radio coverage system. An operational permit is required to operate an emergency responders radio coverage system in accordance with Section 510.

V-300-2.19

Section 105.5.63 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.5.63 On-demand mobile fueling operations. An operational permit is required to conduct on-demand mobile fueling operations. An independent permit is required for the site and the vendor/mobile fuel operator.

V-300-2.20

Section 105.5.64 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.5.64 Private School. An operational permit is required to operate a private school Occupancy Group E or a heritage school (CA Education Code Section 33195.4).

V-300-2.21

Section 105.5.65 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.5.65 Radioactive materials. To store or handle at any installation more than one microcurie (37,000 becquerel) of radioactive material not contained in a sealed source or more than 1 millicurie (37,000,000 becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license(s) from the Nuclear Regulatory Commission is required.

V-300-2.22

Section 105.5.66 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.5.66 Water base fire protection systems. An operational permit is required to conduct inspections, testing and maintenance of a water base fire protection system in conformance with the CA Code of Regulations, Title 19, Division 1, Chapter 5.

V-300-2.23

Section 105.5.67 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.5.67 Woodworking. An operational permit is required to conduct woodworking operations involving mass production or involving more than one of each type of machine, or where machines are used continuously (as opposed to intermittently) or substantial products of sawdust may be a problem.

V-300-2.24

Section 105.6 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

105.6 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.25.

V-300-2.25

Section 105.6.4 of the California Fire Code, 2025 Edition, is amended to read as follows:

105.6.4 Cryogenic fluids. A construction permit is required for the installation of or alteration to stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.5.11. Maintenance performed in accordance with this Code is not considered to be an alteration and does not require a construction permit.

V-300-2.26

Section 105.6.26 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

105.6.26 Other building permits. The Building Department shall transmit to the Fire Department a copy of each plan submitted for construction, alteration, or change of use or occupancy for all occupancy classifications for review and approval for conformance to the fire code of the City of Milpitas. The fee for each permit shall be as set by Section 108.2 of this Code.

V-300-2.27

Section 106.1.1 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

106.1.1 Electronic documents. The fire code official may require electronic base documents for all construction documents, operational permits, and/or modified drawings for the need of Fire Department inspections and/or operations. The fire code official shall designate the software base format for the electronic documents.

V-300-2.28

Section 108.2 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

108.2 Schedule of permit fees. The fee for each permit shall be as set forth by resolution of the City of Milpitas City Council. The City Council may establish fees sufficient to recover its costs in administering this Code and no permit shall be issued until such fees have been paid. For work not disclosed in the fee schedule set by Council, the fire code official has the right to assess the necessary fees to recover the Fire Department's cost.

Operational Permits. All fees for annual operational fire permits under the provision of Section 105.5 of this Chapter shall be due and payable at the time of commencement of occupancy and said permit shall expire by December 31 of the same year. Fees for the renewal of such permit(s) shall be due and payable upon the expiration of the prior permit. No permit fee hereunder shall be refundable by reason of the cessation of occupancy during the permit period. Every annual permit fee that is not paid within a period of thirty (30) days from the time the same become due is hereby declared to be delinquent, and a penalty of 100% shall be added to say fee.

V-300-2.29

Section 109.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

109.1 Inspection authority. The fire code official is authorized to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the fire code official for the purposes of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, result in an unauthorized discharge of hazardous materials, or any violation of this Code or any other law or standard affecting fire and life safety. The fee for each inspection shall be as set forth by resolution of the City Council. The City may establish fees sufficient to recover its costs in administering this Chapter.

V-300-2.30

Section 109.5 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

109.5 Documents. Any person or party who prevents or attempts to prevent any fire code official from examining any relevant books or records in the conduct of his or her official duties under this Code shall be in violation of this Code.

V-300-2.31

Section 109.6 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

109.6 Evidence. Any person or party who prevents or interferes with the preservation of evidence of any violation of any of the provisions of this Code or of the rules and regulations promulgated pursuant to this Code or any other Federal, State, or local law, rule, or regulation shall be in violation of this Code.

V-300-2.32

Section 109.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

109.7 Interference. Any person or party who willfully prevents, interferes with, or attempts to hinder in any way the work of the fire code official in the lawful enforcement of any provision of this Code, or fails to promptly permit entry for the purpose of inspection and examination pursuant to this Code shall be in violation of this Code.

V-300-2.33

Section 112.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

112.1 Appeals. Whenever the Fire Chief or his or her designee disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this Code do not apply or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council or designee within ten (10) calendar days from the date of the decision appealed. Appeals shall be carried out pursuant to the provisions of Section 5 Appeals to Council of Chapter 20 Standard Procedures of Title I of the Milpitas Municipal Code. An appeal shall stay all proceedings in furtherance of the act or decision appealed unless the Fire Chief or his or her designee whose act is appealed shall certify in writing that a stay would, in his or her opinion, cause peril to life or property. Said certificate shall contain a detailed statement of the facts of which said peril arises and of the reasons for said opinion. The decision of the City Council or designee shall be final.

V-300-2.34

Section 112.2 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

112.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent method of protection or safety is proposed.

V-300-2.35

Section 112.3 of the California Fire Code, 2025 Edition, is deleted in its entirety.

112.3 Qualifications. This section is deleted.

V-300-2.36

Section 113.1.1 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

113.1.1 Abatement of fire and life safety hazards by fire code official. If any person fails to comply with the orders of the fire code official, or if the fire code official is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the fire code official or any authorized representative may take such steps as are necessary to abate the hazard for the protection of the public safety. In no event is notice necessary before abatement, when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

V-300-2.37

Section 113.1.2 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

113.1.2 Criminal or civil penalty for violation; payment of funds to account. Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this Code in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, referral to the District Attorney, referral to the City Attorney, referral to other appropriate agencies, administrative actions and civil actions.

V-300-2.38

Section 113.1.3 hereby added to the California Fire Code, 2025 Edition, to read as follows:

113.1.3 Misdemeanors – continuing violations. Any person who violates any of the provisions of this Code, any of the provisions of any written authority of the City Manager or his or her duly authorized agents and representatives or any provision of any permit issued pursuant to this Code shall be guilty of an infraction/misdemeanor. Each and every day, or any part thereof, during which any such violation is committed, continued or allowed shall be a separate offense. Penalties for violations shall be as set forth by resolution of the City Council.

V-300-2.39

Section 113.1.4 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

113.1.4 Prosecution. Every violation of this Code shall be a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agents has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction.

V-300-2.40

Section 113.1.5 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

113.1.5 Penalty for infraction. Each and every violation of this Code, which is deemed an infraction, is punishable by:

- (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation;
- (2) A fine not exceeding two hundred dollars (\$200.00) for the second violation of the same provision within one-year period; or,
- (3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second, of the same provision of this Chapter within a one-year period of the first violation.

V-300-2.41

Section 113.1.6 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

113.1.6 Penalty for misdemeanor. Each and every violation of this Code, which is deemed a misdemeanor, is punishable by a penalty of not more than one thousand dollars (\$1,000.00) or by imprisonment in the City or County jail for a period not exceeding six (6) months, or, by both penalty and imprisonment.

V-300-2.42

Section 113.1.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

113.1.7 Enforcement authority. The following designated employee positions may enforce the provisions of this Code by issuance of citations. Peace officers and persons employed in such positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this Code. The designated employee positions are: the City Manager or his or her duly authorized agents and representatives.

V-300-2.43

Section 113.1.8 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

113.1.8 Civil penalties. Any person who intentionally, accidentally or negligently violates any provision of this Code, any written authority of the City Manager or his or her duly authorized agents and representatives, or any provision of any permit issued pursuant to this Code may be civilly liable to the City in the sum of not less than one hundred dollars (\$100.00) but not to exceed one thousand dollars (\$1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this Section excludes inspection costs and abatement costs, is cumulative and not exclusive, and shall be in addition to all other remedies available to the City under state and federal law and local ordinances. Funds collected pursuant to this Section shall be paid to the City's Fire Prevention account, which shall be a holding account to be used solely for Fire Code enforcement, fire prevention and hazardous materials training, and for the purchase of equipment as needed for the performance of the fire code official duties.

V-300-2.44

Section 202 of the California Fire Code, 2025 Edition, is amended by adding the following definitions:

CARCINOGEN is a substance that causes the development of cancerous growths in living tissue. A chemical is considered a carcinogen if:

1. It has been evaluated by the International Agency for Research on Cancer and found to be a carcinogen or potential carcinogen,
2. It is listed as a carcinogen or potential carcinogen in the latest edition of the Annual Report on Carcinogens published by the National Toxicology program, or
3. It is regulated by OSHA as a carcinogen.

CORROSIVE LIQUID. Corrosive liquid is:

1. any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action; or
2. any liquid having a pH of 2 or less or 12.5 or more; or
3. any liquid classified as corrosive by the U.S. Department of Transportation; or
4. any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

DEVICE is an appliance or piece of equipment that plays an active part in the proper functioning of the regulated systems. Examples include, but are not limited to the following: smoke detectors, heat detectors, flame detectors, manual pull stations, horns, alarms, bells, warning lights, hydrants, risers, FDCs, standpipes, strobes, control panels, transponders, and other such equipment used to detect, transmit, initiate, annunciate, alarm, or respond according to the system design criteria.

LARGE-SCALE FIRE TESTING. Testing a representative energy storage system that induces a significant fire into the device under test and evaluates whether the fire will spread to adjacent energy storage system units, surrounding equipment, or through an adjacent fire-resistance-rated barrier.

MAXIMUM THRESHOLD QUANTITY (MAX TQ). Maximum Threshold Quantity (Max TQ) is the maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category of regulation is applied.

MINIMUM THRESHOLD QUANTITY. Minimum threshold quantity is the aggregate quantity of highly toxic, toxic or moderately toxic gas in a control area which, due to the minimum aggregate quantities, need only comply with the requirements set forth in Section 6004.1.

MODERATELY TOXIC GAS. A chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

OTHER HEALTH HAZARD MATERIAL is a material which is an irritant, sensitizer, or carcinogen or a material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney

damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effect on fetuses).

SECONDARY CONTAINMENT. Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

SENSITIZER is a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

SPILL CONTROL. That level of containment that is external to and separate from the primary containment and is capable of safely and securely containing the contents of the largest container and prevents the materials from spreading to other parts of the room.

TEMPORARY shall not exceed one year.

WORKSTATION is a defined space or independent principal piece of equipment using hazardous materials with a hazard rating of 3 or 4 in accordance with NFPA 704 where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

V-300-2.45

Section 316.7 is hereby added to the California Fire Code, 2025 Edition, as follows:

316.7 Roof guardrails at interior courts. Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

Exception: Where the roof opening is greater than 600 square feet in area.

V-300-2.46

Section 503 of the California Fire Code, 2025 Edition is adopted and Section 503.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.7, Appendix D of this Code, and or as directed by the fire code official.

V-300-2.47

Section 503.2.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) or as required by Appendix D, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

Exception: When there are not more than two Group R, Division 3 or Group U occupancies less than 3 stories, the access road width may be modified by the fire code official.

V-300-2.48

Section 503.2.4 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be a minimum of 28 feet (8534.4 mm) inside, and a minimum of 48 feet 6 inches (14782.8 mm) outside.

V-300-2.49

Section 503.6 the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. The minimum width for commercial applications is 20 feet (6096 mm) , and 14 feet (4268 mm) for single-family dwellings.

V-300-2.50

Section 503.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

503.7 Adjacent access. No source of access from lands adjoining a property to be developed shall be considered fire apparatus access roads, unless there is obtained the irrevocable and unobstructed rights and recorded as an ingress/egress access easement with the County of Santa Clara.

V-300-2.51

Section 504.2 of the California Fire Code, 2025 Edition, is hereby adopted.

V-300-2.52

Section 504.3.1 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

504.3.1 Number of stairways. The fire code official shall determine the required number and location of stairway(s) to the roof.

V-300-2.53

Section 504.5 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

504.5 Enclosed courts. Buildings with enclosed courts shall be provided with readily accessible access for fire department personnel to bring in a 36 feet long ground ladder into the court. The access height and width shall be large enough to accommodate the ladder and the personnel carrying the ladder.

V-300-2.54

Section 504.6 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

504.6 Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the fire code official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress.

V-300-2.55

Section 505.3 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

505.3 Address illumination. All required address numbers shall be provided with illumination.

V-300-2.56

Section 507.5.1.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

507.5.1.1 Hydrant for automatic fire sprinkler and or standpipe systems. Buildings equipped with an automatic fire sprinkler system and or a standpipe system installed in accordance with Sections 903 and or 905 shall have a fire hydrant within 50 feet of the fire department connections.

Exception: The distance shall be permitted to exceed 50 feet (30 m) where approved by the fire code official.

V-300-2.57

Section 507.5.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

507.5.7 Private hydrants. Private hydrants shall have the bottom 6 inches of the hydrant painted, with a weather resistive paint, white in color.

V-300-2.58

Section 508.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

508.1 General. Where required by other sections of this Code and in all R-1 buildings with more than 200 rooms, R-2 buildings with more than 100 dwellings, and buildings classified as high-rise buildings by the California Building Code and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.7.

V-300-2.59

Section 508.1.6 of the California Fire Code, 2025 Edition, is amended by adding the following:

20. A locking key box, approved by the fire code official, large enough for ten (10) sets of master keys.
21. Ten (10) sets of master keys for the building.
22. A complete set of architectural, electrical, mechanical and plumbing plans for the building.

V-300-2.60

Section 510.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

510.1 Emergency responder communications enhancement systems in new buildings. Approved radio coverage for emergency responders shall be provided within all buildings meeting any one of the following conditions:

1. There are more than 3 stories above grade plane (as defined by the Building Code Section 202);
2. The total building area is 30,000 square feet or more;
3. The total basement area is 5,000 square feet or more;
4. Where required by the fire code official and radio coverage signal strength levels are not consistent with the minimum levels set forth in Section 510.4.1

Exceptions:

1. Where approved by the fire code official, a wired communication system in accordance with Section 907.2.12.2 shall be permitted to be installed or maintained in lieu of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the Silicon Valley Regional Interoperability Authority (SVRIA) P25 Phase 2 700 MHz Digital Trunked Radio System within the building in accordance with Section 510.4.1 without the use of an indoor radio coverage system.

The radio coverage system shall be installed and maintained in accordance with Sections 510.4 through 510.6.4 of this Code and with the applicable provisions of NFPA 1221, Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems.

The coverage shall be based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

V-300-2.61

Section 510.4 of the California Fire Code, 2025 Edition, is amended to read as follows:

510.4 Technical requirements. Systems, components, and equipment required to provide emergency responder radio coverage systems shall comply with the current Emergency Responders Radio Coverage Systems Standard Details and Specifications enforced by the Milpitas Fire Department.

V-300-2.62

Section 510.5 of the California Fire Code, 2025 Edition, is amended to read as follows:

510.5 Installation requirements. The installation of the emergency responder radio coverage system shall be in accordance with NFPA 1221 and the current Emergency Responder Radio Coverage Systems Standard Details and Specification enforced by the Milpitas Fire Department.

V-300-2.63

Section 510.5.3 first paragraph of the California Fire Code, 2025 Edition, is amended to read as follows:

510.5.3 Acceptance test procedure and system certification. Where an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is not less than 95 percent. Final system acceptance will require ERRCS power level and DAQ testing with agency FCC license holder, systems administrators, or designee. The test procedure shall be conducted in accordance with NFPA 1221 and the current Emergency Responder Radio Coverage System Standard Details and Specification enforced by the Milpitas Fire Department.

V-300-2.64

Section 604.1.1 hereby added to the California Fire Code, 2025 Edition, to read as follows:

604.1.1 New elevators. All new passenger service elevators shall meet the medical service elevator requirements in the California Building Code, 2025 Edition, Chapter 30.

V-300-2.65

Section 608.9 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

608.9 Refrigerant detection. Machinery rooms, cold storage rooms, and refrigerator boxes having the circuit capacity of section 608.7 shall be provided with a refrigerant detector with an audible and visible alarm. Where ammonia is used as the refrigerant, detection shall comply with IIAR 2. For refrigerants other than ammonia, refrigerant detection shall comply with Section 608.9.1.

V-300-2.66

Section 901.6.3 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

901.6.3 Records. Records of all system inspections, tests, and maintenance required by the referenced standard shall be maintained on the premises for a minimum of five years and shall be electronically submitted to the fire code official by the company that performed the inspection, testing or maintenance in a manner prescribed by the fire code official.

V-300-2.67

Section 903.1.2 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

903.1.2 Fire Walls and Fire Barriers. Fire walls and fire barriers shall not be considered to create separate buildings for the purpose of automatic fire sprinkler requirements as set forth in Chapter 9 of this Code.

Exception: Buildings separated by continuous fire wall of 4-hour fire resistive construction without openings or penetrations. Buildings required to have automatic fire sprinkler protection as set forth in Section 13113 of Health and Safety Code are prohibited from using fire walls in lieu of automatic fire sprinkler protection.

V-300-2.68

Section 903.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

903.2 Where Required. Approved automatic fire sprinkler in new and existing buildings and structures shall be provided in the locations described in this Section or per the requirements set forth in Sections 903.2.1 through 903.2.20, whichever is the more restrictive:

1. In other than residential buildings which require the installation of fire sprinkler for all new buildings according to the California Residential Code, an automatic fire sprinkler shall be provided throughout all new buildings and structures greater than 1,000 square feet of building area.

Exception: Group S-2 or U occupancies used exclusively for vehicle parking and which meet all of the following:

- a. Noncombustible construction.
 - b. Maximum building area not to exceed 5,000 square feet. Structures with less than 10' horizontal separation are considered as one.
 - c. Structure is open on three (3) or more side.
 - d. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code.
2. An automatic fire sprinkler shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the building area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.21.
 3. An automatic fire sprinkler shall be provided throughout existing Group R occupancies when additions are made that increase the building area to more than 3,600 square feet, or when the Building Department determines that the home needs to comply with the current CA Building Codes due to extensive remodel/renovation.
 4. Any change in the character of occupancy or in use of any building with a building area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved fire automatic fire sprinkler system.

1. Life Safety – Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities with non-ambulatory

2. Fire Risks – High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).

V-300-2.69

Section 903.2.11.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

903.2.11.7 Chemical Fume Hood Fire Protection.

NFPA 45, section 7.10.1 approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

3. Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled
4. If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.

V-300-2.70

Section 903.3.1.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this Code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 80 except as provided in Section 903.3.1.1.1 and 903.3.1.1.3.

For a new building having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2. Where future use or tenant is determined to require a higher density, the sprinkler system shall be augmented to meet the higher density.

V-300-2.71

Section 903.3.1.4 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

903.3.1.4 One sprinkler design. One sprinkler head design shall not be permitted.

V-300-2.72

Section 903.3.5.3 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

903.3.5.3. Riser location. The fire sprinkler system riser shall not be located within electrical rooms or storage closets and shall be provided with clear access and working clearance. The fire sprinkler system riser location shall be approved by the fire code official.

V-300-2.73

Section 903.3.5.4 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

903.3.5.4 Number of water supplies. For buildings and or structures over 200,000 square feet, the fire code official may require more than one source of water supply.

V-300-2.74

Section 903.3.5.5 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

903.3.5.5 Automatic fire sprinkler riser system. The automatic fire sprinkler riser system shall be a manifold type system and shall meet the design requirements of the NFPA 13 Standards.

V-300-2.75

Section 903.3.5.6 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

903.3.5.6 Water supply safety margin. Hydraulic design for the automatic fire sprinkler system shall provide a minimum 10% safety margin.

V-300-2.76

Section 903.3.5.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

903.3.5.7 Automatic fire sprinkler pipe velocity. The automatic fire sprinkler system shall be designed to a maximum 20 feet per second water flow.

Exception: The fire code official may grant higher water velocity for existing buildings when supported by mechanical engineering design done by a California registered engineer.

V-300-2.77

Section 907.2.9.1 of the California Fire Code, 2025 Edition, is amended to delete the following:

907.2.9.1 Manual fire alarm system. Exception 3. is deleted.

V-300-2.78

Section 913.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

913.7 Fire Pump standby power. Power supply from local utility provider is not considered a reliable source of power. Standby power is required for electrical or natural gas fire pumps.

V-300-2.79

Section 914.2.1 of the California Fire Code, 2025 Edition, is amended to delete the exception:

914.2.1 Automatic fire sprinkler system exception is deleted.

V-300-2.80

Section 914.3.1 of the California Fire Code, 2025 Edition, is amended to delete the exception:

914.3.1 Automatic fire sprinkler system exception is deleted.

V-300-2.81

Section 914.3.9 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

914.3.9 Anchor devices. Anchor repelling devices meeting the Fire department requirements shall be placed on the roof for Fire department use.

V-300-2.82

Section 914.3.10 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

914.3.10 Helicopter pad. High-rise buildings greater than 150' in height (above the lowest level of Fire department access) may be required to provide a helicopter pad, which meets the requirements of the Fire department.

V-300-2.83

Section 914.4.1 of the California Fire Code, 2025 Edition, is amended to delete the exceptions:

914.4.1 Automatic sprinkler systems exceptions 1 and 2 are deleted.

V-300-2.84

Section 914.6.1 of the California Fire Code, 2025 Edition, is amended to delete the exceptions:

914.6.1 Automatic Sprinkler Systems exceptions 1 and 2 are deleted.

V-300-2.85

Section 916.8 of the California Fire Code, 2025 Edition, is amended to read as follows:

916.8 System activation. A gas detection alarm shall be initiated where any sensor detects a concentration of gas exceeding the following thresholds:

1. For flammable gases, a gas concentration exceeding 25 percent of the lower flammability limit (LFL).
2. For nonflammable gases, a gas concentration exceeding one-half of the 1DLH, unless a different threshold is specified by the section of this code requiring a gas detection system.

Upon activation of a gas detection alarm, alarm signals or other required responses shall be as specified by the section of this code requiring a gas detection system. Audible and visible alarm signals associated with a gas detection alarm shall be distinct from fire alarm and carbon monoxide alarm signals.

The audible alarm signals shall be in accordance with 907.5.2.1.1 and 907.5.2.1.2. The visual alarm notification appliances shall be in accordance with 907.5.2.3.

V-300-2.86

Section 1103.2 of the California Fire Code, 2025 Edition, is hereby adopted.

V-300-2.87

Section 1207.6.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

1207.6.1 Exhaust ventilation. Where required by Table 1207.6 or elsewhere in this code, exhaust ventilation of rooms, areas and walk-in units containing electrochemical ESS shall be provided in accordance with the California Mechanical Code, Sections 1207.6.1.1 or 1207.6.1.2, and 1207.6.1.3.

1207.6.1.1 Ventilation based on LFL. The exhaust ventilation system shall be designed to limit the maximum concentration of flammable gas to 25 percent of the lower flammable limit (LFL) of the total volume of the room, area, or walk-in unit during the worst-case event of simultaneous charging of batteries at the maximum charge rate, in accordance with nationally recognized standards.

1207.6.1.2 Ventilation based on exhaust rate. Continuous ventilation shall be provided at a rate of not less than 1 cubic foot per minute (cfm) per square foot [$0.00508 \text{ m}^3 / (\text{s} \cdot \text{m}^2)$] of the floor area, but not less than 150 cfm (4 m^3/min). The exhaust system shall be designed to provide air movement across all parts of the floor for gases having a vapor density greater than air and across all parts of the vault ceiling for gases having a vapor density less than air.

1207.6.1.3 Exhaust ventilation failure. Failure of exhaust ventilation system shall automatically disengage the charging system.

V-300-2.88

Section 1207.6.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

1207.6.2 Spill control and neutralization. Where required by Table 1207.6 or elsewhere in this code, areas containing free-flowing liquid electrolyte or hazardous materials, shall be provided with spill control and neutralization in accordance with this section.

1. **1207.6.2.1 Spill Control.** Spill control shall be provided to prevent the flow of liquid electrolyte or hazardous materials to adjoining rooms or areas. The method shall be capable of containing a spill for the single largest battery or vessel.

1207.6.2.1.1 Spill control design. The spill control shall be designed and constructed in accordance with 5004.2.1.

1207.6.2.1.2 Spill control monitoring. Spill control systems shall be monitored in accordance with 5004.2.2.5.

V-300-2.89

Section 2807.6 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

2807.6 Fire protection water supply system. An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24 adopted by this Code.

V-300-2.90

Section 2808.11 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

2808.11 Fire protection water supply system. An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24 adopted by this Code.

V-300-2.91

Section 3307.1.2 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

3307.1.2 Stairways required. Each level above the first story in new multi-story buildings that requires two (2) exit stairways shall be provided with at least two (2) usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two (2) floor levels shall be enclosed (with openings adequately protected) after the exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two (2) contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

V-300-2.92

Section 3307.1.3.1 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

3307.1.3.1 Required means of egress. All new buildings under construction shall have a least one unobstructed means of egress. All means of egress shall be identified in the prefire plan per Section 3308.2.

V-300-2.93

Section 3306.5 of the California Fire Code, 2025 Edition, is amended to read as follows:

3306.5 Completion before occupancy. In buildings where an automatic sprinkler system is required by this code or the California Building Code, it shall be unlawful to occupy any portion of a building or structure until the automatic sprinkler system installation has been tested and approved, except as provided in Section 105.3.4.

In new buildings of combustible construction where, automatic fire sprinkler systems are required to be installed, the system shall be placed in service as soon as possible. Immediately upon the completion of sprinkler pipe installation on each complete wood framed floor level, the piping shall be hydrostatically tested and inspected. After inspection approval from the Fire department, each floor level of sprinkler piping shall be connected to the system supply riser and placed into service with all sprinkler heads uncovered. Protective caps may be installed on the active sprinklers during the installation of drywall, texturing and painting, but shall be removed immediately after this work is completed. For system activation notification, an exterior audible waterflow alarm shall bell can be installed and connected to the sprinkler waterflow device prior to installation of the monitoring system. For the purpose of this requirement, complete wood frame means the installation of a sub-floor, roof sheeting or any other horizontal material that covers the top of the subject floor level.

For buildings equipped with fire sprinkler systems that are undergoing alterations, the sprinkler system(s) shall remain in service at all times except when system modifications are necessary. Fire sprinkler systems undergoing modifications shall be returned to service at the end of each workday unless otherwise approved by the fire department. The General contractor or his/her designee shall check the sprinkler control valve(s) at the end of each workday to confirm that the system has been restored to service.

V-300-2.94

Section 4103.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

4103.1 Portable unvented heaters. Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, B, E, I, R-1, R-2, R2.1, R2.2, R-3, R3.1 and R-4 and ambulatory care facilities.

Exceptions:

1. Portable unvented fuel-fired heaters listed in accordance with UL 647 are permitted to be used in one and two-family dwellings, where operated and maintained in accordance with the manufacturer's instructions.
2. Portable outdoor gas-fired heating appliances in accordance with Section 605.5.2.

V-300-2.95

Section 4103.1.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

4103.1.2.1.1 Prohibited locations. The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:

1. Inside of any occupancy where connected to the fuel gas container.
2. Inside of tents, canopies and membrane structures.
3. On exterior balconies, and rooftops.

V-300-2.96

Section 5001.2.2.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

5001.2.2.2 Health hazards. The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic and toxic materials.
2. Corrosive materials.
3. Moderately toxic gas.
4. Other health hazards.

V-300-2.97

Section 5001.5.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

5001.5.1 Hazardous materials management plan (HMMP). Where required by the fire code official, an application for a hazardous materials permit in accordance with Section 105.6 of this code shall include a Hazardous Materials Management Plan (HMMP).

The HMMP shall include the following:

- a. Information consistent with that outlined in Sections H1, H2 and H3 of Appendix H of this code.
- b. A facility site plan designating the following:
 1. Access to each storage and use area.
 2. Location of emergency equipment.
 3. Location where liaison will meet emergency responders.
 4. Facility evacuation meeting point locations.
 5. The general purpose of other areas within the building.

6. Location of all above-ground and underground tanks and their appurtenances including, but not limited to, sumps, vaults, below-grade treatment systems and piping.
7. The hazard classes in each area.
8. Locations of all control areas and Group H occupancies.
9. Emergency exits.

The HMMP shall be readily available onsite.

[For SFM] The HMMP shall comply with Health and Safety Code, Chapter 6.95, Sections 25500 through 25545, and Title 19, Division 2, Chapter 4.

V-300-2.98

Section 5001.5.1.1 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

5001.5.1.1 Submittal frequency. Facilities required to maintain a hazardous materials permit shall submit an updated or recertified HMMP within 12 months of the previous submittal, or within 30 days of a change, whichever occurs first.

Exceptions: The following facilities may submit an updated HMMP within 36 months of the previous submittal if no reportable changes have occurred:

1. Cell tower sites with no hazardous materials related permits other than a permit for a battery system.
2. Facilities with no hazardous materials related permits other than a permit for carbon dioxide used in an insulated liquid carbon dioxide beverage dispensing system.
3. Facilities with no other hazardous materials related permits other than a permit for a fixed medical gas system.

V-300-2.99

Section 5003.1.3.1 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

5003.1.3.1 Highly toxic, toxic, moderately toxic gases and similarly used or handled materials. The storage, use and handling of highly toxic, toxic and moderately toxic gases in amounts exceeding Table 6004.1 shall be in accordance with this Chapter and Chapter 60. Any highly toxic, toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for highly toxic, toxic or moderately toxic gases.

V-300-2.4100

Section 5003.1.5 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

5003.1.5 Other health hazards. The storage, use and handling of materials classified as other health hazards in amounts exceeding 200 cubic feet for gases, 55 gallons for liquids and 500 pounds for solids shall be in accordance with Section 5003.

V-300-2.101

Section 5003.1.6 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

5003.1.6 Additional spill control and secondary containment requirements. In addition to the requirements set forth in Section 5004.2, an approved spill control and containment system is required for any quantity of hazardous materials that are liquids or solids at normal temperature and pressure (NTP), where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. The approved containment system may be required to include a combination of spill control and secondary containment meeting the design and construction requirements set forth in Section 5004.2.

V-300-2.102

Section 5003.2.2.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

5003.2.2.1 Design and construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and the Hazardous Waste to indicate the material conveyed.
3. Manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing, and provided with ready access at the following locations:
 - 3.1.1. The point of use.
 - 3.1.2. The tank, cylinder or bulk source.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall have access clearly visible and indicated by means of a sign.
5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of:
 - Health hazard Class 3 or 4
 - Flammability Class 4
 - Reactivity Class 4

in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig) (103 Kpa), an approved means of leak detection, emergency shutoff or excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

1. Piping for inlet connections designed to prevent backflow.
 2. Piping for pressure relief devices.
7. Secondary containment or equivalent protection from spills or leaks shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Table 6004.1. Secondary containment includes, but is not limited to double walled piping.

Exceptions:

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.

V-300-2.103

Section 5003.2.2.2 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

5003.2.2.2 Additional regulation for supply piping for health hazard materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 shall be in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of highly toxic, toxic or highly volatile corrosive liquids and gases shall have welded or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.
2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.
3. All primary piping for highly toxic, toxic and moderately toxic gases shall pass a helium leak test of 1×10^{-9} cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

Exception: Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.11.7.4 of the California Building Code as required for Group H, Division 5 Occupancies.

V-300-2.104

Section 5003.2.9.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

5003.2.9.1 Equipment, devices and systems requiring testing. The following equipment, systems and devices shall be tested in accordance with Sections 5003.2.9 and 5003.2.9.2.

1. Gas detection systems, alarms and automatic emergency shutoff valves required by Section 6004.2.2.10 for highly toxic, toxic and moderately toxic gases.
2. Limited control systems from liquid level, temperature and pressure required by Section 5003.2.7, 5003.4.8 and 5005.1.4.
3. Emergency alarm systems and supervision required by Section 5004.9 and 5005.4.4.
4. Monitoring and supervisory systems required by Section 5004.10 and 5005.1.6.
5. Manually activated shutdown controls required by Section 6403.1.1.1 for compressed gas systems conveying pyrophoric gases.
6. Leak detection sensors required by sections 5003.1.6 (MMC V-300-2.101) and 5004.2.2.5.

V-300-2.105

Section 5003.3.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

5003.3.1 Unauthorized discharges. In the event hazardous materials are released in quantities reportable under state, federal or local regulations or when there is a release or a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

V-300-2.106

Section 5003.5.2 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

5003.5.2 Ventilation ducting. Ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

V-300-2.107

Section 5003.5.3 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

5003.5.3 "H" Occupancies. In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

V-300-2.108

Section 5003.9.8 of the California Fire Code, 2022 Edition, is amended to read as follows:

5003.9.8 Separation of incompatible materials. Incompatible materials in storage and storage of materials that are incompatible with materials in use shall be separated. When the stored materials are in containers having a capacity of more than 5 pounds (2 kg), 0.5 gallon (2 L), or any amount of compressed gases, separation shall be accomplished by:

1. Segregating incompatible materials in storage by a distance of not less than 20 feet (6096 mm) and in an independent containment system.
2. Isolating incompatible materials in storage by a noncombustible partition extending not less than 18 inches (457 mm) above and to the sides of the stored material.
3. Storing liquid and solid materials in hazardous material storage cabinets.
4. Storing compressed gases in gas cabinets or exhausted enclosures in accordance with Sections 5003.8.5 and 5003.8.6. Materials that are incompatible shall not be stored within the same cabinet or exhausted enclosure.

V-300-2.109

Section 5003.9.11 is hereby added to the California Fire Code, 2025 Edition to read as follows:

5003.9.11 Fire extinguishing systems for workstations dispensing, handling or using hazardous materials. Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

Exception: Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500 ml.

V-300-2.110

Section 5003.9.12 hereby added to the California Fire Code, 2025 Edition, to read as follows:

5003.9.12 Immersion heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

V-300-2.111

Section 5003.10.4.3 of the California Fire Code, 2025 Edition, is amended to read as follows:

5003.10.4.3 Highly toxic, toxic and moderately toxic, gases shall be limited to a container of a maximum water capacity of 1 lb.

V-300-2.112

Section 5004.2.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

5004.2.1 Spill control for hazardous material liquids. Rooms, buildings or areas used for storage of hazardous material liquids, shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor and/ or outdoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems, including containment pallets in accordance with Section 5004.2.3.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

V-300-2.113

Section 5004.2.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

5004.2.2 Secondary containment for hazardous material liquids and solids. Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section.

V-300-2.114

Table 5004.2.2 of the California Fire Code, 2025 Edition is hereby deleted.

V-300-2.115

Section 5004.2.2.2 is hereby amended to the California Fire Code, 2025 Edition, to read as follows:

5004.2.2.2 Incompatible materials. Incompatible materials shall be separated from each other in independent secondary containment systems.

V-300-2.116

Section 5004.2.2.5 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

5004.2.2.5 Monitoring. An approved monitoring method shall be provided to detect hazardous materials in the spill control and secondary containment systems and to verify that the provisions of this Code for the storage and handling of hazardous materials are addressed. Monitoring shall be recorded at least once per week. The monitoring method is allowed to be visual inspection of the primary or secondary containment, or other approved means. Where secondary containment is subject to the instruction of water, a monitoring method for detecting water shall be provided. Where monitoring devices are provide, they shall be connected to approved visual or audible alarms.

V-300-2.117

Section 5004.2.3 of the California Fire Code, 2025 Edition, is amended to read as follows:

5004.2.3 Containment pallets. Combustible containment pallets shall not be used inside buildings to comply with Section 5004.2 where the individual container capacity exceeds 55 gallons (208 L) or an aggregate capacity of multiple containers exceeds 1,000 gallons (3785 L) for liquids or where the individual container capacity exceeds 550 pounds (250 kg) or an aggregate of multiple containers exceeds 10,000 pounds (4540 kg) for solids.

Where used as an alternative to spill control and secondary containment for outdoor storage in accordance, with the exception in Section 5004.2, containment pallets shall comply with all of the following:

1. A liquid-tight sump accessible for visual inspection shall be provided;
2. The sump shall be designed to contain not less than 66 gallons (250L);
3. Exposed surfaces shall be compatible with material stored;
4. Containment pallets shall be protected to prevent collection of rainwater within the sump of the containment pallet.

V-300-2.118

Section 5005.4.4 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

5005.4.4 Dispensing, use and handling. When hazardous materials having a hazard ranking of 3 or 4 in accordance with NFPA 704, or toxic or moderately toxic gases exceeding 405 cu. ft. and any amount of highly toxic compressed gases are transported through corridors or exit enclosures, there shall be an emergency telephone system, a local manual alarm station or an approved alarm-initiating device at not more than 150-foot (45,720 mm) intervals and at each exit and exit-access doorway throughout the transport route. The signal shall be relayed to an approved central, proprietary or remote station service or constantly attended on-site location and shall also initiate a local audible alarm.

V-300-2.119

Section 5303.5.3, method 1. of the California Fire Code, 2025 Edition, is amended to read as follows:

1. Securing containers, cylinders and tanks to a fixed object with one or more noncombustible restraints.

V-300-2.120

Section 5307.3.2 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

5307.3.2 Gas detection system. Where ventilation is not provided in accordance with Section 5307.3.1, a gas detection system complying with Section 916 shall be provided in rooms or indoor areas and in below-grade outdoor locations with insulated carbon dioxide systems, and where the carbon dioxide tubing connects to the beverage dispensing system. Carbon dioxide sensors shall be provided within 12 inches (305 mm) of the floor in an area where the gas is expected to accumulate or other approved locations. The system shall be designed as follows:

1. Activates an audible and visible supervisory alarm at a normally attended location upon detection of a carbon dioxide concentration of 5,000 ppm (9000 mg/m³).

2. Activates an audible and visible alarm within the room or immediate area where the system is installed upon detection of carbon dioxide concentration of 30,000 ppm (54000 mg/m³).

V-300-2.121

Section 5601.1.3 of the California Fire Code 2025 Edition, is amended to read in its entirety as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exception: The use of fireworks for fireworks displays as allowed in Section 5608.

V-300-2.122

Section 5704.2.7.5.8 of the California Fire Code, 2025 Edition, is amended to read as follows:

5704.2.7.5.8 Overfill prevention. An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

Exception: Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5, item 1, sub-item (1.1)

An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

V-300-2.123

Section 5704.2.7.5.9 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

5704.2.7.5.9 Automatic filling of tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

V-300-2.124

Section 5707 of the California Fire Code, 2025 Edition, is hereby adopted and amended as follows:

V-300-2.125

Section 5707.3.3 of the California Fire Code, 2025 Edition, is amended as follows:

5707.3.3 Site plan.

A site plan shall be developed for each location or area at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate the following:

1. All buildings and structures.
2. Lot lines or property lines.
3. Electric car chargers.
4. Solar photovoltaic parking lot canopies.
5. Appurtenances on-site and their use or function.
6. All uses adjacent to the lot lines of the site.
7. Fueling locations.
8. Locations of all storm drain openings and adjacent waterways or wetlands.
9. Information regarding slope, natural drainage, curbing and impounding.
10. How a spill will be kept on the site property.
11. Scale of the site plan.

V-300-12.126

Section 5707.4 of the California Fire Code, 2025 Edition, is amended to read as follows:

5707.4 Mobile fueling areas. Mobile fueling shall not occur on public streets, public ways, any residential street, or inside buildings. Fueling on the roof level of parking structures or other buildings is prohibited.

V-300-2.127

Sections 5707.6.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

5707.6.7 Bonding. A means for bonding the mobile fueling vehicle to the motor vehicle shall be provided. Such bonding means shall be employed during fueling operations.

V-300-2.128

Section 5809.3.4 is hereby amended to the California Fire Code, 2025 Edition, to read as follows:

5809.3.3 Site plan. For other than emergency roadside service, a site plan shall be developed for each location at which mobile gaseous hydrogen fueling occurs. The site plan shall be in sufficient detail to indicate:

1. All buildings and structures.
2. Lot lines and property lines.
3. Solar photovoltaic parking lot canopies.
4. Appurtenances on site and their use and function.
5. All uses adjacent to the lot lines of the site.
6. Hydrogen fueling locations.
7. The scale of the site plan.

V-300-2.129

Chapter 60 of the California Fire Code, 2025 Edition, is amended to read as follows:

HIGHLY TOXIC, TOXIC AND MODERATELY TOXIC GASES

6001.1 Scope. The storage and use of highly toxic, toxic and moderately toxic materials shall comply with this chapter. Compressed gases shall also comply with Chapter 53.

Exceptions:

1. Display and storage in Group M and storage in Group S occupancies complying with Section 5003.11.
2. Conditions involving pesticides or agricultural products as follows:
 - 2.1 Application and release of pesticide, agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instruction and label directions.
 - 2.2 Transportation of pesticides in compliance with the Federal Hazardous Materials Transportation Act and regulations thereunder.
 - 2.3 Storage in dwellings or private garages of pesticides registered by the US Environmental Protection Agency to be utilized in and around the home, garden, pool, spa and patio.

V-300-2.130

Section 6004.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.1 General. Materials stored or used as a gas whether or not the material meets the definition of a compressed gas, and meets the definition of a highly toxic, toxic and moderately toxic gas shall comply with Section 6004.

The minimum threshold quantity for highly toxic, toxic and moderately toxic gases, vapors and mists for indoor and exterior storage and use are set forth in Table 6004.1.

Table 6004.1	
Minimum Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases	
Highly Toxic	20
Toxic	405 cubic feet
Moderately Toxic	405 cubic feet

V-300-2.131

Section 6004.1.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.1.1 Special limitations for indoor storage and use by occupancy. The indoor storage and use of highly toxic, toxic and moderately toxic gases in certain occupancies shall be subject to the limitations contained in Sections 6004.1.1.1 through 6004.1.1.3.

V-300-2.132

Section 6004.1.1.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.1.1.1 Group A, E, I or U occupancies. Highly toxic, toxic and moderately toxic gases shall not be stored or used within Group A, E, I or U occupancies.

Exception: Cylinders not exceeding 20 cubic feet (0.556m³) at normal temperature and pressure (NTP) are allowed within gas cabinets or fume hoods.

V-300-2.133

Section 6004.1.1.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.1.1.2 Group R occupancies. Highly toxic, toxic and moderately toxic gases shall not be stored or used in Group R occupancies.

V-300-2.134

Section 6004.1.1.3 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.1.1.3 Offices, retail sales and classrooms. Highly toxic, toxic and moderately toxic gases shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S occupancies.

Exception: In classrooms of Group B occupancies, cylinders with a capacity not exceeding 20 cubic feet (0.566 m³) at NTP are allowed in gas cabinets or fume hoods.

V-300-2.135

Section 6004.1.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.1.2 Gas cabinets. Gas cabinets containing highly toxic, toxic and moderately toxic gases shall comply with Section 5003.8.6 and the following requirements:

1. The average ventilation velocity at the face of gas cabinet access ports or windows shall not be less than 200 cubic feet per minute (1.02 m/s) with a minimum of 150 feet per minute (0.76 m/s) at any point of the access port or window.
2. Gas cabinets shall be connected to an exhaust system.
3. Gas cabinets shall not be used as the sole means of exhaust for any room or area.
4. The maximum number of cylinders located in a single gas cabinet shall not exceed three, except that cabinets containing cylinders not exceeding 1 pound (0.454 kg) net contents are allowed to contain up to 100 cylinders.

5. Gas cabinets required by Section 6004.2 or 6004.3 shall be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1. Alternative fire-extinguishing systems shall not be used.

V-300-2.136

Section 6004.1.3 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.1.3 Exhausted enclosures. Exhausted enclosures containing highly toxic, toxic or moderately toxic gases shall comply with Section 5003.8.6 and the following requirements:

1. The average ventilation velocity at the face of the enclosure shall not be less than 200 feet per minute (1.02 m/s) with a minimum of 150 feet per minute (0.76 m/s).
2. Exhausted enclosures shall be connected to an exhaust system.
3. Exhausted enclosures shall not be used as the sole means of exhaust for any room or area.

Exhausted enclosures required by Section 6004.2 or 6004.3 shall be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1. Alternative fire-extinguishing system shall not be used.

V-300-2.137

Section 6004.1.4 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.4 Automatic shut-off valve. If gas monitoring is not provided, an automatic shut-off valve, which is of a fail-safe to close design, shall be provided to shutoff the supply of toxic and moderately toxic gases upon failure of the required gas cabinet or exhausted enclosure ventilation.

An automatic shut-off valve, which is of a fail-safe to close design, shall be provided to shut off the supply of highly toxic gases for any of the following:

1. Activation of a manual fire alarm system.
2. Activation of the gas detection system.
3. Failure of emergency power.
4. Failure of primary containment.
5. Seismic activity.
6. Failure of required ventilation.
7. Manual activation at an approved remote location.

An automatic shutoff valve is not required if a manual shutoff valve at the source is readily accessible and the process is continuously attended and supervised by a qualified individual.

V-300-2.128

Section 6004.1.5 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.5 Emergency control station. Signals from emergency equipment used for highly toxic gases shall be transmitted to an approved location.

V-300-2.139

Section 6004.1.6 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.6 Maximum threshold quantity. Toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for highly toxic gases of Section 6004 of this Code.

Moderately toxic gases stored or used in quantities exceeding the maximum threshold quantity. in a single vessel per control area or outdoor control area shall comply with the additional requirements for toxic gases of Section 6004 of this Code.

The following formula shall be used to calculate the maximum threshold quantity:

$$\text{Max TQ (pounds)} = \text{LC}_{50} \text{ (ppm)} \times 2 \text{ lb.}$$

V-300-2.140

Section 6004.1.7 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.7 Reduced flow valve. All containers of highly toxic and toxic materials other than lecture bottles containing highly toxic material and having a vapor pressure exceeding 29 psia shall be equipped with a reduced flow valve when available. If a reduced flow valve is not available, the container shall be used with a flow-limiting device. All flow limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

V-300-2.141

Section 6004.1.8 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.8 Fire extinguishing systems. Buildings and areas for the storage and use of materials regulated by this Chapter shall be protected by an automatic fire sprinkler system in accordance with NFPA 13. The design of the sprinkler system for any room or area where highly toxic, toxic and moderately toxic gases are stored, handled or used shall be in accordance with Section 5004.5.

V-300-2.142

Section 6004.1.9 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.9 Local gas shut off. Manual activation controls shall be provided for highly toxic and toxic gases at locations near the point of use and near the source, as approved by the fire code official. The fire code official may require additional controls at other places, including, but not limited to, the entry to the building, storage or use areas, and emergency control stations. Manual activated shut-off valves shall be of a fail-safe-to-close design.

V-300-2.143

Section 6004.1.10 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.10 Exhaust ventilation monitoring. For highly toxic and toxic gases exceeding threshold quantities, a continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use, or handling area.

V-300-2.144

Section 6004.1.11 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.11 Emergency response plan. If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the fire code official, a written emergency response plan. If the preparation of an emergency response plan is required by other law, a responsible person shall file a copy of the plan with the fire code official.

V-300-2.145

Section 6004.1.12 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.12 Cylinder leak testing. Cylinders shall be tested for leaks immediately upon delivery and again immediately prior to departure. Testing shall be approved by the fire code official in accordance with appropriate nationally

recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected.

V-300-2.146

Section 6004.1.13 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.13 Inert gas purge system. Gas systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems shall be located in an approved gas cabinet unless the system operates by vacuum demand.

V-300-2.147

Section 6004.1.14 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.1.14 Seismic shutoff valve. An automatic seismic shut-off valve, which is of a fail-safe to close design, shall be provided to shutoff the supply of highly toxic, toxic and moderately toxic gases with an LC₅₀ less than or equal to 3000 parts per million upon a seismic event within 5 seconds of a horizontal sinusoidal oscillation having a peak acceleration of 0.3G (1.47 m/sec²) and a period of 0.4 seconds.

V-300-2.148

Section 6004.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.2 Indoor storage and use. The indoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.2.10.4.

V-300-2.149

Section 6004.2.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.2.1 Applicability. The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic gases shall be as set forth in Sections 6004.2.1.1 through 6004.2.1.5.

V-300-2.150

Section 6004.2.1.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.2.1.1 Quantities not exceeding the maximum allowable quantity per control area. The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts exceeding the maximum allowable quantity per control area set forth in Table 5003.1.1(2) shall be in accordance with Sections 5001, 5003, 6001, 6004.2.1.4 and 6004.2.1.5.

V-300-2.151

Section 6004.2.1.4 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.2.1.4 Quantities not exceeding minimum threshold quantity per control area. The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts not exceeding the minimum threshold quantity per control area set forth in Table 6004.1 shall be in accordance with Sections 6001, 6004.1 and Chapter 50.

V-300-2.152

Section 6004.2.1.5 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.2.1.5 Quantity exceeding the minimum threshold quantity per control area. The indoor storage or use of highly toxic, toxic and moderately gases in amounts exceeding the minimum threshold quantity per control area set forth in Table 6004.1 shall be in accordance with Sections 6001, 6004.1, 6004.2 and Chapter 50.

V-300-2.153

Section 6004.2.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.2.2 General indoor requirements. The general requirements applicable to the indoor storage and use of highly toxic and toxic compressed gases shall be in accordance with Sections 6004.2.2.1 through 6004.2.2.10.4.

Moderately toxic gases with an LC₅₀ less than or equal to 3000 parts per million shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.10.3.

Moderately toxic gases with an LC₅₀ more than 3000 parts per million but not greater than 5000 parts per million and exceeding the maximum threshold quantity, as determined by 6004.1.6, shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.7.

Moderately toxic gases shall not be considered as toxic gases for maximum allowable quantities determinations under Table 5003.1.1(2).

V-300-2.154

Section 6004.2.2.7 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.2.2.7 Treatment systems. The exhaust ventilation from gas cabinets, exhausted enclosures, gas rooms and local exhaust systems required in Section 6004.2.2.4 and 6004.2.2.5 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Section 509 of the California Mechanical Code.

Exceptions:

1. Highly toxic, toxic and moderately toxic gases storage. A treatment system is not required for cylinders, containers and tanks in storage when all of the following are provided:
 - 1.1. Valve outlets are equipped with gas-tight outlet plug or caps.
 - 1.2. Hand wheel-operated valves have handles secured to prevent movement.
 - 1.3. Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.

V-300-2.155

Section 6004.2.2.8 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.2.2.8 Emergency power. For highly toxic and toxic gas systems, emergency power, in accordance with Section 1203, shall be provided for the following:

1. Exhaust ventilation system.
2. Treatment system.
3. Gas detection system.
4. Smoke detection system.
5. Temperature control system.
6. Fire alarm system.
7. Emergency alarm system.

V-300-2.156

Section 6004.2.2.10 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.2.2.10 Gas detection system. A gas detection system complying with Section 916 shall be provided to detect the presence of a highly toxic or toxic gas at or below the PEL or ceiling limit of the gas for which detection is provided. In occupied areas where gas cabinets or exhausted enclosures are not provided, the fire code official may require a cyclical basis at intervals not to exceed 5 minutes.

The system shall be capable of monitoring the discharge from the treatment system at or below one-half the IDLH limit and shall initiate a response in accordance with Sections 6004.2.2.10.1 through 6004.2.2.10.3 if the gas detection system is activated.

Exception: A gas detection system is not required for toxic gases when the physiological warning threshold level for the gas is at a level below the accepted PEL for the gas.

V-300-2.157

Section 6004.2.2.10.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.2.2.10.1 Alarms. The gas detection system shall initiate a local alarm and transmit a signal to an approved location when a short-term hazard condition is detected. The alarm shall be both visual and audible and shall provide warning both inside and outside the area where the gas is detected. The audible alarm shall be distinct from all other alarms.

Exception: Signal transmission to a constantly attended control station is not required where not more than one cylinder of highly toxic, toxic or moderately toxic gas is stored.

V-300-2.158

Section 6004.2.2.10.2 of the California Fire Code, 2025 Edition is amended to read as follows:

6004.2.2.10.2 Shut off of gas supply. The gas detection system shall automatically close the shutoff valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

Exception: An automatic shutdown is not required for reactors utilized for the production of highly toxic, toxic or moderately toxic compressed gases where such reactors are:

1. Operated at pressures less than 15 pounds per square inch gauge (psig) (103.4kPa).
2. Constantly attended.
3. Provided with emergency shutoff valves that have ready access.

V-300-2.159

Section 6004.2.2.10.4 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.2.2.10.4 Emergency alarm. The indoor storage or use of highly toxic or toxic gases in amounts exceeding the minimum threshold quantity per control area set forth in Table 6004.1 shall also comply with Sections 5004.9 and 5005.4.4.

V-300-2.160

Section 6004.3 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.3 Outdoor storage and use. The outdoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.3.1 through 6004.3.4.

V-300-2.161

Section 6004.3.1 of the California Fire Code, 2016 Edition, is amended to read as follows:

6004.3.1 Applicability. The applicability of regulations governing the outdoor storage and use of highly toxic, toxic, and moderately toxic gases shall be as set forth in Sections 6004.3.1.1 through 6004.3.1.5.

V-300-2.162

Section 6004.3.1.1 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.3.1.1 Quantities not exceeding the maximum allowable quantity per control area. The outdoor storage or use of highly toxic and toxic gases in amounts exceeding the threshold quantity per control area set forth in Table 5003.1.1(4) shall be in accordance with Sections 5001, 5003, 6001, 6004.1, and 6004.3.1.4 and 6004.3.1.5.

V-300-2.163

Section 6004.3.1.4 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.3.1.4 Quantities not exceeding minimum threshold quantity per control area. The outdoor storage or use of highly toxic, toxic and moderately toxic gases in amounts not exceeding the minimum threshold quantity per control area set for in Table 6004.1 shall be in accordance with Sections 6001, 6004.1 and Chapter 50.

V-300-2.164

Section 6004.3.1.5 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6004.3.1.5 Quantity exceeding the minimum threshold quantity per control area. The outdoor storage or use of highly toxic, toxic and moderately gases in amounts exceeding the minimum threshold quantity per control area set forth in Table 6004.1 shall be in accordance with Sections 6001, 6004.1, 6004.3 and Chapter 50.

V-300-2.165

Section 6004.3.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.3.2 General outdoor requirements. The general requirements applicable to the outdoor storage and use of highly toxic, toxic and moderately toxic gases shall be in accordance with Sections 6004.3.2.1 through 6004.3.2.4.

Moderately toxic gases with an LC_{50} equal to or less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.

Moderately toxic gases with an LC_{50} more than 3000 parts per million but not greater than 5000 parts per million and exceeding the maximum threshold quantity, as determined by 6004.1.6, shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.2.1 through 6004.3.2.4.

Moderately toxic gases shall not be considered as toxic gases for maximum allowable quantities determinations under Table 5003.1.1(4).

V-300-2.166

Section 6004.3.3 of the California Fire Code, 2025 Edition, is amended to read as follows:

6004.3.3 Outdoor storage weather protection for portable tanks and cylinders. Weather protection in accordance with Section 5004.13 and this section shall be provided for portable tanks and cylinders located outdoors and not within gas cabinets or exhausted enclosures. The storage area shall be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1.

V-300-2.167

Section 6405.3.1 is hereby added to the California Fire Code, 2025 Edition, to read as follows:

6405.3.1 Silane distribution systems automatic shutdown. Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system.

V-300-2.168

Appendix B105.2 of the California Fire Code, 2025 Edition, is amended to read as follows:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1(2) and B105.2.

Exceptions: [SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:

1. California State Parks buildings of an accessory nature (restrooms).

2. Safety roadside rest areas (SRRA), public restrooms.
3. Truck inspection facilities (TIF), CHP office space and vehicle inspection bays.
4. Sand/salt storage buildings, storage of sand and salt.

The maximum fire flow reduction for all commercial buildings greater than 30,000 square feet and residential podium buildings shall not exceed 25 percent of the fire flow specified in Table B105.1(2). The maximum fire flow reduction for all other buildings shall not exceed 50 percent of the fire flow specified in Table B105.1(2).

V-300-2.169

Section D101.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of this Code.

V-300-2.170

Section D103.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1. Only conditions with 26 feet roads are applicable.

Exception: The fire code official may approve other condition that provides equivalent access.

V-300-2.171

Section D103.2 through D103.5 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

D103.2 Grade. The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.

D103.3 Turning radius. The required turning radius of a fire apparatus access roads shall be a minimum of 30 inside, and a minimum of 50 outside.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4, as approved by the fire code official.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

Length (Feet)	Width (feet)	Turnarounds Required
0-150	26	Not required, unless determined necessary by the fire code official
151-500	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
500-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required.	

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria: the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 20 feet (6096 mm).
2. Gates shall be of the horizontal swing, horizontal slide, vertical lift or vertical pivot type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Methods of locking shall be submitted for approval by the fire code official.
7. Electric gate operators, where provided, shall be listed in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

V-300-2.172

Section D104.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

D104.1 Buildings with two or more fire apparatus access roads. Buildings or facilities exceeding 30 feet (9144 mm), or three stories in height, or 50,000 square feet (5760m²) shall be provided with at least two means of fire apparatus access for each structure.

V-300-2.173

Section D104.2 of the California Fire Code, 2025 Edition, is deleted in its entirety.

V-300-2.174

Section D105.2 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144) in height.

Exception: The Fire Code Official may approve the use of other usable space/area that provides equivalent required width.

V-300-2.175

Section D106.1 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

D106.1 Projects having more than 50 dwelling units. Multiple-family residential projects having more than 50 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

V-300-2.176

Section D106.2 of the California Fire Code, 2025 Edition, is amended to read in its entirety as follows:

D106.2 Projects having more than 200 dwelling units. For Multiple-family residential projects having more than 200 units, the fire code official may require more than two fire apparatus access roads.

V-300-2.177

Section D107.1 of the California Fire Code, 2025 Edition, exceptions No. 1 and No. 2 are deleted.

SECTION 4. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 5. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Waive the Second Reading and Adopt an Ordinance Approving Zoning Text and Zoning Map Amendment ZA25-0001 to Comprehensively Update the Zoning Ordinance (Staff Contact: Jay Lee, Planning Director, 408-586-3077)
Category:	Consent Calendar-Community Development
Meeting Date:	9/2/2025
Recommendation:	Determine that the Environmental Impact Report (EIR) Addendum adequately analyzes the potential environmental impacts associated with the proposed Zoning Amendments and is in compliance pursuant to CEQA Guidelines §15162 and §15164; and waive the second reading and adopt Ordinance No. 38.858 approving Zoning Text and Zoning Map Amendment No. ZA25-0001 to comprehensively update the Zoning Ordinance and achieve consistency between the Zoning Ordinance and Zoning Map.

BACKGROUND:

This Ordinance was introduced at the City Council meeting held on [August 12, 2025](#). The Ordinance is now ready for its second reading and adoption.

FISCAL IMPACT:

The updated Zoning Ordinance is expected to have a positive long-term fiscal impact for the City. Because the amendments would support incremental improvements to, and investments in, existing residential, commercial, and industrial properties, as well as supporting high-quality new development, the updated Zoning Ordinance would tend to increase property values over time and to encourage new and expanded commercial and industrial businesses. In the future, this would likely result in increased property, business, and sales tax revenue for the City.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

An EIR Addendum to the Final Environmental Impact Report (FEIR) for the Milpitas 2040 General Plan was prepared and published on June 5, 2025. This "Phase 2 Addendum" is in addition to the previous EIR Addendum prepared and approved in April 2024 for Phase 1 of the Comprehensive Zoning Ordinance Update. The Phase 2 Addendum finds the impacts of the proposed project remain consistent with the impacts previously analyzed in the certified General Plan FEIR. The Phase 2 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.

ATTACHMENT(S):

(a) Ordinance No. 38.858

REGULAR

NUMBER: 38.858

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:

Chapter A.2 Title and Purpose

Sections:

- A.2.010 Title
- A.2.020 Authority
- A.2.030 Purpose
- A.2.040 Applicability
- A.2.050 Relationship to the General Plan
- A.2.060 Zoning Map
- A.2.070 Severability

A.2.010 Title

Title XIII of the City of Milpitas Municipal Code shall be known and cited as the “Milpitas Zoning Ordinance” and shall be referred to herein as this “Title.”

A.2.020 Authority

This Title is adopted in accordance with the authority vested in the City of Milpitas, including by the California Constitution and the City’s zoning and police powers, and consistent with the authority established in the Planning and Zoning Law (California Government Code section 65000 et seq.), California Environmental Quality Act (California Public Resources Code section 2100 et seq.), and California Health and Safety Code.

A.2.030 Purpose

This Title is enacted in order to promote the public health, safety, comfort, and general welfare, to enable appropriate and orderly development, and to ensure social and economic stability within the various zones established by the provisions of this Title. More specifically, this Title is adopted to achieve the following objectives:

- A. Provide standards for the orderly growth and development of the city, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community;
- B. Achieve the arrangement of land uses depicted in the Milpitas General Plan, consistent with the goals and policies of the General Plan;
- C. Enhance the appearance of the city and promote high-quality design;
- D. Preserve and enhance the quality of life and character of residential neighborhoods;
- E. Stabilize and conserve the value of property;
- F. Provide adequate light, air, and reasonable access;
- G. Incorporate sustainability practices and ensure climate resiliency;

- H. Promote economic growth and the creation of jobs;
- I. Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreation areas;
- J. Allow for public participation in government decision-making regarding land use and development in a manner consistent with state law; and
- K. Define the duties and power of administrative bodies and officers responsible for administering and implementing this Title.

A.2.040 Applicability

- A. **Applicability to Property.** This Title shall apply, to the extent permitted by law, to all property within the corporate limits of the City, including all uses, structures, and land owned by any private person, firm, corporation or organization, or local, state, or federal agency, unless exempted consistent with Subsection A.2.040.I (Exemptions).
- B. **Minimum Requirements.** The provisions of this Title shall be minimum requirements for the promotion of public health, safety, and general welfare. Where this Title provides for more discretion on the part of a City official or body (i.e., a Review Authority), that discretion may be exercised to impose more stringent requirements than set forth in this Title as may be necessary to promote orderly land use development and the purposes of this Title.
- C. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, reconstructed, maintained, occupied, enlarged, altered, demolished, or moved in any zone, except in compliance with all the provisions, including development and performance standards, of this Title, and any permits issued, unless exempted consistent with Subsection A.2.040.I (Exemptions). The temporary or transitory nature of a use does not exempt it from this requirement.
- D. **Conflicting Regulations.** The regulations of this Title and requirements or conditions imposed in accordance with this Title shall not supersede any other regulations or requirements adopted or imposed by the City Council (Council), the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Title. All uses and development authorized by this Title shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of this Title and any other regulation or requirement, the more restrictive provision shall control.
- E. **Private Agreements.** This Title shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Title imposes greater restriction than imposed by an easement, covenant, or agreement, this Title shall control. The City shall not be responsible for monitoring or enforcing private agreements.
- F. **Prior Zoning Ordinance.** The provisions of this Title supersede all prior ordinances codified in Milpitas Municipal Code Chapter XI-10 (Zoning) and any amendments. No provisions of this Title shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Ordinance, unless such validation is specifically authorized by this Title and is in compliance with all other regulations.

G. **Effect on Previously Approved Projects and Projects in Progress.**

1. ***Previously Approved Land Use Authorization.*** This Title shall not interfere with, repeal, or annul any previously granted land use authorization. All allowances, requirements, and conditions of approval of previous land use authorizations shall apply unless the applicable Review Authority specifically repeals the allowance, requirement, or condition consistent with this Title.
2. ***Land Use Authorization in Process.*** An application for a discretionary land use authorization that has been accepted by the Department as complete for processing prior to the adoption of this Title may be processed according to the requirements of this Title or the prior Zoning Ordinance (Chapter XI-10) upon written request from the project applicant. The written request shall be made no later than 30 days after the effective date of the adoption of this Title. If the request is to apply the prior Zoning Ordinance (Chapter XI-10), at least one action must be taken by the Review Authority within 210 days of the effective date of the adoption of this Title. The same process shall be followed for amendments to this Title.

H. **Application During Local Emergency.** The Council may authorize a deviation from any provision of this Title during a local emergency declared and ratified consistent with California Government Code section 8630 et seq. The Council may authorize a deviation by resolution without notice or public hearing.

I. **Exemptions.**

1. This Title shall not apply to the City, including any buildings, improvements, lots, or premises owned, leased, operated, or controlled by the City, any development project by the City, or any business or service performed or offered by the City. This exemption does not apply other than to the City, including those leasing premises from the City.
2. Any governmental agency other than the City shall be exempt from the provisions of this Title only to the extent that such property may not be lawfully regulated by the City according to applicable law.

A.2.050 Relationship to the General Plan

This Title implements the goals and policies of the Milpitas General Plan by regulating the use of land and structures within the city. This Title and the General Plan shall be consistent with one another. Any permit, license, or approval issued in accordance with this Title must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Title and the General Plan, the General Plan shall control.

A.2.060 Zoning Map

- A. **Zoning Map and this Title.** The designations, locations, and boundaries of the base zones and overlays established in this Title shall be shown on the Zoning Map of the City. The Zoning Map as amended or changed from time to time, together with all notations, references, data, and other information, is adopted and made a part of this Title. Any amendment or rezoning of a property or properties from one zone to another zone shall constitute an amendment to this Title and shall be so referenced in the Zoning Map amendment.

- B. **Time Limit.** If in accordance with the provisions of this Title, changes are made to zone boundaries, zone classifications, or other matters set forth on the Zoning Map, such changes shall be entered on the Zoning Map within 30 days following the effective date of the change.
- C. **Uncertainty of Boundaries.** Refer to Section A.4.020.C (Interpretation of Zone Boundaries) if the boundaries of any zone(s) shown on the Zoning Map are uncertain.
- D. **Maintenance of Zoning Map.** The Zoning Map shall be kept on file in the office of the Planning Director and shall be maintained in electronic format by the City, as authorized by the Director.

A.2.070 Severability

If any Section, sentence, clause, phrase, word, portion, or provision of this Title is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other Section, sentence, clause, phrase, word, portion, or provision of this Title which can be given effect without the invalid provision. The invalidation of the application of any Section, sentence, clause, phrase, word, portion, or provision of this Title to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such Section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

Chapter A.4 Rules of Interpretation

Sections:

- A.4.010 Purpose
- A.4.020 General Interpretation
- A.4.030 Interpreting Language and Numbers

A.4.010 Purpose

This Chapter provides the specific rules that explain how to interpret this Title and how to perform calculations and measurements that are required to implement this Title.

A.4.020 General Interpretation

A. Interpretation of this Title.

1. **Intent.** No matter how carefully constructed, this Title will require interpretation in its day-to-day administration. In adopting this Title, it is the intent of the City to interpret and administer this Title in a reasonable fashion consistent with the public interest of the residents of the city.
2. **Director Interpretation.** Where there is uncertainty regarding the interpretation of any provision of this Title or its application to a specific site, the Director shall determine the interpretation of the provision consistent with this Subsection.
 - a. An interpretation may be initiated by the Director, by an applicant consistent with Subsection D.2.040.B.1 (Applicant), or by any interested party.
 - b. An interpretation initiated by an applicant shall be processed in compliance with Chapter D.2 (Procedures) as applicable.
 - c. The Director's determination shall be issued in writing.
 - d. The determination of the Director may be appealed in accordance with the provisions of Section D.2.040.N (Appeals).
 - e. Nothing shall limit the authority of the Director to revise, reconsider, or otherwise modify or rescind any interpretation previously made.
3. **Controlling Provisions.** In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements guided by the following:
 - a. Where this Title imposes a greater restriction than is imposed or required by other rules, regulations, or ordinances or easements, covenants, agreements, or entitlements, the provisions of this Title shall control.
 - b. Where other rules, regulations, or ordinances or easements, covenants, agreements, or entitlements impose greater restrictions or more specific standards than those of this Title, the greater restriction or more specific standard shall control.

- c. Where provisions of this Title are in conflict, the more specific regulations shall apply over the more general; where provisions of this Title remain in conflict, the more restrictive provisions shall apply.
- B. **Conflict between Text and Figure.** In the event of a difference or conflict between the text and a figure, illustration, heading, caption, diagram, or graphic, the text shall control.
- C. **Interpretation of Zone Boundaries.** Where there is uncertainty regarding the location of a zone boundary or other feature shown on the Zoning Map, the following rules shall be used to resolve the uncertainty:
 - 1. Review of the legal description of the lot or lots referenced by the assessor's parcel number of any prior rezoning and/or the existing Zoning Map.
 - 2. Unless otherwise clearly indicated on the Zoning Map, zone boundaries shall coincide with property lines and centerlines of alleys, lanes, streets, highways, streams, and/or railroads.
 - 3. Where a public street is officially vacated or abandoned, the property that was formerly in the street shall be included within the zone of the adjoining property on either side of the centerline of the vacated or abandoned street.
 - 4. For parcels containing two or more zones, the location of the zone boundary shall be determined by the Director, and the applicable regulations for each zone shall apply based on the zone boundary.
 - 5. Where the location of the zone boundaries cannot be determined by the above rules, the boundaries shall be located by using the scale on the Zoning Map.
- D. **References to Other Laws.**
 - 1. Where this Title references applicable provisions of other laws (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable law provisions as they may be amended from time to time.
 - 2. Unless otherwise indicated, all references are to California and local laws (e.g., the California Government Code, California Subdivision Map Act, California Public Resources Code).
- E. **Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, the deadline shall be extended to the close of business on the next working day.
- F. **Calendar Year.** All references to years are to calendar years, unless otherwise indicated.
- G. **Determination of Similar Use.**
 - 1. Each zone establishes a list of primary uses and accessory uses which are permitted, permitted with a Minor Conditional Use Permit or permitted with a Conditional Use Permit, see Section D.4.030 (Use Permits), or not allowed. Occasionally, uses may be proposed which are not specifically listed in the use tables in Part XIII-B (Zone Regulations).
 - 2. The Director may administratively determine when an unlisted use is proposed in a zone that the proposed use is similar to an appropriate use category where the uses are clearly

similar in character to those uses listed, consistent with the purposes of the zone and General Plan, and not detrimental to the public health, safety, or welfare. A use determined to be similar shall apply to the zone uniformly regardless of location.

3. When a proposed, but unlisted, use is determined to be similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining what approvals are required and what standards and requirements of this Title apply.

A.4.030 Interpreting Language and Numbers

- A. **Interpretation of Words and Conjunctions.** Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 1. “And” indicates that all connected words or provisions shall apply.
 2. “And/or” indicates that the connected words or provisions may apply singularly or in any combination.
 3. “Including” or “includes” indicates “including, but not limited to.” Any listing or examples that follow the word “including” or “includes” connotes an illustrative list or set of examples, one purposefully capable of enlargement, and does not imply that the list or examples are exhaustive or otherwise limit any preceding or subsequent words or phrases.
 4. “Or” indicates that compliance with any of the series of connected words or provisions is sufficient.
 5. “Either...or” indicates that the connected words or provisions shall apply singularly, but not in combination.
 6. The words “shall,” “should,” “will,” “must,” “is to,” and “are to” are always mandatory and not discretionary, except when applied to the City, including its officers, officials, employees, or agents, in which case these words are directory only and not mandatory.
 7. “May” is permissive and discretionary.
 8. Unless the context clearly indicates otherwise, words in the present and future tense are interchangeable.
 9. Unless the context clearly indicates otherwise, words in the singular and plural are interchangeable.
- B. **Undefined Terms.** The Director shall make an interpretation for any definition not expressly identified in this Title.
- C. **Fractions.** Whenever this Title requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:
 1. **General Rounding.** Fractions of one-half or greater shall be rounded up to the nearest whole number, and fractions of less than one-half shall be rounded down to the nearest whole number, except as otherwise provided.

2. ***Exception for State Affordable Housing Density Bonus.*** For projects eligible for bonus density in accordance with California Government Code section 65915 or any successor statute, any fractional number of permitted bonus density units shall be rounded up to the next whole number.

Chapter A.6 Rules of Measurement

Sections:

- A.6.010 Purpose
- A.6.020 General Provisions
- A.6.030 Measuring Lot Width and Depth
- A.6.040 Measuring Average Slope and Natural Land Slope
- A.6.050 Measuring Distances
- A.6.060 Measuring Setbacks
- A.6.070 Measuring Floor Area
- A.6.080 Determining Floor Area Ratio
- A.6.090 Measuring Height and Number of Stories
- A.6.100 Measuring Signs

A.6.010 Purpose

The purpose of this Chapter is to explain how various measurements referred to in this Title are determined.

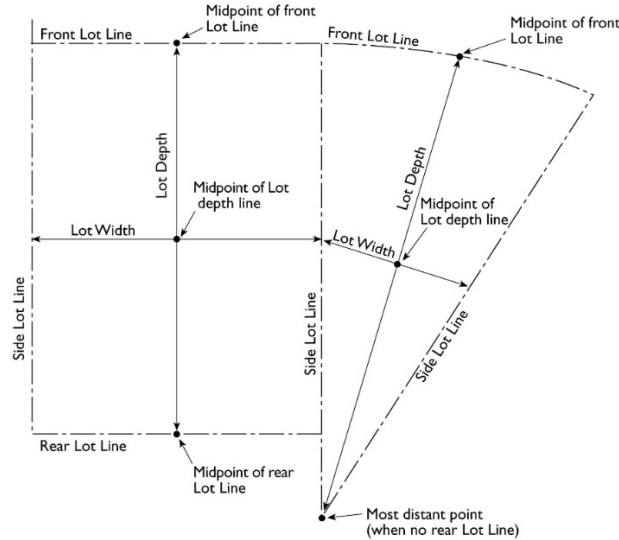
A.6.020 General Provisions

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Director.

A.6.030 Measuring Lot Width and Depth

- A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Director shall determine lot width for irregular lots.
- B. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

FIGURE A.6.030-1: MEASURING LOT WIDTH AND DEPTH



A.6.040 Measuring Average Slope and Natural Land Slope

Measuring average slope and natural land slope apply within the “H” Hillside Combining District and is determined as described in Section B.22.030 (Maximum Allowable Densities and Minimum Lot Sizes).

A.6.050 Measuring Distances

- A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- B. **Distances are Measured Horizontally.** When determining the dimensions for setbacks and structures, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These dimensions are not measured by following the topography or slope of the land.
- C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest structural support element (e.g., a building support pillar, a building support column, etc.) of the structure. Structures or portions of structures that are entirely underground are excluded from the measured dimension.
- D. **Measurements of Minimum Distance.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject property, in all directions.
- E. **Measurement of Vehicle Queuing or Travel Areas.** Measurement of the minimum dimensions for stacking lanes or the setback to a garage entrance are measured on the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or travel lane.

A.6.060 Measuring Setbacks

- A. **General Setback Measurement.** A line defining a required setback is parallel to and at the specified distance from the corresponding front, side, or rear lot line as defined in Chapter E.2 (Definitions of Terms). If not otherwise described in this Title, the Director shall determine setback measurements for irregular lots.
- B. **Setbacks Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.

A.6.070 Measuring Floor Area

The floor area of a building is measured as the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the exterior face of exterior walls or from the centerline of a shared wall separating two buildings.

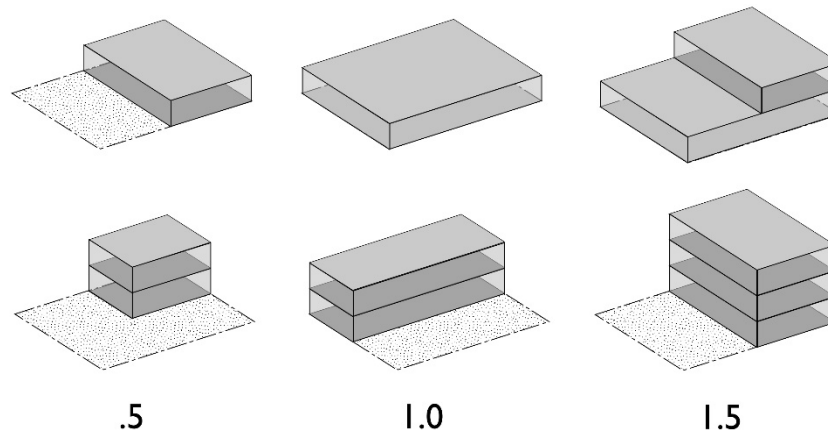
- A. **Included in Floor Area.**
 - 1. All habitable space (as defined in the Building Code) including, but not limited to, all living space (bedrooms, bathrooms, kitchens, hallways, interior walkways, corridors, common space, etc.) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions of buildings.
 - 2. If no walls exist, the area covered by the roof excluding two feet on each side of the structure to allow for a standard roof projection.
 - 3. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.
- B. **Excluded from Floor Area.** Floor area does not include the following:
 - 1. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area;
 - 2. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater;
 - 3. Porches where at least one of the longest dimensions is unenclosed;
 - 4. Accessory structures (e.g., shed) with a gross floor area of up to 120 square feet;
 - 5. Areas that qualify as usable open space;
 - 6. Areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finished grade of the property;
 - 7. Parking areas located beneath the finished floor of habitable space where the vertical distance between the finished floor of habitable space and finished grade is less than six feet; and

8. Nonresidential gross floor area excludes arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public, but are not designed or used as sales, display, storage, service, or production areas.

A.6.080 Determining Floor Area Ratio

To calculate the Floor Area Ratio (FAR), gross building floor area is divided by the total site area, and FAR is typically expressed as a decimal. For example, if the gross floor area of all buildings on a site is 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

FIGURE A.6.080-1: DETERMINING FLOOR AREA RATIO

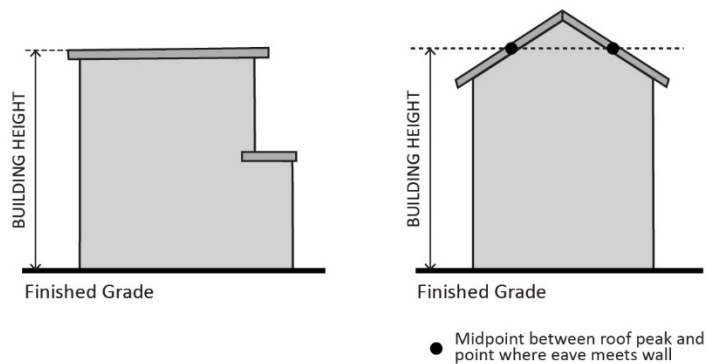


A.6.090 Measuring Height and Number of Stories

A. Measuring Building Height.

1. **General Measurement.** The height of a building is measured as the vertical distance from finished grade adjacent to the building to the highest point on the roof above. For a sloped, gable, hipped, or gambrel roof, height is measured to the midpoint between the highest point on the ridge and where the eave meets the building wall.

FIGURE A.6.090-1: MEASURING BUILDING HEIGHT



2. **Measuring Building Height in the “H” Hillside Combining District.** Measuring building height within the “H” Hillside Combining District is determined as described in Section B.22.040 (Height Regulations).

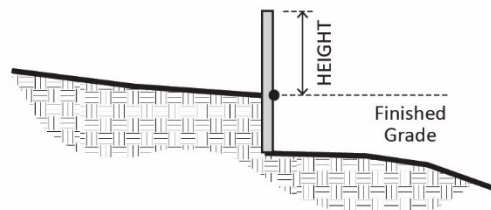
B. **Measuring the Number of Stories.** In measuring the height of a building in stories the following measurement rules shall apply:

1. A basement shall be counted as a full story where more than 50 percent of its height is above the average level of the adjoining ground.
2. An interior balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.
3. An attic is not considered a story provided it is unconditioned, unfinished, and less than seven feet at its highest point with an average height not exceeding four feet.

C. **Measuring Other Structures.**

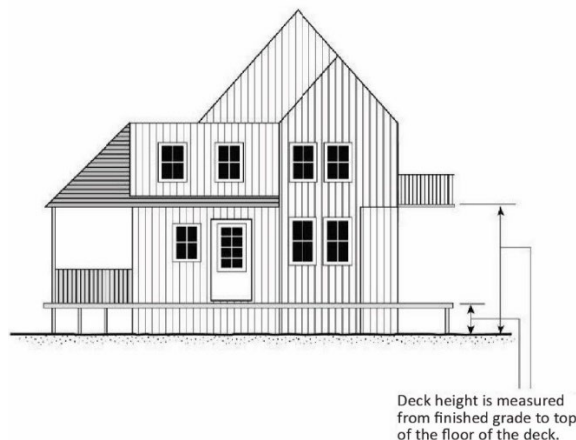
1. **Measuring Height of Fences and Walls.** The height of a fence or wall is measured from the finished grade to the top of fence or wall at any point (including barbed-wire tops). Where the finished grade is a different elevation on either side of the fence or wall, the height may be measured from the side having the highest elevation.

FIGURE A.6.090-2: MEASURING HEIGHT OF FENCES AND WALLS



2. **Measuring Height of Decks.** Deck height is measured from finished grade to the top of the floor of the deck directly above finished grade below.

FIGURE A.6.090-3: MEASURING HEIGHT OF DECKS



A.6.100 Measuring Signs

The methods for measuring signs (e.g., height, area, etc.) are described in Subsection C.8.040.D (Rules of Measurement).

Chapter B.2 Zones

Sections:

- B.2.010 Purpose
- B.2.020 Zones Established
- B.2.030 Category Includes All Aspects of the Zone
- B.2.040 Zoning of Annexed Areas

B.2.010 Purpose

This Chapter establishes the zones applied to property within Milpitas.

B.2.020 Zones Established

The following zones are established and shall be shown on the official Zoning Map.

Table B.2.020-A: Zones Established		
Abbreviation	Zone Name	General Plan Land Use Designation
Residential Zones		
R1	Single-Family Zone	Low Density Residential (LDR), Medium Density Residential (MDR)
R2	One and Two-Family Zone	Medium Density Residential (MDR)
R3	Multi-Family Zone	High Density Residential (HDR)
R4	Multi-Family Very High Density Zone	Very High Density Residential (VHDR)
MHP	Mobile Home Park Zone	Mobile Home Park (MHP)
Commercial Zones		
CO	Administrative and Professional Office Zone	General Commercial (GNC), Neighborhood Commercial (NC)
C1	Neighborhood Commercial Zone	Neighborhood Commercial (NC)
C2	General Commercial Zone	General Commercial (GNC), Neighborhood Commercial (NC), Neighborhood Commercial Mixed Use (NCMU)
HS	Highway Service Zone	General Commercial (GNC), Neighborhood Commercial (NC)
Mixed Use Zones		
MXD	Mixed Use Zone	Neighborhood Commercial Mixed Use (NCMU)
MXD3	Very High Density Mixed Use Zone	Very High Density Mixed Use (VHDMU)
TC	Town Center Zone	Town Center (TC)
Industrial Zones		
M1	Light Industrial Zone	Manufacturing (MFG)

Table B.2.020-A: Zones Established		
Abbreviation	Zone Name	General Plan Land Use Designation
M2	Heavy Industrial Zone	Manufacturing (MFG)
MP	Industrial Park Zone	Industrial Park (INP)
BPRD	Business Park Research and Development Zone	Business Park/Research & Development (BPRD)
Metro Specific Plan Zones		
R3-Metro	Metro Multi-Family High Density Residential Zone	Milpitas Metro Specific Plan
R4-Metro	Metro Multi-Family Very High Density Residential Zone	Milpitas Metro Specific Plan
R5-Metro	Metro Urban Residential Zone	Milpitas Metro Specific Plan
MXD2-Metro	Metro High Density Mixed Use Zone	Milpitas Metro Specific Plan
MXD3-Metro	Metro Very High Density Mixed Use Zone	Milpitas Metro Specific Plan
BPRD-R-Metro	Metro Business Park Research and Development, Limited Residential Zone	Milpitas Metro Specific Plan
BPRD-Metro	Metro Business Park Research and Development Zone	Milpitas Metro Specific Plan
Milpitas Commercial Specific Plan Area		
See Chapter B.16 (Milpitas Commercial Specific Plan Area)		
Other Zones		
A	Agricultural Zone	All
I	Institutional Zone	Public Facilities (PF)
POS	Park and Open Space Zone	Permanent Open Space (POS)
Overlay Zones		
FC	Freeway Corridor Overlay Zone	n/a
S	Site and Architectural Overlay Zone	n/a
"H"	"H" Hillside Combining District	Hillside Very Low Density (HVL), Hillside Low Density (HLD), Hillside Medium Density (HMD)

B.2.030 Category Includes All Aspects of the Zone

Whenever the terms "residential zones," "commercial zones," "mixed use zones," "industrial zones," "Metro zones," "other zones," or "overlay zones" are used in this Title, they shall be deemed to refer to all and only the zones of that category, as found in Section B.2.020 (Zones Established), (e.g., the term "commercial zones" shall refer to the CO, C1, C2, and HS zones).

B.2.040 Zoning of Annexed Areas

Any area annexed to the City after the effective date of this amendment shall immediately upon such annexation be automatically classified as an Agricultural District with the "S" Overlay District ("A-S" Zone), unless said area is located east of the alignment of Piedmont Road, Evans Road, North Park Victoria Drive

and Interstate 680 Freeway as shown on the adopted General Plan and more specifically defined as the westerly boundary of the "Hillside Area" as defined in the General Plan, in which case said area shall be classified as Single-Family District—Hillside with the "H" Combining District (specifically "R1-H").

Chapter B.4 Residential Zones and Standards

Sections:

- B.4.010 Purpose
- B.4.020 Residential Zones Use Regulations
- B.4.030 Residential Zones Development Standards
- B.4.040 Residential Zones Supplemental Standards

B.4.010 Purpose

- A. **Single-Family (R1) Zone.** The Single-Family (R1) Zone is intended for single-family residential development, including clustered residences, and to stabilize and protect the residential character of these neighborhoods within the community.
- B. **One and Two-Family (R2) Zone.** The One and Two-Family (R2) Zone is intended for a mix of residential development types, and to stabilize and protect the residential character of these neighborhoods within the community.
- C. **Multi-Family (R3) Zone.** The Multi-Family (R3) Zone is intended for multi-family residential development, and to stabilize and protect the residential character of these neighborhoods within the community.
- D. **Multi-Family Very High Density (R4) Zone.** The Multi-Family Very High Density (R4) Zone is intended for higher intensity multi-family residential development, and to stabilize and protect the residential character of these neighborhoods within the community.
- E. **Mobile Home Park (MHP) Zone.** The Mobile Home Park (MHP) Zone is intended to promote the diversification of available housing opportunities within Milpitas through the establishment of standards for planned mobile home parks. This zone is further intended to encourage stable residential environments within individual mobile home parks and provide for transitions to surrounding areas.

B.4.020 Residential Zones Use Regulations

- A. Table B.4.020-A (Residential Zones Use Regulations) sets the land use regulations for residential zones. Land uses are defined in Chapter E.4 (Definitions of Uses). In cases where a land use is not listed in the table, the Director shall make a determination regarding similar use consistent with Subsection A.4.020.G (Determination of Similar Use).
- B. Land uses not listed in the table and not substantially like the uses below are prohibited unless the Planning Commission approves a Conditional Use Permit consistent with Subsection D.4.030 (Use Permits) and finds that use will not have adverse impacts or be more detrimental to the public welfare than any other use explicitly allowed, with or without a Conditional Use Permit, in the same zone.

- C. All uses shall be conducted entirely within enclosed structures, unless specifically noted or otherwise approved by the Director or Review Authority.

Table B.4.020-A: Residential Zones Use Regulations						
“P” = Permitted Use “MC” = Minor Conditional Use Permit approved by Zoning Administrator required “MCS” = Minor Conditional Use Permit approved by Director required “C” = Conditional Use Permit required “-” = Not Allowed						
Use	R1	R2	R3	R4	MHP	Additional Regulations
Agricultural Uses						
Animal Husbandry	MCS	-	-	-	-	Section C.10.060 (Animal Husbandry) For regulations related to the keeping of chickens in residential zones, see Section V-210-7.02-2(a)
Commercial Uses						
Eating and Drinking Establishment						
Mobile Food Vending (Individual Vehicle) ¹	P	P	P	P	P	Section C.10.170 (Mobile Food Vending)
Restaurant ²						
Restaurant, Full Service	-	-	C	MC	-	Section C.10.100 (Eating and Drinking Establishments)
Restaurant, Limited Service	-	-	C	MC	-	
Restaurant with Alcohol Service	-	-	MC	MC	-	
Entertainment and Recreation, Commercial						
Outdoor Sports and Recreation	C	C	C	C	-	n/a
Financial Institution ²						
Bank and Credit Union	-	-	C	MC	-	n/a
Food and Beverage Retail Sales ²						
Grocery Store, Large	-	-	-	C	-	n/a
Grocery Store, Small	-	-	C	MC	-	n/a

Table B.4.020-A: Residential Zones Use Regulations

“P” = Permitted Use | “MC” = Minor Conditional Use Permit approved by Zoning Administrator required | “MCS” = Minor Conditional Use Permit approved by Director required | “C” = Conditional Use Permit required | “-” = Not Allowed

Use	R1	R2	R3	R4	MHP	Additional Regulations
Home Occupation	P	P	P	P	P	Section C.10.130 (Home Occupations)
Lodging						
Bed and Breakfast	P	P	P	P	-	n/a
Short-Term Rental	See C.10.190 (Short-Term Rentals)					
Offices ²						
Business and Professional Office	-	-	C	C	-	n/a
Retail ²						
Retail, Limited	-	-	C	MC	-	n/a
Retail Store, General Merchandise	-	-	C	MC	-	n/a
Services						
Personal Services ^{2, 3}	-	-	C	MC	-	n/a
Vehicle-Related Uses						
Mobile Fueling ⁴	P/-	P/-	P/-	P/-	P/-	Milpitas Municipal Code Chapter V-300 (Fire Code)
Public, Institutional, and Recreational Uses						
Child Care						
Child Care Center	MC	MC	MC	MC	MC	Section C.10.140 (Large Family Child Care and Child Care Centers)
Large Family Child Care Home	P	P	P	P	P	Section C.10.140 (Large Family Child Care and Child Care Centers)
Small Family Child Care Home	P	P	P	P	P	n/a

Table B.4.020-A: Residential Zones Use Regulations

“P” = Permitted Use | “MC” = Minor Conditional Use Permit approved by Zoning Administrator required | “MCS” = Minor Conditional Use Permit approved by Director required | “C” = Conditional Use Permit required | “-” = Not Allowed

Use	R1	R2	R3	R4	MHP	Additional Regulations
Community Assembly						
Major	C	C	C	C	C	n/a
Minor	MCS	MCS	MCS	MCS	MCS	n/a
Community Garden	P	P	P	P	P	n/a
Park/Playground	P	P	P	P	P	n/a
Wireless Telecommunications Facility	See Section C.10.230 (Wireless Telecommunications Facilities).					
Residential Uses						
Accessory Dwelling Unit and Junior Accessory Dwelling Unit	P	P	P	P	P	Section C.10.030 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
Boarding House	-	C	C	C	-	n/a
Court Dwelling	-	P	P	P	-	n/a
Two-Family Dwelling	-	P	-	-	-	n/a
Elderly and Long-Term Care	-	C	C	C	-	n/a
Group Living Accommodation	-	P	P	P	-	n/a
Live-Work Unit	-	-	C	C	-	Section C.10.150 (Live-Work Units)
Low Barrier Navigation Center	-	-	P	P	-	California Government Code § 65660
Mobile Home Park	-	-	-	-	MCS	Section C.10.180 (Mobile Home Parks)
Multi-Family Dwelling	-	-	P	P	-	n/a
Residential Care Facility	P	P	P	P	P	n/a
Single-Family Dwelling	P	P	-	-	P	Section C.10.210 (Single-Family Dwelling)

Table B.4.020-A: Residential Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	R1	R2	R3	R4	MHP	Additional Regulations
Supportive Housing	P	P	P	P	P	California Health and Safety Code § 50675.14
Transitional Housing	P	P	P	P	P	California Government Code § 65582
Unclassified Uses						
Accessory Use	P	P	P	P	P	For regulations related to animals, see Section V-210-7.02 (Exceptions to Animals in Residential Areas)
Temporary Use	See Section C.10.230 (Temporary Uses and Structures)					

Table Notes:

¹ Mobile food vending may be permitted:

- In the public right-of-way in R1, R2, and R3 zones as part of an approved special event consistent with Section C.10.230 (Temporary Uses and Structures), and is not allowed on private property with a residential use in these zones.
- In the public right-of-way in the R4 Zone upon issuance of all required City and County permits consistent with Subsection C.10.170 (Mobile Food Vending), and may be permitted as part of an approved special event on private property with a residential use in the R4 Zone.
- In all residential zones, on private parcels with a current certificate of use and occupancy as a library/museum, hospital, educational institution, or community assembly use, provided that the mobile food vending use shall not operate more frequently than once per week and for no longer than three consecutive days.

² These uses must comply with the following:

- Activities must be conducted in ground floor spaces which are integral parts of a main buildings; however, incidental uses that serve only residents of the project are not limited to the ground floor;
- Uses must comprise less than or equal to 10,000 sf in gross floor area; and
- Uses must close no later than 10:00 P.M.

³ When located on the ground floor, retail sales of products related to the personal services provided must be offered at the front of the premises near the pedestrian entrance and must comprise at least 10% of the floor area of the business establishment.

⁴ Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles is not permitted.

B.4.030 Residential Zones Development Standards

Table B.4.030-A (Residential Zones Development Standards) establishes the development standards for residential zones.

Table B.4.030-A: Residential Zones Development Standards										
ft = feet sf = square feet du = dwelling unit FAR = floor area ratio n/a = not applicable										
Standard	R1						R2	R3	R4	MHP
	R1-10	R1-6	R1-5	R1-4	R1-3	R1-2.5				
Lot Area, min	10,000 sf	6,000 sf	5,000 sf	4,000 sf	3,000 sf	2,500 sf	5,800 sf	8,000 sf	n/a	25 gross acres
Lot Width, min. (ft)	80 ¹	55	50	40	30	30	55	70	n/a	n/a
Density (du/gross acre) ²	Min.: 3 Max.: 4	Min.: 3 Max.: 7	Min.: 3 Max.: 9	Min.: 3 Max.: 11	Min.: 3 Max.: 15	Min.: 3 Max.: 15	Min.: 7 Max.: 15	Min.: 16 Max.: 30 ³	Min.: 31 Max.: 40	Min.: 3 Max.: 7
Setback (ft)										
Front	Min.: 25 ⁴	Min.: 20	Min.: 20	Min.: 20 ⁵	Min.: 20 ⁵	Min.: 20 ⁵	Min.: 20	Min.: 20	Min.: 8 Max.: 15 from back of sidewalk ^{6, 7}	Abuts public street, min.: 35
Interior side	One side, min.: 8 Total both sides, min.: 20 ⁸	Adjacent to garage, min.: 6 Total, min.: 13	Adjacent to garage, min.: 6 Total, min.: 10	One side, min.: 6	One side, min.: 5	One side, min.: 5	1 story, min.: One side: 4 Total both sides: 12 2+ stories, min.: 6	1 story, min.: One side: 5 Total both sides: 12 2+ stories, min.: 10	Min.: 10	Abuts residential zone: 25 Abuts all other zones: 15
Street side	Min.: 10	Min.: 10	Min.: 10	Min.: 10	Min.: 10	Min.: 10	Min.: 10	Min.: 10	Min.: 8 Max.: 15, from back of sidewalk ^{6, 7}	Abuts public street, min.: 35
Rear	1 story, min.: 30 ⁴	1 story, min.: 25	Min.: 20	1 story, min.: 15	1 story, min.: 15	1 story, min.: 15	Min.: 25	Min.: 30	Min.: 10	Abuts resi-

Table B.4.030-A: Residential Zones Development Standards

ft = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | n/a = not applicable

Standard	R1						R2	R3	R4	MHP
	R1-10	R1-6	R1-5	R1-4	R1-3	R1-2.5				
	2+ stories, min.: 35 ⁴	2+ stories, min.: 25		2+ stories, min.: 20	2+ stories, min.: 20	2+ stories, min.: 20				dential zone: 25 Abuts all other zones: 15
Primary Building Height, max.	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft; 2.5 stories ⁹	35 ft; 3.5 stories ^{9, 10}	60 ft; 4 stories ⁹	35 ft; 3 stories ⁹
Accessory Building Height, max.	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft; 1.5 stories ⁹	25 ft; 2.5 stories ⁹	25 ft; 2.5 stories ⁹	25 ft; 2.5 stories ⁹
Usable Open Space¹¹										
Per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	See Milpitas Residential and Mixed-Use Objective Design Standards ¹²			200 sf patio per du
Per site ¹³	n/a	n/a	n/a	n/a	n/a	n/a	n/a	20%	25%	25%

Table Notes:

¹ For properties with slopes equal to or greater than 16%, but less than 26%, the minimum lot width shall be 200 ft. For properties with slopes equal to or greater than 26%, the minimum lot width shall be 300 ft.

² When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.

³ The maximum density can be up to 40 dwelling units per gross acre where a Planned Unit Development has been approved, and the Council finds that sewer capacity and water availability will be sufficient to accommodate the proposed project density as well as other future Planned Unit Development downstream from the project site. Any improvements to the sewer or water system that would be required to accommodate any higher density proposals may be made conditions of project approval.

⁴ For properties with slopes equal to or greater than 16%, the minimum setback is 40 ft.

⁵ For properties, if access is provided to the side of garage via a curved driveway, the setback may be 15 ft.

⁶ The sidewalk shall be based on either existing sidewalk or an assumed 10-ft wide sidewalk, whichever is wider.

⁷ Where a public easement prevents a building from being located at its required minimum or maximum setback lines, the building shall be located as close to the back of the easement as possible.

⁸ For properties with slopes equal to or greater than 16% but less than 26%, the minimum setback shall be 20 ft on one side and a total of 45 ft for both sides. For properties with slopes equal to or greater than 26%, the minimum setback shall be 40 ft.

⁹ Height must comply with standards for both height in feet and number of stories.

¹⁰ The height restriction can be waived where a Planned Unit Development has been approved at a density above 30 du per gross acre in compliance with the provisions of Section D.12 (Planned Unit Development).

¹¹ Usable open space may be satisfied through a combination of private open space, common open space, and/or publicly accessible open space provided that all applicable minimum requirements and standards for each open space type are complied with (see Milpitas Residential and Mixed-Use Objective Design Standards).

¹² Usable open space requirements do not apply to single-family dwellings.

¹³ Per site requirements may also include areas that are landscaped consistent with Chapter C.4 (Landscaping Standards).

B.4.040 Residential Zones Supplemental Standards

- A. **R1 Zone Front Yard Coverage.** For lots in the R1 Zone, a portion of the required front yard may be paved as follows.
1. **Width of Front Yard Paved Area.** The width of paved area in the required front setback must not exceed the width of the garage, or 50 percent of the lot width measured at the front property line, whichever is greater.
 2. **Calculating Front Yard Coverage.**
 - a. Patios within the required front setback are counted towards coverage limits.
 - b. Walkways that do not exceed four feet in width do not count towards coverage limits.
 3. **Hillside Front Yard Coverage.** For “H” Hillside Combining District properties, refer to Chapter B.22 (“H” Hillside Combining District) for additional requirements.
 4. **Parking in Front Yards.** For regulations pertaining to parking in the front yard, refer to Milpitas Municipal Code Chapter V-500 (Neighborhood Beautification).
 5. **Driveways on Lots with One or Two Dwelling Units.** See Section C.6.080.A.2 (Driveways on Residential Lots with One or Two Dwelling Units) for driveway standards.
- B. **Two-Unit Projects.**
1. **Purpose.** The purpose of this Subsection is to allow and appropriately regulate two-unit projects in compliance with California Government Code section 65852.21.
 2. **Application.**
 - a. Only individual property owners may apply for a two-unit project. “Individual property owner” means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title, and does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp., S corp., etc.) except for a community land trust (as defined by California Revenue and Tax Code section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Tax Code section 214.15).
 - b. An application for a two-unit project must be submitted on the City’s approved form.
 - c. The applicant must obtain a Certificate of Compliance with the Subdivision Map Act for the lot and provide the Certificate with the application.
 - d. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
 - e. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Subsection, in compliance with applicable law. The Council may establish and change the fee by resolution. The fee must be paid with the application.

3. ***Approval.***

- a. An application for a two-unit project is approved or denied ministerially, by the Director, without discretionary review. The Director shall approve or deny the application within 60 days of the date the City received a complete application.
- b. The ministerial approval of a two-unit project does not take effect until the City has confirmed that the required documents, such as the deed restriction and easements, have been recorded with the Santa Clara County Clerk.
- c. The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
- d. The approval must require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of the Milpitas Municipal Code.

4. ***Location Requirements.*** A two-unit project must satisfy each of the following requirements:

- a. *Subdivision Map Act compliance.* The lot must have been legally subdivided in compliance with the Subdivision Map Act.
- b. *Single-family residential zone.* The two-unit project shall be located in a single-family residential zone. The R1 Zone is the only single-family residential zone where a two-unit project may be located.
- c. *Lot location.* The two-unit project shall be located on a lot that conforms with the applicable requirements of Milpitas Municipal Code Section XI-1-31.04-4 (Lot Location).
- d. *Not historic.* The two-unit project shall be located on a lot that conforms with the applicable requirements of Milpitas Municipal Code Section XI-1-31.04-5 (Historic Properties).
- e. *No impact on protected housing.* The two-unit project shall be located on a lot that conforms with the applicable requirements of Milpitas Municipal Code Section XI-1-31.04-7 (No Impact on Protected Housing).

5. ***Residential Unit Standards.***

- a. *Quantity.*
 - (i) No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means a dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this Subsection, an ADU, or a JADU.
 - (ii) A lot that is not created by an urban lot split may have a two-unit project under this Subsection, plus any ADU or JADU that must be allowed in accordance with this Title and state law.

b. *Unit size.*

- (i) The total floor area of each primary dwelling that is developed on a resulting lot must be:
 - (a) Less than or equal to 800 square feet; and
 - (b) More than or equal to 500 square feet.
- (ii) A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of the urban lot split, and it may not be expanded.
- (iii) A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.

6. **Maximum Height.** The height of a two-unit project must comply with the R1 Zone building height standards.

7. **Setbacks.**

- a. *General setbacks.* All setbacks must conform to those objective setbacks that are imposed through the R1 Zone, except for the following:
 - (i) *Existing structures.* No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - (ii) *Minimum unit size.* The R1 Zone setbacks must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
- b. *Front setback area.* Dwellings constructed under this Subsection must be a minimum of 15 feet from the front property line. The front setback area must:
 - (i) Be kept free from any structure greater than three feet high;
 - (ii) Be at least 50 percent landscaped with drought-tolerant plants, as shown on a landscape plan consistent with Chapter C.4 (Landscaping Standards); and
 - (iii) Allow vehicular and fire-safety access to the front structure in compliance with Milpitas Municipal Code Title II (Building Regulations) and Title V (Public Health, Safety and Welfare).

8. **Parking.** Each new primary dwelling unit that is built on either an existing lot or a lot created through an urban lot split must have at least one off-street parking space per unit, except for the following:
 - a. *Proximity to transit.* No additional parking is required for any new primary dwelling unit located within one-half mile walking distance of:
 - (i) A corridor with fixed-route bus service or the intersection of two or more major bus routes with frequency of service intervals of 20 minutes or less during the morning and afternoon peak commute hours; or
 - (ii) A site that contains an existing rail or bus rapid transit station; or
 - b. *Proximity to car-share service.* No additional parking is required for a new primary dwelling unit located within one block of a car-share vehicle location.
9. **Design Standards.** The objective design standards applicable to a single-family dwelling consistent with Section C.10.210 (Single-Family Dwelling) and the underlying zone shall apply to two-unit projects.
10. **Landscaping.** The landscape standards applicable to a single-family dwelling and the underlying zone shall apply to two-unit projects.
11. **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected unless the nonconformity is allowed by this Subsection. See Subsection B.4.040.B.7 (Setbacks) above.
12. **Utilities.**
 - a. Each primary dwelling unit on an existing lot or the lots resulting from an urban lot split must have a separate direct water connection to the water service provider.
 - b. Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
13. **Building and Safety.** All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot and all structures to the City's current Building Code.
14. **Separate Conveyance.** Within a resulting lot, the following standards apply:
 - a. Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
 - b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
 - c. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
15. **Regulation of Uses.**
 - a. *Residential only.* Nonresidential uses, except for legal home-based businesses, are not permitted on any R1 Zone lot.

- b. *No Short-Term Rentals.* No dwelling unit located on a lot created by an urban lot split may be rented for a period of less than 30 days.
- 16. **Owner Occupancy.** The individual property owner of a lot with a two-unit project must occupy one of the dwellings on the lot as the owner's principal residence and legal domicile. Urban lot splits shall comply with owner occupancy requirements in California Government Code section 66411.7(g).
- 17. **Notice of Construction.**
 - a. At least 30 business days prior to starting any construction activities related to a structure on a lot created by an urban lot split, the property owner must provide written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - (i) Notice that construction has been authorized;
 - (ii) The estimated start and end dates for construction;
 - (iii) The hours of construction;
 - (iv) Contact information for the project manager (for construction-related issues); and
 - (v) Contact information for the City's Building Safety and Housing Department.
 - b. This notice requirement does not confer a right on the noticed persons or any others to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a two-unit project under this Chapter. This notice requirement is intended to foster neighborhood awareness and expectations.
- 18. **Deed Restriction.** The owner must record a deed restriction, acceptable to the City, that includes the following:
 - a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days;
 - b. Expressly prohibits any nonresidential use of the lots created by the urban lot split;
 - c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot; and
 - d. If the property was formed by an urban lot split, states that the property is subject to the City's urban lot split regulations, including all applicable limits on dwelling size and development.
- 19. **Specific Adverse Impacts.**
 - a. Without conflicting with any other provisions in this Subsection, the City may deny an application for a two-unit project if the Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on public health and safety and for which there is no

feasible method to satisfactorily mitigate or avoid the specific adverse impact, as defined in California Government Code section 65589.5(d)(2).

- b. "Specific adverse impact" has the same meaning as in California Government Code section 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include:
 - (i) Inconsistency with the zoning ordinance or general plan land use designation; or
 - (ii) The eligibility to claim a welfare exemption under California Revenue and Taxation Code section 214(g).
- c. The Building Official may consult with and be assisted by the Department and others as necessary in making a finding of specific, adverse impact.

20. **Remedies.** If a two-unit project violates any part of this Title or any other legal requirement:

- a. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
- b. The City may:
 - (i) Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - (ii) Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - (iii) Pursue criminal prosecution punishable by imprisonment in county jail or state prison for up to one year and/or a fine of up to \$10,000.00. Criminal prosecution may also be punishable by a misdemeanor.
 - (iv) Record a notice of violation.
 - (v) Withhold any or all future permits and approvals.
 - (vi) Pursue all other administrative, legal, or equitable remedies that are allowed by law or the Milpitas Municipal Code.

Chapter B.6 Commercial Zones and Standards

Sections:

- B.6.010 Purpose
- B.6.020 Commercial Zones Use Regulations
- B.6.030 Commercial Zones Development Standards
- B.6.040 Commercial Zones Supplemental Standards

B.6.010 Purpose

- A. **Administrative and Professional Office (CO) Zone.** The Administrative and Professional Office (CO) Zone is intended to provide areas for medical, business, and professional offices, and medical and dental clinics.
- B. **Neighborhood Commercial (C1) Zone.** The Neighborhood Commercial (C1 Zone) is intended to provide for general commercial needs of neighborhood areas, primarily providing for day-to-day shopping needs, and to promote stable, attractive commercial development that complements the essential residential character of the neighborhood.
- C. **General Commercial (C2) Zone.** The General Commercial (C2 Zone) is intended to provide for general commercial needs of the community and includes areas with major commercial shopping centers and a wide range of commercial uses. The C2 Zone is also intended to promote stable, attractive commercial development, and while being primarily oriented to customers traveling via automobile, is intended to be accessible and designed to attract customers using all modes of transportation (e.g. pedestrians, bicyclists, transit users, etc.).
- D. **Highway Services (HS) Zone.** The Highway Services (HS Zone) is intended to provide for retail, commercial, service, transient residential uses, and other uses proximate to highways and major thoroughfares and primarily depended on highway travel.

B.6.020 Commercial Zones Use Regulations

- A. Table B.6.020-A (Commercial Zones Use Regulations) sets the land use regulations for commercial zones. Land uses are defined in Chapter E.4 (Definitions of Uses). In cases where a land use is not listed in the table, the Director shall make a determination regarding similar use consistent with Subsection A.4.020.G (Determination of Similar Use).
- B. Land uses not listed in the table and not substantially like the uses below are prohibited unless the Planning Commission approves a Conditional Use Permit consistent with Subsection D.4.030 (Use Permits) and finds that use will not have adverse impacts or be more detrimental to the public welfare than any other use explicitly, with or without a Conditional Use Permit, in the same zone.

- C. All uses shall be conducted entirely within enclosed structures, unless specifically noted or otherwise approved by the Director or Review Authority.

Table B.6.020-A: Commercial Zones Use Regulations					
“P” = Permitted Use “MC” = Minor Conditional Use Permit approved by Zoning Administrator required “MCS” = Minor Conditional Use Permit approved by Director required “C” = Conditional Use Permit required “-” = Not Allowed					
Use	CO	C1	C2	HS	Additional Regulations
Commercial Uses					
Adult-Oriented Business	-	-	-	MCS	C.10.040 (Adult-Oriented Businesses)
Animal Care and Services					
Kennel	-	-	C	-	Milpitas Municipal Code Section V-210-11 (Permits for Animal Facilities and Animal Adoption Organizations)
Pet Day Care and Sales	-	P	P	P	
Veterinary Clinic	C	P	P	P	
Veterinary Hospital or Services	-	C	P	P	
Commissary or Catering	P	P	P	P	n/a
Drive-Through Facility	-	C	C	C	Section C.10.090 (Drive-Through Facilities)
Eating and Drinking Establishment					
Bar or Nightclub	-	-	C	C	Section C.10.100 (Eating and Drinking Establishments)
Microbreweries	-	-	MC	MC	
Mobile Food Park	MCS	MCS	MCS	MCS	Section C.10.170 (Mobile Food Vending)
Mobile Food Vending (Individual Vehicle)	P	P	P	P	
Restaurant					
Restaurant, Full Service	C ¹	P	P	P	Section C.10.100 (Eating and Drinking Establishments)
Restaurant, Limited Service	C	P	P	P	
Restaurant with Alcohol Service	-	MC	MC	MC	
Entertainment and Recreation, Commercial					
Commercial Athletic Facility	-	C	MCS	MCS	n/a
Indoor Entertainment	-	-	P	P	n/a
Indoor Sports and Recreation	-	C	P	P	n/a
Outdoor Entertainment	-	-	C	C	n/a
Outdoor Sports and Recreation	-	C	C	C	n/a

Table B.6.020-A: Commercial Zones Use Regulations

“P” = Permitted Use | “MC” = Minor Conditional Use Permit approved by Zoning Administrator required | “MCS” = Minor Conditional Use Permit approved by Director required | “C” = Conditional Use Permit required | “-” = Not Allowed

Use	CO	C1	C2	HS	Additional Regulations
Bank and Credit Union	P	P	P	P	n/a
Check Cashing Business	-	-	MCS	MCS	n/a
Pawnbroker	-	-	MCS	MCS	n/a
Food and Beverage Retail Sales					
Alcoholic Beverage Sales	C ¹	C	C	C	n/a
Convenience Store	-	C	C	C	n/a
Grocery Store, Large	-	P	P	p	n/a
Grocery Store, Small	-	P	P	p	n/a
Home Occupation	-	-	-	P	Section C.10.130 (Home Occupations)
Hospital	C	-	C	C	n/a
Lodging					
Hotel	-	-	P	P	n/a
Motel	-	-	C	P	n/a
Medical Support Laboratory	P	C	C	C	n/a
Offices					
Business and Professional Office	P	p	p	p	n/a
Medical Office/Clinic	P	P	P	-	n/a
Retail					
Firearms Dealer	-	-	C	C	n/a
Large Format Retail	-	-	P	P	n/a
Nursery and Garden Center	-	-	P	P	n/a
Retail, Limited	MCS	P	P	P	n/a
Retail Store, General Merchandise	-	P	P	p	n/a
Smoke/Tobacco Shop	-	C	C	C	n/a
Services					
Business Support Services	-	-	P	P	n/a
Maintenance and Repair Services	-	-	P	P	n/a
Massage Establishment	-	-	MC	MC	Section C.10.160 (Massage Establishments)
Massage Establishment, Accessory	-	-	MCS	MCS	
Personal Services ²	-	P	P	P	n/a

Table B.6.020-A: Commercial Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	CO	C1	C2	HS	Additional Regulations
Repair/Cleaning/General Services, Small	-	P	P	P	n/a
Vehicle-Related Uses					
Auto Broker	MCS	MCS	MCS	-	Section C.10.070 (Auto Broker)
Commercial Fueling Facility	-	-	-	C	n/a
Fleet-Based Service	-	-	MCS	P	n/a
Mobile Fueling ³	P/-	P/-	P/-	P/-	Milpitas Municipal Code Chapter V-300 (Fire Code)
Service Station	C	C	P	P	Section C.10.190 (Service Stations and Car Washes)
Vehicle Rental	-	-	P	P	n/a
Vehicle Repair and Maintenance					
Major	-	-	C	MCS	n/a
Minor	-	-	MCS	P	n/a
Vehicle Sales, Limited	-	-	MCS	-	n/a
Vehicle Sales and Leasing	-	-	C	C	n/a
Vehicle Washing	-	-	C	C	Section C.10.190 (Service Stations and Car Washes)
Industrial Uses					
Custom and Artisan Manufacturing	-	-	MCS	-	n/a
Data Center	C	-	-	-	n/a
Mini-Storage or Self-Storage	-	-	C	C	n/a
Recycling Facility					
Collection Facility	-	-	MCS	P	n/a
Public, Institutional, and Recreational Uses					
Child Care					
Child Care Center	MC	MC	MC	MC	Section C.10.140 (Large Family Child Care and Child Care Centers)
Civic/Government	P	P	P	-	n/a
Community Assembly					
Major	C	C	C	C	n/a
Minor	P	P	P	p	n/a

Table B.6.020-A: Commercial Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	CO	C1	C2	HS	Additional Regulations
Community Garden	P	P	P	P	n/a
Educational Institution					
Trade and Vocational School	C	-	P	P	n/a
Farmers' Market	-	MCS	MCS	MCS	Section C.10.120 (Farmers' Markets)
Funeral Parlor and Mortuary	-	-	C	C	n/a
Instruction Services					
Group	MCS	MCS	MCS	MCS	n/a
Private/Small Group	P	P	P	P	n/a
Library/Museum	-	P	P	-	n/a
Park/Playground	P	P	P	P	n/a
Public Utility	-	-	-	C	n/a
Resilience Hub	P	P	P	-	See Subsection C.10.230.D.6 regarding Temporary Resilience Hubs.
Transportation Passenger Terminal/Facility	-	-	C	C	n/a
Wireless Telecommunications Facility	See Section C.10.240 (Wireless Telecommunications Facilities).				
Residential Uses					
Emergency Shelter	-	-	P	P	Section C.10.110 (Emergency Shelters)
Single-Room Occupancy Residences	-	-	-	C	Section C.10.220 (Single Room Occupancy Residences)
Unclassified Uses					
Accessory Use	P	P	P	P	n/a
Parking Lot ⁴	MCS	MCS	MCS	P	n/a
Parking Structure ⁴	C	C	MCS	P	n/a
Temporary Use	See Section C.10.230 (Temporary Uses and Structures)				

Table Notes:

¹ When intended to serve the occupants and patrons of the primary use and conducted from within the building. Entrance to the use must be provided internally or within the building, and no exterior display of advertising is allowed.

² When located on the ground floor, retail sales of products related to the personal services provided must be offered at the front of the premises near the pedestrian entrance and must comprise at least 10% of the floor area of the business establishment.

³ Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles is not permitted.

⁴ Applies to parking lots or structures that are primary uses, as defined in Part XIII-E (Definitions).

B.6.030 Commercial Zones Development Standards

Table B.6.030-A (Commercial Zones Development Standards) establishes the development standards for commercial zones.

Table B.6.030-A: Commercial Zones Development Standards				
ft = feet sf = square feet du = dwelling unit FAR = floor area ratio n/a = not applicable				
Standard	CO	C1	C2	HS
Lot Area, min.	n/a	n/a	10,000 sf	Fronting major street: 1.5 acres Fronting all other streets: 20,000 sf
Lot Width, min.	n/a	n/a	100 ft	Fronting major street: 250 ft Fronting all other streets: 125 ft
Density (du/gross acre) ¹	n/a	n/a	n/a	n/a
Setbacks, min. (ft)				
Front	10	0	0	Major street: 50 All other streets: 0
Interior side	10	0; 15 when abutting a residential zone	0; 15 when abutting a residential zone	0; 15 when abutting a residential zone
Street side	10	0	0	0
Rear	10 ft; when abutting a residential zone, not less than the residential zone's required setback	0; 15 when abutting a residential zone	0; 15 when abutting a residential zone	0; 15 when abutting a residential zone
FAR, max.	0.5	0.75	0.5	0.5
Primary Building Height, max.	35 ft; 3 stories ²	35 ft; 3 stories ²	35 ft; 3 stories ^{2, 3, 4}	35 ft; 3 stories ^{2, 3}
Accessory Building Height, max.	25 ft; 2 stories ²	25 ft; 2 stories ²	30 ft; 2.5 stories ²	30 ft; 2.5 stories ²
Usable Open Space				

Table B.6.030-A: Commercial Zones Development Standards

ft = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | n/a = not applicable

Standard	CO	C1	C2	HS
Per dwelling unit	n/a	n/a	n/a	n/a
Per site	n/a	n/a	n/a	n/a

Table Notes:

¹ When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.

² Height must comply with standards for both height in feet and number of stories.

³ For property within 500 ft of the R1 or R2 zones, maximum height shall be limited to 30 ft and 2.5 stories.

⁴ The Planning Commission may allow building height up to 75 ft or 6 stories with Site Development Permit approval consistent with Subsection D.4.020 (Site Development Permits) provided that the fourth floor and above are stepped-back from the ground-floor street-facing building façade by a minimum of 8 ft. In deciding whether to grant additional building height, the Planning Commission shall consider site conditions, design elements, and other factors including but not limited to: width of abutting right-of-way; proximity of the site to R1, R2, and R3 zones; building setbacks in relation to proposed building height above 35 ft; and upper story step-backs.

B.6.040 Commercial Zones Supplemental Standards

Reserved.

Chapter B.8 Mixed Use Zones and Standards

Sections:

- B.8.010 Purpose
- B.8.020 Mixed Use Zones Use Regulations
- B.8.030 Mixed Use Zones Development Standards
- B.8.040 Mixed Use Zones Supplemental Standards

B.8.010 Purpose

- A. **Mixed Use (MXD) Zone.** The Mixed Use (MXD) Zone is intended to encourage a compatible mix of residential, retail, entertainment, office, and commercial service uses within a pedestrian-oriented streetscape.
- B. **Very High Density Mixed Use (MXD3) Zone.** The Very High Density Mixed Use (MXD3) Zone is intended to provide very-high density housing, retail, and employment uses.
- C. **Neighborhood Commercial Mixed Use (NCMU) Zone.** The Neighborhood Commercial Mixed Use (NCMU) Zone is intended to encourage a compatible mix of residential, retail, entertainment, office, and commercial uses. It is intended that the neighborhood-serving active uses such as grocery stores, retail, restaurants, and personal services at key locations on the ground level will help create a pedestrian-oriented streetscape and public spaces. The NCMU Zone is divided into three subdistricts:
 - 1. NCMU1 allows commercial or mixed use development with the primary function as a commercial center to provide goods and services to the immediate neighborhood. The mix of uses may be vertical or horizontal.
 - 2. NCMU2 allows commercial or mixed use development with some active commercial storefronts along the street frontages.
 - 3. NCMU3 allows commercial, mixed use, or residential only development with no minimum commercial FAR. NCMU3 includes parcels that are less suitable for commercial use, such as those located on secondary streets, lacking street frontages, or adjacent to residential zones.
- D. **Town Center (TC) Zone.** The Town Center (TC) Zone is intended to provide for an area that supports a wide range of administrative, business, entertainment, dining, and cultural activities, along with some residential uses, in the geographic center of Milpitas to suit the varying lifestyles of residents and visitors alike. The area is easily accessible via the city's transportation network. The TC Zone is divided into three subdistricts:
 - 1. TC1 allows commercial or mixed use development with the primary function as a commercial center to provide goods and services to the immediate neighborhood and larger community. The mix of uses may be vertical or horizontal.
 - 2. TC2 allows commercial or mixed use development with active commercial storefronts along the street frontages.
 - 3. TC3 allows commercial, mixed use or residential only development with no minimum commercial FAR. TC3 includes parcels that are less suitable for retail uses, such as those located on secondary streets, lacking street frontages, or adjacent to residential zones.

B.8.020 Mixed Use Zones Use Regulations

- A. Table B.8.020-A (Mixed Use Zones Use Regulations) sets the land use regulations for mixed use zones. Land uses are defined in Chapter E.4 (Definitions of Uses). In cases where a land use is not listed in the table, the Director shall make a determination regarding similar use consistent with Subsection A.4.020.G (Determination of Similar Use).
- B. Land uses not listed in the table and not substantially like the uses below are prohibited unless the Planning Commission approves a Conditional Use Permit consistent with Subsection D.4.030 (Use Permits) and finds that use will not have adverse impacts or be more detrimental to the public welfare than any other use explicitly, with or without a Conditional Use Permit, in the same zone.
- C. All uses shall be conducted entirely within enclosed structures, unless specifically noted or otherwise approved by the Director or Review Authority.

Table B.8.020-A: Mixed Use Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	MXD	MXD3	NCMU 1, 2, 3	TC 1, 2, 3	Additional Regulations
Commercial Uses					
Animal Care and Services					
Pet Day Care and Sales	MCS	MCS	-	P	Milpitas Municipal Code Section V-210-11 (Permits for Animal Facilities and Animal Adoption Organizations)
Veterinary Clinic	P	P	-	P	
Commissary or Catering	MCS	MCS	-	P	n/a
Drive-Through Facility	-	-	-	C	Section C.10.090 (Drive-Through Facilities)
Eating and Drinking Establishment					
Bar or Nightclub	C	C	C	C	Section C.10.100 (Eating and Drinking Establishments)
Microbreweries	MC	MC	MC	MC	
Mobile Food Park	MCS	MCS	-	MC	Section C.10.170 (Mobile Food Vending)
Mobile Food Vending (Individual Vehicle)	P	P	P	P	
Restaurant					
Restaurant, Full Service	P	P	P	P	Section C.10.100 (Eating and Drinking Establishments)
Restaurant, Limited Service	P	P	P	P	
Restaurant with Alcohol Service	P	P	P	P	
Entertainment and Recreation, Commercial					
Commercial Athletic Facility	P	P	MCS ¹ / P	P	n/a
Indoor Entertainment	C	C	C	C	n/a

Table B.8.020-A: Mixed Use Zones Use Regulations

“P” = Permitted Use | “MC” = Minor Conditional Use Permit approved by Zoning Administrator required | “MCS” = Minor Conditional Use Permit approved by Director required | “C” = Conditional Use Permit required | “-” = Not Allowed

Use	MXD	MXD3	NCMU 1, 2, 3	TC 1, 2, 3	Additional Regulations
Indoor Sports and Recreation	C	C	C	C	n/a
Outdoor Entertainment	C	C	C	C	n/a
Outdoor Sports and Recreation	C	C	C	C	n/a
Financial Institution					
Bank and Credit Union	P	P	P	P	n/a
Check Cashing Business	MCS	MCS	-	-	n/a
Pawnbroker	C ²	C ²	-	-	n/a
Food and Beverage Retail Sales					
Alcoholic Beverage Sales	C	C	C	C	n/a
Convenience Store	MCS	MCS	MCS	MCS	n/a
Grocery Store, Large	MCS	MCS	C ³	C ³	n/a
Grocery Store, Small	P	P	P ³	P ³	n/a
Home Occupation	P	P	P	P	Section C.10.130 (Home Occupations)
Hospital	C ²	C ²	-	C	n/a
Lodging					
Bed and Breakfast	P	P	-	-	n/a
Hotel	P	P	C	P	n/a
Motel	P	P	-	-	n/a
Short-Term Rental	See C.10.190 (Short-Term Rentals)				
Medical Support Laboratory	P	P	-	C	n/a
Office					
Business and Professional Office	P ⁴	P ⁴	C	P	n/a
Medical Office/Clinic	P	P	P / MCS ⁵	P	n/a
Retail					
Large Format Retail	C	C	-	C	n/a
Retail, Limited	P ⁴	P ⁴	P	P	n/a
Retail Store, General Merchandise	P ⁴	P ⁴	P	P	n/a
Smoke/Tobacco Shop	-	-	C	C	n/a
Services					
Business Support Services	P ⁴	MCS ⁴	MCS	MC	n/a

Table B.8.020-A: Mixed Use Zones Use Regulations

“P” = Permitted Use | “MC” = Minor Conditional Use Permit approved by Zoning Administrator required | “MCS” = Minor Conditional Use Permit approved by Director required | “C” = Conditional Use Permit required | “-” = Not Allowed

Use	MXD	MXD3	NCMU 1, 2, 3	TC 1, 2, 3	Additional Regulations
Massage Establishment	MC	MC	MC	MC	Milpitas Municipal Code III-6 (Massage Establishments and Practitioners); Section C.10.160 (Massage Establishments)
Massage Establishment, Accessory	MCS	MCS	MCS	MCS	
Personal Services ⁶	P ⁴	P ⁴	P	P	n/a
Repair/Cleaning/General Services, Small	P ⁴	P ⁴	MC	P	n/a
Vehicle-Related Uses					
Auto Broker	MCS	MCS	-	MCS	Section C.10.070 (Auto Broker)
Fleet-Based Service	-	-	-	C	n/a
Mobile Fueling	P/- ⁷	P/- ⁷	P/- ⁷	P/- ⁷	Milpitas Municipal Code Chapter V-300 (Fire Code)
Service Station	C	C	-	C	Section C.10.190 (Service Stations and Car Washes)
Vehicle Rental ⁸	MCS	MCS	-	-	n/a
Vehicle Sales, Limited	MCS	MCS	-	MCS	n/a
Vehicle Sales and Leasing ⁸	C	C	-	-	n/a
Industrial & Research and Development Uses					
Custom and Artisan Manufacturing	MCS	MCS	MCS	MCS	n/a
Public, Institutional, and Recreational Uses					
Child Care					
Child Care Center	MC	MC	C	C	Section C.10.140 (Large Family Child Care and Child Care Centers)
Large Family Child Care Home	P	P	P	P	Section C.10.140 (Large Family Child Care and Child Care Centers)
Small Family Child Care Home	P	P	P	P	n/a
Community Assembly					
Major ⁹	C ²	C ²	C	C	n/a
Minor ⁹	MCS ²	MCS ²	MC	MC	n/a
Community Garden	P	P	P	P	n/a
Educational Institutions					

Table B.8.020-A: Mixed Use Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	MXD	MXD3	NCMU 1, 2, 3	TC 1, 2, 3	Additional Regulations
College/University, Private	C ²	C ²	-	C	n/a
School, Private	C ²	C ²	C	C	
Trade and Vocational School	C ^{2, 10}	C ^{2, 10}	-	C	n/a
Farmers’ Market	MCS	MCS	MC	MC	Section C.10.120 (Farmers’ Market)
Instruction Services					
Group	P	-	P	P	n/a
Private/Small Group	P	P	P	P	n/a
Park/Playground	P	P	P	P	n/a
Public Utility	C	C	C	C	n/a
Resilience Hub	P	P	P	P	See Subsection C.10.230.D.6 regarding Temporary Resilience Hubs.
Transportation Passenger Terminal/Facility	C	C	-	C	n/a
Wireless Telecommunications Facility	See Section C.10.240 (Wireless Telecommunications Facilities)				
Residential Uses					
Accessory Dwelling Unit and Junior Accessory Dwelling Unit	P	P	P	P	Section C.10.030 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
Boarding House	C	C	C	C	n/a
Court Dwelling	P	P	-	-	n/a
Elderly and Long-Term Care	MC	MC	MC	MC	n/a
Emergency Shelter	-	P	-	-	Section C.10.110 (Emergency Shelters)
Group Living Accommodation	C	C	C	C	n/a
Live-Work Unit	MCS	MCS	MCS	MCS	Section C.10.150 (Live-Work Units)
Low Barrier Navigation Center	P	P	-	-	California Government Code § 65660
Multi-Family Dwelling	P	P	P ¹¹	P	n/a
Residential Care Facility	P	P	P	P	n/a
Single-Room Occupancy Residences	P	P	P	P	Section C.10.220 (Single Room Occupancy Residences)

Table B.8.020-A: Mixed Use Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	MXD	MXD3	NCMU 1, 2, 3	TC 1, 2, 3	Additional Regulations
Supportive Housing	P	P	P ¹¹	P	California Government Code § 65582
Transitional Housing	P	P	P ¹¹	P	California Government Code § 65582
Unclassified Uses					
Accessory Use	P	P	P	P	n/a
Parking Lot ¹²	MCS	MCS	-	-	n/a
Parking Structure ¹²	MCS	MCS	MCS	MCS	n/a
Temporary Use	See Section C.10.230 (Temporary Uses and Structures)				

Table Notes:

¹ Commercial athletic facilities may be permitted with approval of a Minor Conditional Use Permit (Director level) in the NCMU1 subzone, in accordance with Subsection D.4.030 (Use Permits), and are permitted in the NCMU2 and NCMU3 subzones.

² These uses shall not be located within 1,000 ft of the same use.

³ In the NCMU and TC zones only, small grocery stores up to 15,000 square feet are permitted and grocery stores exceeding 15,000 square feet may be permitted subject to approval of a Conditional Use Permit consistent with Subsection D.4.030 (Use Permits). In all other zones, small and large grocery stores are defined and permitted according to the size thresholds stated in Chapter E.4 (Definitions of Uses).

⁴ These uses may be allowed provided they are: no more than 10,000 sf in gross floor area if located on the ground floor and are not open past 10:00 p.m.

⁵ Medical offices and clinics are permitted in the NCMU Zones when located on upper floors, and may be permitted with approval of a Minor Conditional Use Permit (Director level) in accordance with Subsection D.4.030 (Use Permits) when located on the ground floor.

⁶ When located on the ground floor, retail sales of products related to the personal services provided shall be offered at the front of the premises near the pedestrian entrance and shall comprise at least 10% of the floor area of the business establishment.

⁷ Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles is not permitted.

⁸ Excluding long-term parking and storage of vehicles for rent, sale, or lease, must be fully enclosed within a building.

⁹ Churches and religious institutions are permitted in any location within the MXD, MXD3, NCMU, and TC Zones.

¹⁰ Trade and vocational schools may be permitted subject to approval of a Conditional Use Permit consistent with Subsection D.4.030 (Use Permits), provided that they are not found objectionable due to noise, odor, vibration or other similar factors related to health, safety and welfare.

¹¹ Spaces serving upper-floor residential uses, such as common gathering space, lobby, and resident services, may be allowed as ground floor uses where residential uses would otherwise not be permitted.

¹² Applies to parking lots or structures that are primary uses, as defined in Part XIII-E (Definitions).

B.8.030 Mixed Use Zones Development Standards

Table B.8.030-A (MXD and MXD3 Zone Development Standards) establishes the development standards for the MXD zones. Table B.8.030-B (NCMU Zone Development Standards) establishes the development standards for the NCMU zones. Table B.8.030-C (TC Zone Development Standards) establishes the development standards for the TC zones.

Table B.8.030-A: MXD and MXD3 Zone Development Standards		
ft = feet sf = square feet du = dwelling unit FAR = floor area ratio n/a = not applicable		
Standard	MXD	MXD3
Lot Area, min.	n/a	n/a
Lot Width, min.	n/a	n/a
Residential Density (du/gross acre) ¹	Min.: 21 ² Max.: 30	Min.: 41 ³ Max.: 75 ³
Setbacks (ft) ^{4, 5}		
Front	Min.: 8 Max.: 15 from back of sidewalk ⁶	Min.: 12 Max.: 20
Interior side	Ground Level Commercial Area, min.: 0 All other areas, min.: 10	Min.: 10; 15 when abutting a residential zone; 20 for portions of buildings over 60 ft or four stories tall
Street side	Min.: 8 Max.: 15 from back of sidewalk ⁶	Min.: 12 Max.: 20
Rear	Min.: 10	Min.: 15; 20 when abutting a residential zone; 30 for portions of buildings over 60 ft or four stories tall
FAR, max. ⁷	0.75 for nonresidential and mixed-use projects	1.5 for nonresidential and mixed-use projects ^{8, 9}
Primary Building Height, max.	45 ft; 3 stories ¹⁰	150 ft; 12 stories ^{10, 11}
Accessory Building Height, max.	25 ft; 2 stories ¹⁰	30 ft; 2.5 stories ¹⁰
Usable Open Space ¹²		
Per dwelling unit	See Milpitas Residential and Mixed-Use Objective Design Standards	See Milpitas Residential and Mixed-Use Objective Design Standards
Per site ¹³	25%	25%

Table Notes:

¹ When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.

² The minimum density may be reduced for parcels less than 20,000 sf if the Review Authority finds that it is impractical or infeasible to achieve the minimum density and the project is consistent with the City's Housing Element.

³ Density may be averaged over contiguous parcels. Units with four bedrooms shall be counted as 1.5 units when calculating density.

⁴ Where a public easement prevents a building from being located at its required minimum or maximum setbacks, the building shall be located as close to the back of the easement as possible.

⁵ A building's first floor may be recessed from the maximum front and/or street side setback line for the purposes of an arcade, or a small gathering/dining or special entry area. An arcade shall have a minimum height of 8 ft and a minimum width of 8 ft. Other recessed areas may have maximum depth of 10 ft and may not exceed 40% of the building's street facing elevation. An entry door area up to 9 ft wide may be recessed up to 4 ft from the back of the sidewalk.

⁶ The sidewalk shall be based on either existing sidewalk or an assumed 10-ft wide sidewalk, whichever is wider.

⁷ Retail, restaurant, childcare, or commercial services uses on the ground floor do not count toward the FAR calculation.

⁸ An FAR of up to 2.5 for nonresidential buildings may be approved by the Review Authority with a Site Development Permit, in compliance with Subsection D.4.020 (Site Development Permits).

⁹ There are no FAR or density limits for hotels.

¹⁰ Height must comply with standards for both height in feet and number of stories.

¹¹ The Planning Commission may allow building height up to 20 stories with Site Development Permit approval consistent with Subsection D.4.020 (Site Development Permits).

¹² Usable open space may be satisfied through a combination of private open space, common open space, and/or publicly accessible open space provided that all applicable minimum requirements and standards for each open space type are complied with (see Milpitas Residential and Mixed-Use Objective Design Standards).

¹³ Per site requirements may also include areas that are landscaped consistent with Chapter C.4 (Landscaping Standards).

Table B.8.030-B: NCMU Zone Development Standards			
ft = feet sf = square feet du = dwelling unit FAR = floor area ratio n/a = not applicable			
Standard	NCMU1	NCMU2	NCMU3
Lot Area, min.	n/a	n/a	n/a
Residential Density (du/gross acre) ^{1, 2}	Max.: 60	Max.: 60	Min.: 30 ³ Max.: 60 ³
Setbacks (ft) ⁴			
Front and street side, min.	Residential: 10 Commercial: 0	Residential: 10 Commercial: 0	Residential: 10 Commercial: 0
Interior side, min. ⁵	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 25	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 25	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 25
Rear, min. ⁵	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 25	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 25	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 25

Table B.8.030-B: NCMU Zone Development Standards

ft = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | n/a = not applicable

Standard	NCMU1	NCMU2	NCMU3
FAR, Non-Residential and Mixed Use Projects ⁶	No min. for commercial only projects. 0.20 min. commercial for mixed use projects. Minimum FAR may be calculated or distributed throughout a development and across multiple adjoining parcels. 0.50 max. Maximum FAR does not apply to hotels.	No min. for commercial only projects. 0.10 min. commercial for first 100 feet of parcel depth fronting a public street for mixed-use projects. <i>Note:</i> Minimum commercial FAR may be calculated or distributed throughout a development and across multiple adjoining parcels and is not required to be located within the first 100 feet of parcel depth. 0.50 max. Maximum FAR does not apply to hotels.	No min. for commercial only projects. 0.50 max. Maximum FAR does not apply to hotels.
Primary Building Height, max. ⁷	60 ft and 5 stories	60 ft or 5 stories	60 ft or 5 stories
Accessory Building Height, max. ⁷	25 ft and 2 stories	25 ft and 2 stories	25 ft and 2 stories
Usable Open Space			
Per dwelling unit	See Milpitas Residential and Mixed-Use Objective Design Standards		
Per site	See section B.8.040.G.		

Table Notes:

¹ Residential units with four bedrooms shall be counted as 1.5 units when calculating density.

² When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.

³ For NCMU3 properties, density may be averaged over contiguous parcels.

⁴ Where a public easement prevents a building from being located at its required minimum or maximum setbacks, the building shall be located as close to the back of the easement as possible.

⁵ To mitigate the effects of adjacent service commercial or light industrial uses, increased setbacks and other measures, such as a solid six-foot fence or masonry wall, shall be considered on a case by case basis by the Review Authority during the Site Development Permit process, taking into consideration the nature of adjacent uses.

⁶ Redevelopment of an existing commercial property to include new residential uses shall calculate the minimum commercial FAR upon the redeveloped portion of the property only. The Review Authority shall have discretion to give credit to any retained commercial uses on the same parcel or adjacent parcels under common ownership when calculating the required minimum FAR.

⁷ Height must comply with standards for both height in feet and number of stories.

Table B.8.030-C: TC Zone Development Standards

ft = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | n/a = not applicable

Standard	TC1	TC2	TC3
Lot Area, min.	n/a	n/a	n/a
Residential Density (du/gross acre) ^{1, 2}	Max.: 65	Max.: 65	Min.: 30 ³ Max: 65 ³
Setbacks (ft) ⁴			
Front and street side, min.	For ground floor non-residential use: 15 For ground floor residential use: 20 For developments along E. Calaveras Blvd: 35	For ground floor non-residential use: 15 For ground floor residential use: 20 For developments along E. Calaveras Blvd: 35	For ground floor non-residential use: 15 For ground floor residential use: 20 For developments along E. Calaveras Blvd: 35
Interior side, min. ⁵	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single-family residential zone: 15	For residential only and mixed-use developments: 10 For all other non- residential developments: None required For residential only and mixed-use developments: 15	For residential only and mixed-use developments: 10 For all other non- residential developments: None required For residential only and mixed-use developments: 15
Rear, min. ⁵	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 15	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 15	For residential only and mixed-use developments: 10 For all other non- residential developments: None required On lots abutting a single- family residential zone: 15
FAR, Non-Residential and Mixed Use Projects ⁶	No min. for commercial only projects. 0.35 min. commercial for mixed use projects. Minimum FAR may be calculated or distributed throughout a development and across multiple adjoining parcels. 0.85 max. Maximum FAR does not apply to hotels.	No min. for commercial only projects. 0.10 min. commercial for first 100 feet of parcel depth fronting a public street for mixed-use projects. <i>Note:</i> Minimum commercial FAR may be calculated or distributed throughout a development and across multiple adjoining parcels and is not required to be located within the first 100 feet of parcel depth. 0.85 max. Maximum FAR does not apply to hotels.	No min. for commercial only projects. 0.85 max. Maximum FAR does not apply to hotels.
Primary Building Height, max. ⁷	75 ft and 6 stories	75 ft and 6 stories	75 ft and 6 stories

Table B.8.030-C: TC Zone Development Standards

ft = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | n/a = not applicable

Standard	TC1	TC2	TC3
Accessory Building Height, max. ⁷	25 ft and 2 stories	25 ft and 2 stories	25 ft and 2 stories
Usable Open Space			
Per dwelling unit	See Milpitas Residential and Mixed-Use Objective Design Standards		
Per site	See section B.8.040.G.		

Table Notes:

¹ Residential units with four bedrooms shall be counted as 1.5 units when calculating density.

² When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.

³ For TC3 properties, density may be averaged over contiguous parcels.

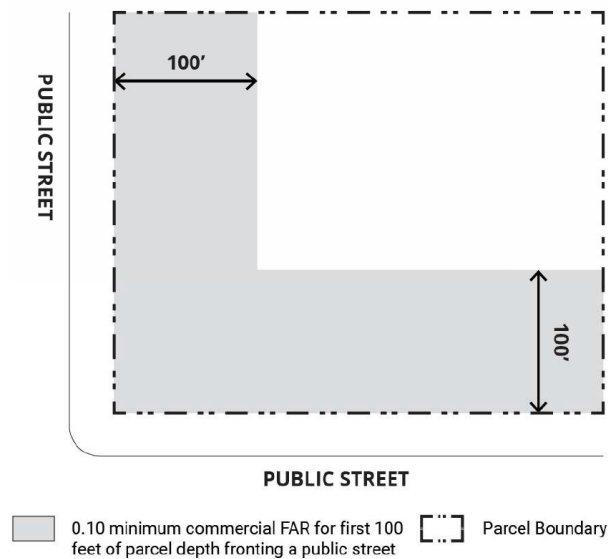
⁴ Where a public easement prevents a building from being located at its required minimum or maximum setbacks, the building shall be located as close to the back of the easement as possible.

⁵ To mitigate the effects of adjacent service commercial or light industrial uses, increased setbacks and other measures, such as a solid six-foot fence or masonry wall, shall be considered on a case by case basis by the Review Authority during the Site Development Permit process, taking into consideration the nature of adjacent uses.

⁶ Redevelopment of an existing commercial property to include new residential uses shall calculate the minimum commercial FAR upon the redeveloped portion of the property only. The Review Authority shall have discretion to give credit to any retained commercial uses on the same parcel or adjacent parcels under common ownership when calculating the required minimum FAR.

⁷ Height must comply with standards for both height in feet and number of stories.

NCMU2 and TC2 Minimum Commercial Floor Area Diagram



B.8.040 Mixed Use Zones Supplemental Standards

- A. **Building Orientation.** All buildings shall be oriented towards the street. Primary building entrances shall be oriented toward the street. For buildings located on corner lots, primary building entrances may be oriented toward either street.
- B. **Front and Street Side Setbacks.**
 - 1. Trellises, canopies, and fabric awnings may project up to five feet into minimum front and street side setback areas and public rights-of-way, provided they are not less than eight feet above the sidewalk.
 - 2. In the MXD Zone, balconies, bay windows, porches, stoops, trellises, canopies, and awnings may project into the minimum setback areas provided at least 60 percent of the required setback area is landscaping.
- C. **Landscaping.** All required front and street setback areas shall be landscaped or paved to allow for outdoor seating, display of goods, or street furniture.
- D. **Utilities.**
 - 1. Utilities shall be placed in underground or subsurface conduits consistent with Section C.2.150 (Underground Utilities).
 - 2. Utilities shall be screened consistent with Subsection C.2.140.D (Equipment Screening).
 - 3. Public utility distribution meters, vaults and similar installations shall be consolidated in a single area whenever possible and located away from highly visible areas such as street corners and public open spaces.
 - 4. Backflow preventors shall be located within landscaped setback areas and painted black or dark green to minimize visual impact. Where no landscaped setback areas exist the backflow preventors shall be incorporated into the front of the building to minimize visual obtrusiveness.
 - 5. Refuse and recycling containers shall not be visible from a public or private street. Such containers shall be stored either within the parking facility of the building or within a vehicular accessway with screening designed to meet the requirements of this Subsection.
 - 6. Trash enclosure walls shall incorporate building materials and colors that match the architecture of the building and be well landscaped.
 - 7. All telecommunications antennas shall be building facade or roof mounted and screened consistent with Subsection C.2.140.D (Equipment Screening).
 - 8. On Main Street only telecommunication facilities that are disguised to appear as a part of the building architecture (i.e., "stealth" antennas) may be used.
- E. **TC Zone Setbacks for Residential Projects.** Setbacks for residential projects in the TC Zone shall be determined through a Site Development Permit, except for the Calaveras Boulevard setback.
- F. **Mixed Use and Residential-Only Development Projects in the NCMU and TC zones.**
 - 1. Mixed use developments in the NCMU and TC zones shall provide commercial or active spaces designed to accommodate neighborhood-serving commercial uses at the ground level, and may include residential units. A proposed project in NCMU1, NCMU2, TC1, and TC2 shall include a minimum non-residential component in full compliance with the requirements of

its zoning district as defined in section 11-10-6.04 Mixed Use Zone General Development Standards.

2. 100% affordable developments in NCMU1, NCMU2, TC1, and TC2 are exempt from the minimum non-residential requirement.
 - a. 100 percent of the residential units must be affordable to low-income (earning up to 80 percent of area median income) and/or very low income (earning up to 50 percent of area median income) households, as defined by the U.S. Department of Housing and Urban Development.
 - b. Affordability requirements shall be administered through a deed restriction, such as a restrictive covenant or other legally enforceable recorded instrument, for a minimum term of 55 years.

G. Park Land and Open Space Requirements for NCMU and TC Zones.

1. Park Land. All residential projects shall provide park land at a ratio of three and one-half (3.5) acres per 1,000 population.
 - a. Park land requirements must be satisfied by either dedication of land to the City for public parks and open space, or payment of an in-lieu fee, as set forth in Section 9 (Park Dedication) of the Milpitas Subdivision Ordinance (Title XI, Chapter 1).
2. Publicly Accessible Parks and Open Spaces. All mixed use or residential only projects on sites between three and five acres shall dedicate five percent of total site area to publicly accessible parks and open space. All mixed use or residential only projects greater than five acres shall dedicate 10 percent of total site area to publicly accessible parks and open space. Publicly accessible parks, plazas, and open spaces provided to meet the requirement below may be counted towards the park land requirement above.
3. Usable Open Space. A minimum of 25 percent of the total site shall be usable open space or recreational facilities. Usable open space may be provided as Common Open Space or Private Open Space.

Chapter B.10 Industrial Zones and Standards

Sections:

- B.10.010 Purpose
- B.10.020 Industrial Zones Use Regulations
- B.10.030 Industrial Zones Development Standards
- B.10.040 Industrial Zones Supplemental Standards

B.10.010 Purpose

The purpose of the industrial zones are as follows:

- A. **Light Industrial (M1) Zone.** The Light Industrial (M1) Zone is reserved for the construction, use, and occupancy of buildings and facilities for office, research, limited and light manufacturing, and other uses compatible with the Zone.
- B. **Heavy Industrial (M2) Zone.** The Heavy Industrial (M2) Zone is reserved for the construction, use, and occupancy of buildings and facilities for office, research, general manufacturing, warehousing and distribution, and other uses compatible with the Zone.
- C. **Industrial Park (MP) Zone.** The Industrial Park (MP) Zone is intended to accommodate, in a park-like setting, a limited group of research, professional, packaging and distribution facilities and uses that are not associated with noise, odor, and similar impacts.
- D. **Business Park Research and Development (BPRD) Zone.** The purpose of the Business Park Research and Development (BPRD) Zone is to designate specific areas of the city as important employment centers, especially for jobs in the high-tech industry. The BPRD Zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses, and to enable the integration and growth of research and development, office, warehouse, and light manufacturing uses on consolidated sites with supportive ancillary uses such as restaurants, health/fitness centers, limited retail, and child care facilities.

B.10.020 Industrial Zones Use Regulations

- A. Table B.10.020-A (Industrial Zones Use Regulations) sets the land use regulations for industrial zones. Land uses are defined in Chapter E.4 (Definitions of Uses). In cases where a land use is not listed in the table, the Director shall make a determination regarding similar use consistent with Subsection A.4.020.G (Determination of Similar Use).
- B. Land uses not listed in the table and not substantially like the uses below are prohibited unless the Planning Commission approves a Conditional Use Permit consistent with Subsection D.4.030 (Use Permits) and finds that use will not have adverse impacts or be more detrimental to the public welfare than any other use explicitly, with or without a Conditional Use Permit, in the same zone.

- C. All uses shall be conducted entirely within enclosed structures, unless specifically noted or otherwise approved by the Director or Review Authority.

Table B.10.020-A: Industrial Zones Use Regulations					
“P” = Permitted Use “MC” = Minor Conditional Use Permit approved by Zoning Administrator required “MCS” = Minor Conditional Use Permit approved by Director required “C” = Conditional Use Permit required “-” = Not Allowed					
Use	M1	M2	MP	BPRD	Additional Regulations
Commercial Uses					
Adult-Oriented Business	MCS	-	-	-	Section C.10.040 (Adult-Oriented Businesses)
Animal Care and Services					
Kennel	P	-	-	-	Milpitas Municipal Code Section V-210-11 (Permits for Animal Facilities and Animal Adoption Organizations)
Veterinarian Clinic	P	-	P	-	
Veterinarian Hospital	P	-	P	-	
Commissary or Catering	P	-	P	MCS	n/a
Drive-Through Facility	C	-	C	-	Section C.10.090 (Drive-Through Facilities)
Eating and Drinking Establishment					
Microbreweries	MC	MC	-	-	Section C.10.100 (Eating and Drinking Establishments)
Mobile Food Vending (Individual Vehicle)	P	P	P	P	Section C.10.170 (Mobile Food Vending)
Restaurant					
Restaurant, Full Service	C	-	C	C ¹	Section C.10.100 (Eating and Drinking Establishments)
Restaurant, Limited Service	C	-	C	MC ¹	
Restaurant with Alcohol Service	C	-	C	C ¹	
Entertainment and Recreation, Commercial					
Commercial Athletic Facility	C	-	C	MCS ^{1, 2}	n/a
Indoor Entertainment	C	-	C	-	n/a
Indoor Sports and Recreation	C	-	C	MCS ^{1, 2}	n/a
Financial Institution					
Bank and Credit Union	C	-	P	-	n/a
Food and Beverage Retail Sales					
Alcoholic Beverage Sales	-	-	-	C ¹	n/a

Table B.10.020-A: Industrial Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	M1	M2	MP	BPRD	Additional Regulations
Convenience Store	C	-	C	-	n/a
Lodging					
Hotel	C	-	C	-	n/a
Motel	C	-	C	-	n/a
Medical Support Laboratories	P	-	P	MCS	n/a
Offices					
Medical Office/Clinic	P	-	P	MCS	n/a
Retail					
Large Format Retail	P	C	P	-	n/a
Retail, Limited	C	-	C	MCS ¹	n/a
Retail Store, General Merchandise	C	-	C	-	n/a
Services					
Business Support Services	P	-	P	MCS ²	n/a
Maintenance and Repair Services	P	-	-	-	n/a
Massage Establishment, Accessory	MCS	-	MCS ¹	MCS ¹	Milpitas Municipal Code III-6 (Massage Establishments and Practitioners); Section C.10.160 (Massage Establishments)
Personal Services	C	-	C	C	n/a
Repair/Cleaning/General Services, Small	P	-	-	-	n/a
Vehicle-Related Uses					
Auto Broker	MCS	MCS	MCS	-	Section C.10.070 (Auto Broker)
Commercial Fueling Facility	C	C	-	-	n/a
Fleet-Based Service	MCS	P	-	-	n/a
Mobile Fueling ³	P/C	P/C	P/C	P/C	Milpitas Municipal Code Chapter V-300 (Fire Code)
Service Station ⁴	C	C	C	-	Section C.10.190 (Service Stations and Car Washes)

Table B.10.020-A: Industrial Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	M1	M2	MP	BPRD	Additional Regulations
Vehicle Repair and Maintenance					
Major	C	C	-	-	n/a
Minor	C	P	C ⁴	-	n/a
Vehicle Sales, Limited	-	-	MCS	-	n/a
Vehicle Sales and Leasing	C	C	C ⁵	-	n/a
Vehicle Storage ⁶	-	P	-	-	n/a
Vehicle Washing	-	C	C	-	Section C.10.190 (Service Stations and Car Washes)
Industrial & Research and Development Uses					
Advanced Manufacturing	P	P	P	P	n/a
Construction Yard and Equipment Rental ⁶	-	P	-	-	n/a
Custom and Artisan Manufacturing	P	MCS	P	MCS	n/a
Data Center	P	-	P	P	n/a
Food and Beverage Processing and Preparation	P	P	-	-	n/a
Freight and Trucking Yard ⁶	-	P	-	-	n/a
Industry, General	P	P	MC	MC	n/a
Industry, Heavy	-	P	-	MC/- ⁷	n/a
Industry, Light	P	P	P	MCS	n/a
Mini-Storage or Self-Storage	C	C	-	-	n/a
Parcel Hub	P	MCS	P	C	n/a
Recycling Facility⁶					
Collection Facility	P	P	P	C	n/a
Intermediate Processing Facility	MCS	P	-	-	n/a
Primary Processing Facility	C	C	-	-	n/a
Research and Development	P	MCS	P	P	n/a
Salvage and Wrecking ⁶	-	C	-	-	n/a

Table B.10.020-A: Industrial Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Use	M1	M2	MP	BPRD	Additional Regulations
Warehousing and Distribution	P	P	P	P/C ⁸	California Government Code § 65302.02 and 65098 et seq. California Health and Safety Code § 40458.5 and 40522.7
Wholesale Sales	P	P	P	P	n/a
Public, Institutional, and Recreational Uses					
Child Care					
Child Care Center	-	-	MC ¹	MC ¹	Section C.10.140 (Large Family Child Care Centers and Child Care Centers)
Community Assembly					
Major	-	-	C	-	Section B.10.040.A (Community Assembly in Industrial Zones)
Minor	C	-	C	-	
Educational Institutions					
College/University, Private	-	-	-	C	n/a
Trade and Vocational School	C	-	C	C	n/a
Farmers’ Market	-	-	C	MCS	Section C.10.120 (Farmers’ Market)
Public Utilities	P	P	P	-	n/a
Transportation Passenger Terminal/Facility ⁶	C	C	-	-	n/a
Wireless Telecommunications Facility	See Section C.10.240 (Wireless Telecommunications Facilities)				
Residential Uses					
Caretaker’s Residence	C	C	-	-	n/a
Unclassified Uses					
Accessory Use	P	P	P	P	n/a
Parking Lot ⁹	P	P	MCS	MCS	n/a
Parking Structure ⁹	P	P	MCS	MCS	n/a
Temporary Uses	Section C.10.230 (Temporary Uses and Structures)				

Table Notes:

¹ Limited to accessory uses that support primary employment-generating uses on the same site. Accessory commercial uses such as restaurants and convenience retail shall be located on the ground floor and in an area of the development where they can be directly accessed by the public.

² Maximum 8,000 gross square feet in size.

³ Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles may be permitted subject to approval of a Conditional Use Permit. Refer also to the California Fire Code as amended by Milpitas Municipal Code Chapter V-300 (Fire Code).

⁴ Entrances to the services bays shall not be open to the street, but shall be so designed to face the rear or interior side property line.

⁵ Dealerships shall be on a property of at least three acres. Boat and camper sales are prohibited. Vehicle rental and repair must be accessory to a dealership.

⁶ When conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence (e.g., chain link with slats) not less than eight feet in height.

⁷ Consistent with the intent and purpose of the BPRD Zone to support emerging industries within the high-tech sector, manufacturing and assembling of electric vehicles and other zero-emission vehicles, and/or component parts for such vehicles, may be permitted in this zone through approval of a Minor Conditional Use Permit in accordance with Subsection D.4.030 (Use Permits). Heavy industrial uses, including manufacturing and assembling of conventional and hybrid vehicles with internal combustion engines, are not permitted in the BPRD Zone.

⁸ Warehousing and distribution facilities up to 200,000 square feet are permitted in the BPRD Zone. Warehousing and distribution facilities that exceed 200,000 square feet may be allowed through the approval of a Conditional Use Permit, in accordance with Subsection D.4.030 (Use Permits). In addition to the general required findings for a Conditional Use Permit, the following special finding must be made for approval to be granted for a warehousing and distribution facility greater than 200,000 square feet: That the proposed use will support the continued operations and/or growth of business in the high-tech sector, contributing to economic activity and employment opportunities in the Business Park Research and Development Zone.

⁹ Applies to parking lots or structures that are primary uses, as defined in Part XIII-E (Definitions).

B.10.030 Industrial Zones Development Standards

Table B.10.030-A (Industrial Zones Development Standards) establishes the development standards for residential zones.

Table B.10.030-A: Industrial Zones Development Standards				
ft = feet sf = square feet du = dwelling unit FAR = floor area ratio n/a = not applicable				
Standard	M1	M2	MP	BPRD
Lot Area, min. (sf)	n/a	n/a	n/a	25,000 sf
Lot Width, min. (ft)	n/a	n/a	100	100 ft
Setbacks, min. (ft)				
Front	Along major street: 35 from face of curb Along non-major street: 25 from face of curb		35	10
Interior side	n/a		10	None; 20 ft where abutting residential zone
Street side	Along major street: 35 from face of curb Along non-major street: 25 from face of curb		35	10

Table B.10.030-A: Industrial Zones Development Standards

ft = feet sf = square feet du = dwelling unit FAR = floor area ratio n/a = not applicable				
Standard	M1	M2	MP	BPRD
Rear	n/a		20	None; 20 ft where abutting residential zone
FAR	Max.: 1.0			Min.: 0.35 Max.: 2.5
Primary Building Height, max.	50 ft; 3 stories ¹			80 ft; 5 stories ¹
Accessory Building Height, max.	35 ft			
Usable Open Space				
Per site	n/a	n/a	n/a	See Section B.10.040.D.4 (Site Design for Large Projects)

Table Notes:

¹ Height must comply with standards for both height in feet and number of stories.

B.10.040 Industrial Zones Supplemental Standards

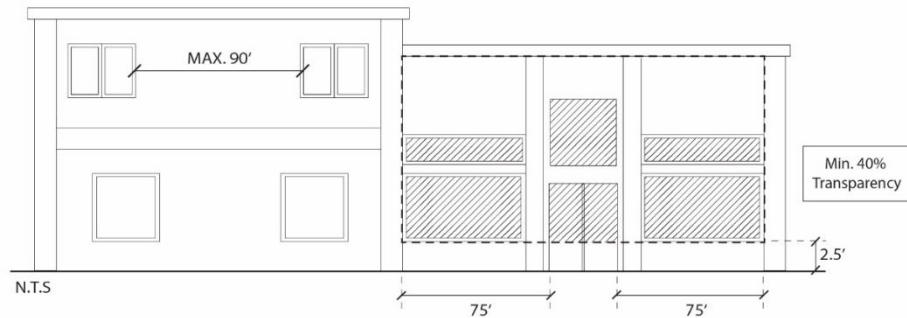
A. Community Assembly in Industrial Zones.

1. Community assembly is prohibited in the Heavy Industrial (M2) Zone and Business Park Research and Development (BPRD) Zone. When any community assembly use is established in the Light Industrial (M1) or Industrial Park (MP) zones, the community assembly use shall be subject to the following requirements:
 - a. Applicant shall submit a review of potential hazardous site conditions and potential exposure of site users to these conditions. At a minimum, a Phase I Environmental Site Assessment (ESA) shall be performed for each proposed community assembly use. Each individual project shall comply with the recommendations of the Phase I Environmental Site Assessment (which may include conducting Phase II sampling and implementing the recommendations of the Phase II ESA that may include cleanup of hazardous materials) and demonstrate that exposure of site users to hazardous materials conditions would be below established thresholds prior to approval of the Conditional Use Permit. In addition, an Accidental Release Assessment (ARA) shall be performed to determine if unacceptable safety risks may result from the proposed change in use. The ARA shall review and evaluate any and all Risk Management Plans prepared for facilities in the vicinity under the California Accidental Release Prevention (CalARP) program. The environmental professional preparing the ARA shall determine, based on Alternative Release Scenarios, whether the proposed new community assembly use would result in unacceptable safety risks due to proximity of uses handling or emitting acutely hazardous materials. If unacceptable risks are identified, the proposed use shall not be allowed.

- b. Applicant shall submit a further noise study. The noise study shall demonstrate that ambient noise conditions within the vicinity of the proposed assembly use do not exceed the City's "normally acceptable" Noise Compatibility Standard of 70 dBA Ldn. In the event that existing conditions exceed the "normally acceptable" standard the proposed community assembly use may be required to install noise insulating materials to achieve the interior noise standard. Also as a condition of approval, proposed community assembly uses shall be required to sign a disclosure of acknowledgment that they agree to operate within an existing industrial area and may be subject to noise levels that exceed the City of Milpitas's Noise Compatibility Standards for noise-sensitive uses.
 - c. No community assembly use shall install or otherwise use exterior public address systems or other noise generating equipment that exceeds the 70 dBA noise standard.
 - 2. No new structure shall be constructed within the M1 or MP zones for use as community assembly and no more than 50 percent of the square footage of any existing structure within the M1 or MP zone shall be converted to use as community assembly.
 - 3. No exterior modifications to any existing structure within the M1 or MP zone shall be permitted if such modifications would materially alter the structure's appearance or future use as an industrial building.
- B. **All Uses in the BPRD Zone.** All uses and activities in the BPRD Zone must take place within an enclosed building.
- C. **Special Development Standards in All Industrial Zones.** The following standards shall apply in all industrial zones:
 - 1. Industrial buildings and any outdoor storage shall be located at least 100 feet from the nearest property line of any residential zone.
 - 2. Outdoor storage areas shall not be within any required front or street side setback area and must be screened with a solid wall or opaque fence consistent with Section C.2.140 (Screening Standards).
- D. **Special Design Standards in the BPRD Zone.**
 - 1. ***Building Entrances.***
 - a. At least one building entrance must be provided along the primary street frontage.
 - b. The primary building entrance must incorporate a projection, recess, or combination of projection and recess at least 40 square feet in area and with a minimum depth of five feet.
 - 2. ***Façade Design and Articulation.***
 - a. Facades within 20 feet of a front or street side property line shall include windows, doors, other openings, or glazed areas for at least 40 percent of the building wall area located between 2.5 feet above the level of the sidewalk and the underside of the roof structure for portions of the façade within 75 feet of the street-facing main entry.

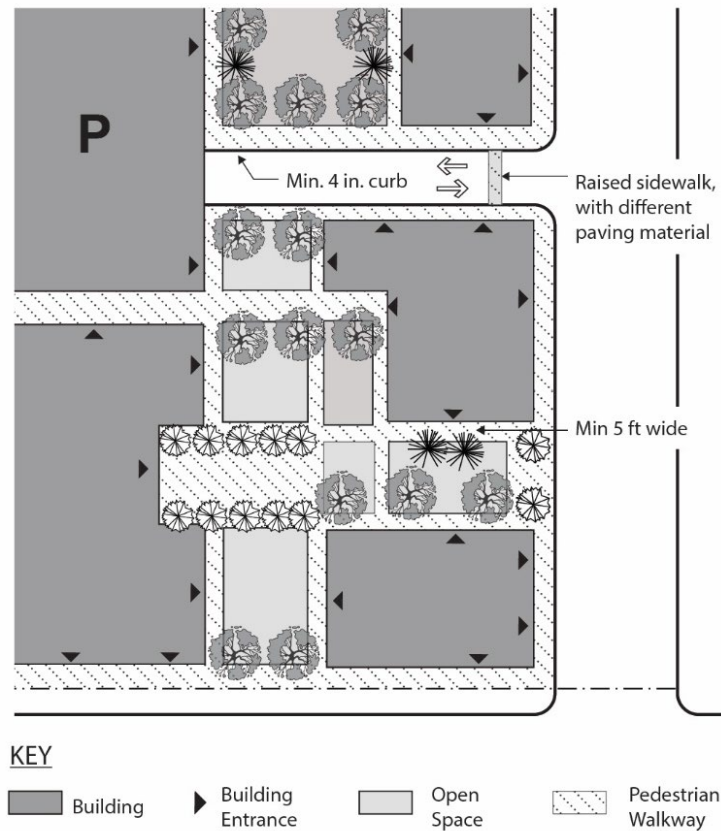
- b. No street-facing façade may run in a continuous plane for more than 90 feet without an opening.

FIGURE B.10.040-1: FAÇADE DESIGN AND TRANSPARENCY



- c. All building facades must incorporate window trim and/or window recesses, architectural features, changes in material, changes in texture, or similar design elements that add visual interest to the facade. This includes a varied palette of materials, textures, and colors that emphasize details and changes in plane.
3. ***Pedestrian and Bicycle Circulation.***
 - a. A system of pedestrian walkways shall connect all primary building entrances on a site to each other, to on-site vehicle and bicycle parking areas, and to any on-site usable open space areas, pedestrian amenities, and transit stops. Walkways may be located within public utility easement areas provided they are publicly accessible.
 - b. Walkways between the primary building entrance and sidewalk shall be the shortest practical distance, generally no more than 125 percent of the straight-line distance.
 - c. Walkways shall be hard-surfaced and paved with materials that are visually distinct from vehicular access areas in terms of composition, texture, and/or color.
 - d. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identifiable through a raised crosswalk, a different paving appearance, material, or similar method.
 - e. Where a required walkway is parallel and adjacent to a vehicle travel area, it must be raised or separated from the vehicle travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

FIGURE B.10.040-2: ON-SITE CIRCULATION



4. **Site Design for Large Projects.** Projects over 80,000 gross square feet must provide the following:
 - a. Landscaped areas and usable outdoor common open space equal to a cumulative 10 percent of the site area that:
 - (i) Provides gathering space or opportunities for active or passive recreation and benches or other seating.
 - (ii) Provides amenities that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, water features, or public art.
 - (iii) Is separated from on-site parking areas by a minimum of six feet.
 - (iv) May include on-site stormwater treatment areas and landscaped areas.

- b. A minimum of 400 square feet of outdoor eating facilities for the use of employees. Outdoor eating areas shall have a minimum dimension of 12 feet and shall include tables, seating and covering to provide protection from sun and weather conditions. Employee eating areas must be contiguous with required on-site public open space or provided in a separate area. This area may be included as part of the open space requirement.
 - (i) Stormwater detention facilities incorporated into the site landscaping. Refer also to Milpitas Municipal Code Subsection VIII-5-3 (Provisions for New and Rehabilitated Landscapes).
 - (ii) A lighting, landscaping, and signage design concept for common areas. Refer also to Section C.2.070 (Lighting and Illumination) for general lighting standards and to Chapter C.8 (Signs).

5. ***Parking and Loading.***

- a. *Parking location.*
 - (i) Required parking spaces shall be located on the same lot as the use they serve.
 - (ii) Parking areas shall be set back from adjacent buildings and streets as follows:
 - (a) *From streets.* Where parking is located between a building and street, a landscaped setback at least 10 feet wide must be provided between the parking area and adjacent right-of-way. Parking for trucks and large vehicles must be set back at least 40 feet from the street.
 - (b) *From on-site buildings.* Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways at least five feet in width.
 - (iii) On-site parking shall not be located within a required setback.
- b. *Parking design.*
 - (i) *Access.* Driveways shall not exceed 35 feet in width, except that driveways providing large truck access to truck bays shall not exceed 40 feet in width. All driveways must be located a minimum of 50 feet from the boundary of an abutting residential or open space zone.
 - (ii) *Screening.* Parking and loading areas shall be screened from view from public streets and properties in abutting residential, mixed-use, or commercial zones, according to the following standards.
 - (a) *Height.* Screening of parking lots from adjacent public streets shall be a minimum of three feet in height. Screening of parking lots along interior lot lines that abut residential or open space zones shall be a minimum of six feet in height.

- (b) *Design.* Screening should generally be opaque, but may have some degree of transparency depending on method used (e.g., plant material), and must consist of one or any combination of the methods listed below:
 - (1) *Walls.* Low-profile walls consisting of brick, stone, stucco, or other quality durable material and including a decorative cap or top finish as well as edge detail at wall ends.
 - (2) *Fences.* An openwork design fence of wood wrought iron, or similar high-quality, durable material combined with plant materials. This option does not include the use of chain-link or vinyl fencing.
 - (c) *Planting.* Plant materials consisting of compact evergreen plants. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation.
 - (d) *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.
- c. *Loading areas.* Truck docks, loading areas, and service areas within 100 feet of a public street shall not be visible from the public street. The outermost point of the truck docks, loading, and service areas are not permitted within 50 feet of the boundary of a residential zone.

Chapter B.12 Metro Specific Plan Zones and Standards

Sections:

- B.12.010 Purpose
- B.12.020 Metro Specific Plan Zones Use Regulations
- B.12.030 Metro Specific Plan Zones Development Standards
- B.12.040 Metro Specific Plan Zones Supplemental Standards

B.12.010 Purpose

- A. **Metro Multi-Family High Density Residential (R3-Metro) Zone.** The purpose of the R3-Metro Zone is to create and enhance high-density residential areas characterized by a mix of multi-family unit types and small-scale neighborhood businesses where appropriate. The R3-Metro Zone implements the Multi-Family High Density Residential (MFH) land use designation as described in the Metro Specific Plan.
- B. **Metro Multi-Family Very High Density Residential (R4-Metro) Zone.** The purpose of the R4-Metro Zone is to create and enhance very high-density residential areas characterized by low- and mid-rise multi-family residential buildings and compatible commercial uses where appropriate. The R4 Zone is intended to provide for higher-density residential "villages" structured around transit stations, streets, creek side open spaces, trails and parks. The R4-Metro Zone implements the Multi-Family Very High Density Residential (VHD) land use designation as described in the Metro Specific Plan.
- C. **Metro Urban Residential (R5-Metro) Zone.** The purpose of the R5-Metro Zone is to create and enhance very high-density residential areas characterized by high-rise residential buildings and compatible commercial uses structured around transit stations. The R5-Metro Zone implements the Urban Residential (URR) land use designation as described in the Metro Specific Plan.
- D. **Metro High Density Mixed Use (MXD2-Metro) Zone.** The purpose of the MXD2-Metro Zone is to create and enhance areas with a mix of retail, restaurant, entertainment, and commercial service uses on the ground floor and residential or office uses on upper stories, while maintaining a pedestrian-oriented streetscape. It is intended that the required active ground floor uses will ensure neighborhood-oriented retail and services are provided within walking distance of high-density residential development. The MXD2-Metro Zone implements the Residential Retail Mixed Use (RRMU) land use designation as described in the Metro Specific Plan.
- E. **Metro Very High Density Mixed Use (MXD3-Metro) Zone.** The purpose of the MXD3-Metro Zone is to create and enhance urban areas characterized by a mix of very-high density housing, retail and employment uses. The MXD3-Metro Zone implements the Boulevard Very High Density Mixed Use (BVMU) land use designation as described in the Metro Specific Plan.
- F. **Metro Business Park Research and Development, Limited Residential (BPRD-R-Metro) Zone.** The purpose of the BPRD-R-Metro Zone is to designate specific areas of the city as important employment centers, especially for jobs in the high-tech industry, with limited, integrated residential development. The BPRD-R-Metro Zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, other light industrial uses, and limited residential uses. It also enables the integration and growth of research and development, office,

and light manufacturing uses on consolidated sites with supportive ancillary uses, typically on the ground floor, such as restaurants, health/fitness centers, limited retail, and child care facilities. The BPRD-R-Metro Zone implements the Business Park Research and Development, Limited Residential (BPRD-H) land use designations as described in the Metro Specific Plan.

- G. **Metro Business Park Research and Development (BPRD-Metro) Zone.** The purpose of the BPRD-Metro Zone is to designate specific areas of the city as important employment centers, especially for jobs in the high-tech industry. The BPRD-Metro Zone is intended to accommodate business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses, and to enable the integration and growth of research and development, office, and light manufacturing uses on consolidated sites with supportive ancillary uses, typically on the ground floor, such as restaurants, health/fitness centers, limited retail, and child care facilities. The BPRD-Metro Zone implements the Business Park Research and Development (BPRD) land use designation as described in the Metro Specific Plan.

B.12.020 Metro Specific Plan Zones Use Regulations

- A. Table B.12.020-A (Metro Specific Plan Zones Use Regulations) sets the land use regulations for Metro Zones. Land uses are defined in Chapter E.4 (Definitions of Uses). In cases where a land use is not listed in the table, the Director shall make a determination regarding similar use consistent with Subsection A.4.020.G (Determination of Similar Use).
- B. Land uses not listed in the table and not substantially like the uses below are prohibited unless the Planning Commission approves a Conditional Use Permit consistent with Subsection D.4.030 (Use Permits) and finds that use will not have adverse impacts or be more detrimental to the public welfare than any other use explicitly, with or without a Conditional Use Permit, in the same zone.
- C. All uses shall be conducted entirely within enclosed structures, unless specifically noted or otherwise approved by the Director or Review Authority.

Table B.12.020-A: Metro Specific Plan Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2- Metro	MXD3- Metro	BPRD-R- Metro	BPRD- Metro	Additional Regulations
Commercial Uses								
Animal Care and Services								
Pet Day Care and Sales	-	-	-	MCS	MCS	-	-	Milpitas Municipal Code Section V-210-11
Veterinary Clinic	-	-	-	P	P	-	-	(Permits for Animal Facilities and Animal Adoption Organizations)
Commissary or Catering	-	-	-	MCS	MCS	-	-	n/a
Eating and Drinking Establishment								
Bar or Nightclub	-	-	-	C	C	-	-	Section C.10.100 (Eating and Drinking Establishments)
Microbreweries	-	-	-	MC	MC	-	-	

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Uses	R3 Metro	R4 Metro	R5 Metro	MXD2- Metro	MXD3- Metro	BPRD-R- Metro	BPRD- Metro	Additional Regulations
Mobile Food Park	-	-	-	MCS	MCS	-	-	Section C.10.170 (Mobile Food Vending)
Mobile Food Vending (Individual Vehicle)	P	P	P	P	P	P	P	
Restaurant								
Restaurant, Full Service	C ¹	C	C	P/C ²	P/C ²	C ³	C ³	Section C.10.100 (Eating and Drinking Establishments)
Restaurant, Limited Service	MCS ¹	P	P	P/C ²	P/C ²	P ³	P ³	
Restaurant with Alcohol Service	C ¹	C	C	MC/C ²	MC/C ²	C ³	C ³	
Entertainment and Recreation, Commercial								
Commercial Athletic Facility	-	-	-	MCS	MCS	MCS ³	MCS ³	n/a
Indoor Entertainment	-	-	-	C	C	-	-	n/a
Indoor Sports and Recreation	-	-	-	P	P	MCS ³	MCS ³	n/a
Outdoor Entertainment	-	-	-	C	C	-	-	n/a
Financial Institution								
Bank and Credit Union	-	MCS ⁴	MCS ⁴	P	P	MCS ³	MCS ³	n/a
Check Cashing Business	-	MCS ⁴	MCS ⁴	P	P	MCS ³	MCS ³	n/a
Pawnbroker ⁵	-	-	-	C	C	-	-	n/a
Food and Beverage Retail Sales								
Alcoholic Beverage Sales	-	-	-	P/C ²	P/C ²	C ³	C ³	n/a
Convenience Store	MCS ⁴	MCS ⁴	MCS ⁴	MCS	MCS	-	-	n/a
Grocery Store, Small	P ⁴	P ⁴	P ⁴	P	P	-	-	n/a
Home Occupation	P	P	P	P	P	P	-	Section C.10.130 (Home Occupations)
Hospital	-	-	-	C	C	-	-	n/a
Lodging								
Bed and Breakfast	P	P	P	P	P	-	-	n/a
Hotel	-	-	-	P	P	P	P	n/a
Short-Term Rental	Section C.10.200 (Short-Term Rentals)							

Table B.12.020-A: Metro Specific Plan Zones Use Regulations

“P” = Permitted Use | “MC” = Minor Conditional Use Permit approved by Zoning Administrator required | “MCS” = Minor Conditional Use Permit approved by Director required | “C” = Conditional Use Permit required | “-” = Not Allowed

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2-Metro	MXD3-Metro	BPRD-R-Metro	BPRD-Metro	Additional Regulations
Medical Support Laboratory	-	-	-	P	P	MCS	MCS	n/a
Offices								
Business and Professional Office	C	C	C	P	P	P	P	n/a
Medical Office/Clinic	-	-	-	P	P	MCS	MCS	n/a
Retail								
Retail, Limited	C ^{1,4}	P ⁴	P ⁴	P	P	P ³	P ³	n/a
Retail Store, General Merchandise	C ^{1,4}	P ⁴	P ⁴	P	P	-	-	n/a
Services								
Business Support Services	-	-	-	MCS	MCS	MCS ³	MCS ³	n/a
Massage Establishment	-	-	-	MC ⁶	MC ⁶	-	-	Milpitas Municipal Code III-6 (Massage Establishments and Practitioners); Section C.10.160 (Massage Establishments)
Massage Establishment, Accessory	-	-	-	MCS	MCS	MCS ³	MCS ³	
Personal Services	MCS ^{4,7}	MCS ^{4,7}	MCS ^{4,7}	P ⁷	P ⁷	C	C	n/a
Repair/Cleaning/General Services, Small	-	-	MCS ⁴	P	P	-	-	n/a
Vehicle-Related Uses⁸								
Auto Broker	-	-	-	MCS	MCS	-	-	Section C.10.070 (Auto Broker)
Mobile Fueling ⁹	P/-	P/-	P/-	P/-	P/-	P/-	P/-	Milpitas Municipal Code Chapter V-300 (Fire Code)
Vehicle Rental	-	-	-	MCS ¹⁰	MCS ¹⁰	-	-	n/a
Vehicle Sales, Limited	-	-	-	MCS	MCS	-	-	n/a
Industrial Uses								
Advanced Manufacturing	-	-	-	-	-	P ¹¹	P ¹¹	n/a
Custom and Artisan Manufacturing ¹²	-	-	-	MCS	MCS	MCS	MCS	n/a
Industry, General ¹³	-	-	-	-	-	MCS	MCS	n/a
Industry, Light ¹³	-	-	-	-	-	MCS	MCS	n/a

Table B.12.020-A: Metro Specific Plan Zones Use Regulations

“P” = Permitted Use | “MC” = Minor Conditional Use Permit approved by Zoning Administrator required | “MCS” = Minor Conditional Use Permit approved by Director required | “C” = Conditional Use Permit required | “-” = Not Allowed

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2- Metro	MXD3- Metro	BPRD-R- Metro	BPRD- Metro	Additional Regulations
Parcel Hub	-	-	-	-	-	-	MCS	n/a
Research and Development	-	-	-	-	-	p 11	p 11	n/a
Wholesale Sales	-	-	-	-	-	MCS	MCS	n/a
Public, Institutional, and Recreational Uses								
Child Care								
Child Care Center	MC	MC	MC	MC	MC	MC ³	MC ³	Section C.10.140 (Large Family Child Care and Child Care Centers)
Large Family Child Care Home	P	P	P	P	P	P	-	Section C.10.140 (Large Family Child Care and Child Care Centers)
Small Family Child Care Home	P	P	P	P	P	P	-	n/a
Community Assembly								
Major	MCS	MCS	MCS	MCS ⁵	MCS ⁵	-	-	n/a
Minor	MCS	MCS	MCS	MCS ⁵	MCS ⁵	-	-	n/a
Community Garden	P	P	P	P	P	P	P	n/a
Educational Institutions								
College/University, Private	-	-	-	C ⁵	C ⁵	P	P	n/a
Trade and Vocational School	-	-	-	C ⁵	C ⁵	C	C	n/a
Farmers’ Market	MCS	MCS	MCS	MCS	MCS	MCS	MCS	Section C.10.120 (Farmers’ Market)
Instruction Services								
Group	MCS ⁴	MCS ⁴	MCS ⁴	MCS	MCS	-	-	n/a
Private/Small Group	MCS ⁴	MCS ⁴	MCS ⁴	P	P	-	-	n/a
Park/Playground	P	P	P	P	P	P	P	n/a
Resilience Hub	-	MCS	MCS	P	P	-	-	See Subsection C.10.230.D.6 regarding Temporary Resilience Hubs.
Transportation Passenger Terminal/Facility ⁸	C	C	C	C	C	-	-	n/a

Table B.12.020-A: Metro Specific Plan Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Uses	R3 Metro	R4 Metro	R5 Metro	MXD2- Metro	MXD3- Metro	BPRD-R- Metro	BPRD- Metro	Additional Regulations
Wireless Telecommunications Facility	See Section C.10.240 (Wireless Telecommunications Facilities)							
Residential Uses ¹⁴								
Accessory Dwelling Units and Junior Accessory Dwelling Units	P	P	P	P	P	P	-	Section C.10.030 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
Boarding House	C	C	C	C	C	-	-	n/a
Court Dwellings	P	P	P	P	P	-	-	n/a
Group Living Accommodations	C	C	C	C	C	C	-	n/a
Live-Work Unit	C	C	C	MCS	MCS	MCS	-	Section C.10.150 (Live- Work Units)
Low Barrier Navigation Center	-	P	P	P	P	P	-	California Government Code § 65660
Multi-Family Dwelling	P	P	P	P	P	P	-	n/a
Residential Care Facility	P	P	P	P	P	P	-	n/a
Single-Room Occupancy Residences	MCS	MCS	MCS	MCS	MCS	-	-	Section C.10.220 (Single Room Occupancy Residences)
Supportive Housing	P	P	P	P	P	P	-	California Government Code § 65582
Transitional Housing	P	P	P	P	P	P	-	California Government Code § 65582
Unclassified Uses								
Accessory Use	P	P	P	P	P	P	P	n/a
Parking Lot ¹⁵	-	-	-	C	C	C	C	n/a
Parking Structure ¹⁵	-	-	-	MCS	MCS	MCS	MCS	n/a
Temporary Use	See Section C.10.230 (Temporary Uses and Structures)							

Table Notes:

¹ All activities must be conducted in spaces which are integral parts of a main building.

² A Conditional Use Permit is required when not located on the ground floor facing a public street designated as an Activity Street by the Metro Specific Plan Figure 4-6.

³ Limited to accessory use that supports primary employment-generating uses on the same site. Accessory commercial uses such as restaurants and limited retail shall be located on the ground floor and where they can be directly accessed by the public.

⁴ These uses may be allowed provided they are no more than 10,000 sf in gross floor area and are not open past 10:00 p.m.

⁵ These uses may be allowed provided the boundary of the parcel on which they are located is not within 1,000 ft of the parcel boundary of one or more of the following uses: community assembly; school, private or public; or trade and vocational schools.

⁶ Allowed when an accessory use to any permitted or conditionally permitted medical office, medical clinic, chiropractor practice, acupuncture practice, physical therapist, fitness and athletic facility, health care facility (such as hospitals, nursing homes, and sanitariums), or an accredited school, college, or university. Massage services, limited to massage of the head, neck, shoulders, hands, and feet may be allowed when an accessory use to any permitted or conditionally permitted beauty salon, barbershop, or healing art practices. This Section shall not exempt any person or business from complying with all the provisions of Milpitas Municipal Code Chapter III-6 (Massage Establishments and Practitioners).

⁷ When located on the ground floor, retail sales of products related to the personal services provided shall be offered at the front of the premises near the pedestrian entrance and shall comprise at least 10% of the floor area of the business establishment.

⁸ These uses may be allowed provided the boundary of the parcel on which they are located is not within 1,000 ft of the parcel boundary of one or more of the following uses: any vehicle-related use; transportation passenger terminal/facility without outdoor storage of vehicles; or pawnbroker.

⁹ Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles is not permitted.

¹⁰ The vehicle rental agency, excluding the rental vehicles, must be fully enclosed within a building.

¹¹ A Conditional Use Permit is required for storage space that exceeds 25,000 sf, and in no case may storage space exceed 300,000 sf.

¹² All operations must be conducted completely within an enclosed building.

¹³ Disinfecting and extermination businesses are not allowed in any Metro zone.

¹⁴ Residential units are not allowed on the ground floor facing any right-of-way designated as an Activity Street or Neighborhood Street by the Metro Specific Plan Figure 4-6, unless allowed by Subsection B.12.040.A (Housing Element Rezone Sites). Other residential spaces such as lobbies and common areas are permitted on the ground floor facing an Activity Street in accordance with Table B.12.020-A (Metro Specific Plan Zone Use Regulations).

¹⁵ Applies to parking lots or structures that are primary uses, as defined in Chapter XIII-E.4 (Definitions of Uses).

B.12.030 Metro Specific Plan Zones Development Standards

- A. **Standards Within The Metro Specific Plan Area.** For all sites within the Metro Specific Plan Area, the following Metro Specific Plan development standards and the supplemental standards in Section B.12.040 (Metro Specific Plan Zones Supplemental Standards) apply. When a standard is not listed within the Metro Specific Plan, the standards listed elsewhere within this Title shall apply.
- B. **General Standards.** Table B.12.030-A (Metro Zones Development Standards) establishes the development standards for Metro zones.

Table B.12.030-A: Metro Zones Development Standards

ft = feet sf = square feet du = dwelling unit FAR = floor area ratio n/a = not applicable							
Standard	R3-Metro	R4-Metro	R5-Metro	MXD2-Metro	MXD3-Metro	BPRD-R-Metro	BPRD-Metro
Lot Area, min. (sf)	8,000	n/a	n/a	n/a	n/a	n/a	n/a
Lot Width, min. (ft)	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Density, min. (du/gross acre) ¹	30	40	70	40	85	n/a	n/a

Table B.12.030-A: Metro Zones Development Standards

ft = feet | sf = square feet | du = dwelling unit | FAR = floor area ratio | n/a = not applicable

Standard	R3-Metro	R4-Metro	R5-Metro	MXD2-Metro	MXD3-Metro	BPRD-R-Metro	BPRD-Metro
Density, max. (du/gross acre) ¹	40	85	120	85	250	n/a	n/a
Active Use	n/a	n/a	n/a	Ground floor retail and active uses required on 80% of frontages on any one blockface along any Activity Street as identified on the Metro Specific Plan Figure 4-6 (Circulation Network)			n/a
Setbacks (ft)							
Front	Min.: 20	Min.: 8 Max.: 20 from back of sidewalk	Min.: 12 Max.: 20 from back of sidewalk	Min.: 0 Max.: 20	Min.: 12 Max.: 20	Min.: 10 Max.: 20	Min.: 0
Interior side (min.)	1 story: Each side 5, total of 12 both sides 2-2.5 story: Each side 10, total 25 both sides 3-3.5 story: Each side 12, total 30 both sides	10	15; 20 for buildings over 3 stories abutting residential uses	0; 10 when abutting residential use and for portions of buildings over 60 ft or 4 stories tall	10; 15 when abutting residential; 20 for portions of buildings over 60 ft or 4 stories tall	10	10
Street side	Min.: 10	Min.: 8 Max.: 15 from back of sidewalk	Min.: 12 Max.: 20 from back of sidewalk	Min.: 0	Min.: 12 Max.: 20	Min.: 10 Max.: 15	Min.: 0
Rear (min.)	1 story: 30 2-2.5 story: 35 3-3.5 story: 40	10	15; 20 feet for buildings over 3 stories abutting residential uses	10; 15 when abutting a residential zone; 20 for portions of building over 60 ft or 4 stories tall	15; 20 when abutting a residential zone; 30 ft for portions of building over 60 ft or 4 stories tall	10	10
Creek/ Drainage Channel Setback	Min.: 25 from top of bank or from any maintenance road or required setback, whichever is greater						
FAR, min.	n/a	n/a	n/a	Mixed use: 1.0	Mixed use: 2.5	Mixed use: 1.0 Nonresidential use: 1.0	1.0
FAR, max.	n/a	n/a	n/a	Mixed use: 2.5	Mixed use: 5.0	Mixed use: 5.0	2.5-4.0 ²

Table B.12.030-A: Metro Zones Development Standards

ft = feet sf = square feet du = dwelling unit FAR = floor area ratio n/a = not applicable							
Standard	R3-Metro	R4-Metro	R5-Metro	MXD2-Metro	MXD3-Metro	BPRD-R-Metro	BPRD-Metro
Primary Building Height	Max.: 75 ft	Min.: 35 ft Max.: 75 ft	Max.: 75 ft and 6 stories	Max.: 85 ft ³	Max.: 275 ft ⁴	Max.: 275 ft or 18 stories	Max.: 8 stories
Accessory Building Height	Max.: 25 ft or 2.5 stories						
Usable Open Space							
Per dwelling unit	Min. 100 sf per residential unit, which may be private or common open space						
Per site	Nonresidential projects: Min. 10% of site area Residential and mixed-use projects: Min. 30% of the total open space provided on-site; min dimension 10 ft Mixed-use projects: Min. 5% of the total open space provided on-site must be publicly accessible ⁵ Nonresidential projects: Min. 25 contiguous sf of publicly accessible open space per 10,000 sf nonresidential floor area						

Table Notes:

¹ When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.

² Maximum allowed FAR is based on the following sliding scale:

- 2.5 for properties farther than 3,000 ft from the Milpitas Transit Center;
- 3.0 for properties within 3,000 ft from the Milpitas Transit Center;
- 3.5 for properties within 2,000 ft from the Milpitas Transit Center;
- 4.0 for properties within 1,000 ft from the Milpitas Transit Center.

³ Within 60 ft of adjacent existing residentially zoned parcels, building height shall be stepped down to a maximum of 10 ft higher than the maximum allowed height of the adjacent parcel.

⁴ The base or podium of a building may reach 85 ft in height, and a tower with a maximum area of 25% of the base footprint may reach 275 ft in height.

⁵ Required publicly accessible open space may include one or more of the following types of public open spaces: park, plaza, garden, public sitting area.

B.12.040 Metro Specific Plan Zones Supplemental Standards

A. **Housing Element Rezone Sites.** Milpitas 2023-2031 Housing Element rezone sites within the Metro Specific Plan are sites R-11 to R-29, which all provide lower-income housing capacity (see Milpitas 2023-2031 Housing Element Table E-14 and Figures E-4 and E-5). Consistent with Subsection C.2.030.B (Housing Element Sites), on these rezone sites (sites R-11 to R-29), the following shall apply:

1. Owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.

2. 100 percent residential use is allowed.
3. A minimum of 50 percent of the floor area in mixed-use projects must be occupied by residential use(s).

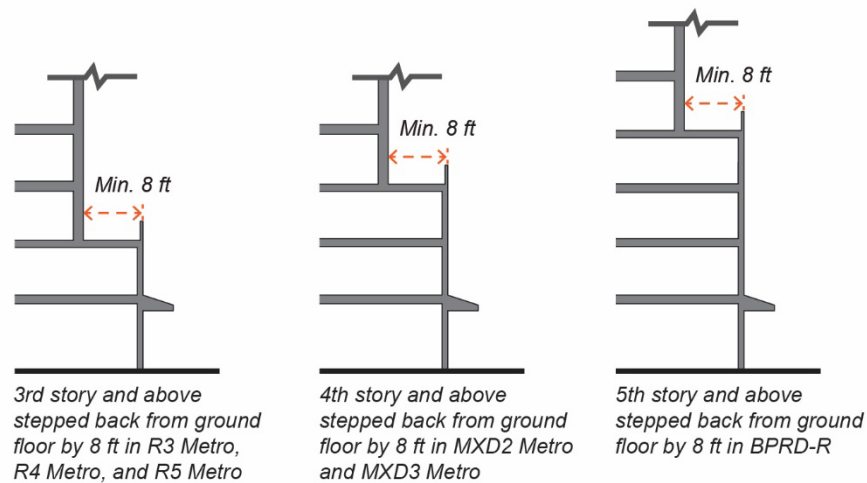
B. Block Length.

1. Blocks may not exceed 700 feet in length.
2. Blocks more than 500 feet in length must incorporate a mid-block pedestrian and bicycle through connection.

C. Building Articulation.

1. In the R3-Metro, R4-Metro and R5-Metro zones, the third floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of eight feet.
2. In the MXD2-Metro and MXD3-Metro zones, the fourth floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of eight feet.
3. In the BPRD-R Zone, the fifth floor and above must be stepped-back from the ground-floor street-facing building façade by a minimum of eight feet.

FIGURE B.12.040-1: BUILDING STEP-BACK



4. Nonresidential building façades over 80 feet in length shall break up long street walls through at least two of the following features: recesses a minimum six feet in depth; awnings; colonnades; projections a minimum four feet in depth; step-backs a minimum six feet in depth; window reveals; cornice treatment; and changes in color and material.
5. Nonresidential building height must vary such that the building has at least one change in height of at least one story. This may be achieved through changes in pitch, plane, orientation, a change in the number of stories, differentiated forms, projections and recesses, and/or special architectural features such as towers.

- D. **Ground Floor Commercial Design Standards.** On retail mixed use streets, and in any other areas with ground floor retail, restaurant, and commercial service uses, the following standards apply:
1. Ground floor spaces shall be a minimum of 60 feet in depth for a minimum of 50 percent of the space, and a minimum of 40 feet in depth for any remaining space.
 2. **Floor to Ceiling Height.**
 - a. *Retail.* Minimum 18 feet floor-to-floor and a minimum 14 feet clear.
 - b. *Office.* Minimum 14 feet.
 3. **Building Entrances.** There shall be at least one entrance per 100 feet of building frontage and the main entrance may not face a parking lot.
 4. **Wall Plane Articulation.** Windows, doors, columns, and other features shall be recessed or project forward, such that there is a six-inch difference between wall and window surfaces and a total of at least eighteen inches from the window to the outermost plane of a wall or column.
 5. **Floor Elevation.** Ground floor elevation shall be no more than two feet above or below the sidewalk level.
- E. **Building Materials.**
1. **Ground Floor Materials.** All ground floor exterior materials shall be durable, quality materials, such as glass, concrete, precast concrete, aluminum and high quality metal panels, composite panels, stone, and stucco.
 2. **Nonresidential Building Materials.** Primary building materials in all nonresidential construction shall store carbon (e.g., wood, calcium carbonate-based cementitious substances, synthetic limestone).
 3. **Glass Materials.** Glass types shall be clear glass, frit glass, sandblasted glass, spandrel glass, or channel glass. Glazing should provide a high degree of light transmittance and be non-reflective.
 4. **Roofing Materials.** Roof design and materials shall include vegetated roofs, high-albedo built-up roofs, high albedo single-ply roofing, metal, terracotta tile, concrete tile, composite concrete tile, skylights, solar collectors, and photovoltaics.
 5. **Window Materials.** Vinyl-frame windows and doors are prohibited. Wood-framed windows must have metal or fiberglass cladding on the exterior. Metal-frame windows must be thermally broken.
- F. **Unit Design.**
1. A minimum of 10 percent of units in any single residential project shall be designed to be accessible to all users using the principles of Universal Design.
 2. Public plazas shall be constructed with ADA-compliant ramps and tactile warning strips at the crosswalks. Equipment and facilities such as tables, trash cans, restrooms, and drinking fountains should allow for universal access, including people of all ages and ability levels.

G. Landscaping and Site Design.

1. All development projects shall include on-site vegetated stormwater treatment and landscaping and shade trees at a rate of one tree per 5,000 square feet of the residential building footprint and one tree for every 10,000 square feet of developed lot area for nonresidential or mixed-use development.
2. Where a creek runs under a site, the applicant must coordinate with the Department to daylight the waterway as part of the site design.
3. All applicants shall also reference the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook.

H. Refuse Enclosures and Utility Equipment. Refuse and recycling container enclosures and utility equipment (mechanical, electrical, and plumbing) may not be located within the front setback. Public utilities are excluded from this requirement. Additionally, the requirements of Section C.2.120 (Refuse and Recycling Areas) apply.

I. Parks and Publicly Accessible Open Spaces.

1. All development projects shall dedicate land for parks if a park is shown on the subject property on Figure 2-16 (Existing and Proposed Parks) of the Metro Specific Plan.
2. Privately-owned public open space must remain accessible and open to the public during business hours. Private single-access gates are prohibited.
3. The Recreational Value System as described in the Metro Specific Plan Section 2.8 (Parks and Public Spaces Framework) shall be used to ensure park improvements provide a diversity of active, contemplative, and social gathering experiences.
4. Parks must be bordered by a public right-of-way such as a street, trail or railroad, on at least three sides, and must be clearly visible and accessible from all abutting rights-of-way.
5. Small neighborhood-serving parks less than one-quarter acre must be located a minimum 500 feet from Montague Expressway, the Great Mall Parkway, or any rail line.
6. Seating shall be provided in all publicly-accessible open spaces. Seating may include both moveable and fixed seating as well as seat walls, steps, boulders, and other multi-use objects and must be placed along pathways and within or near gathering spaces.

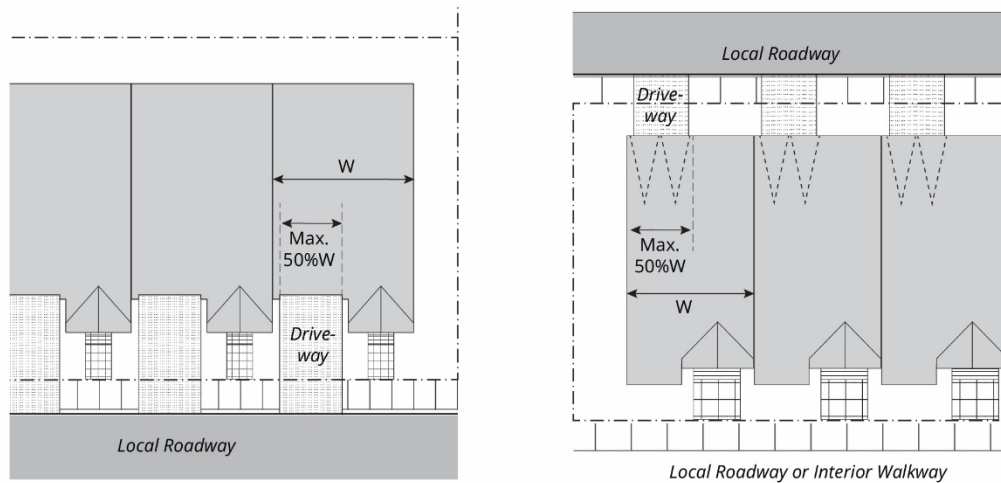
J. Common and Private Open Spaces.

1. Private open spaces may take the form of balconies, patios, gardens, porches, decks, or roof decks.
2. Usable open space surfaces may be any combination of lawn, garden, flagstone, wood planking, concrete, or other dust-free surfacing, and may not exceed 10 percent slope.
3. Universal access shall be provided to all rooftop amenities. An accessible path to a publicly accessible restroom on an adjacent floor or at the rooftop level shall be provided for any common outdoor open space on the rooftop.
4. A minimum of 10 percent of common rooftop open spaces shall be landscaped using green roofs or planters.

K. **Parking Design.** Where parking is required or proposed, it must comply with the following:

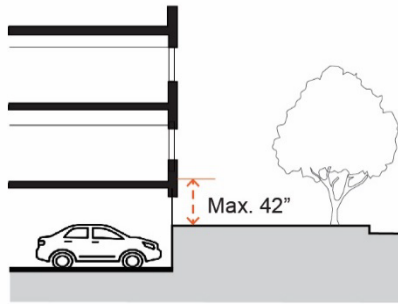
1. **Parking Location.** Off-street parking must be located in:
 - a. Ground-floor “tuck-under” individually secured garages;
 - b. Shared garages (podium or underground); or
 - c. Above-ground structures “wrapped” with habitable uses.
2. **Tandem Parking.** Tandem parking may be provided consistent with Chapter C.6 (Parking and Loading).
3. **Ground-Level Visibility.**
 - a. *Individually secured garages.* Individually secured garages shall be accessed from a shared rear or side drive aisle where such abuts the property. Where individual garages are accessed from the right-of-way, garages shall occupy no more than 50 percent of the frontage of each unit.

FIGURE B.12.040-2: INDIVIDUAL GARAGES



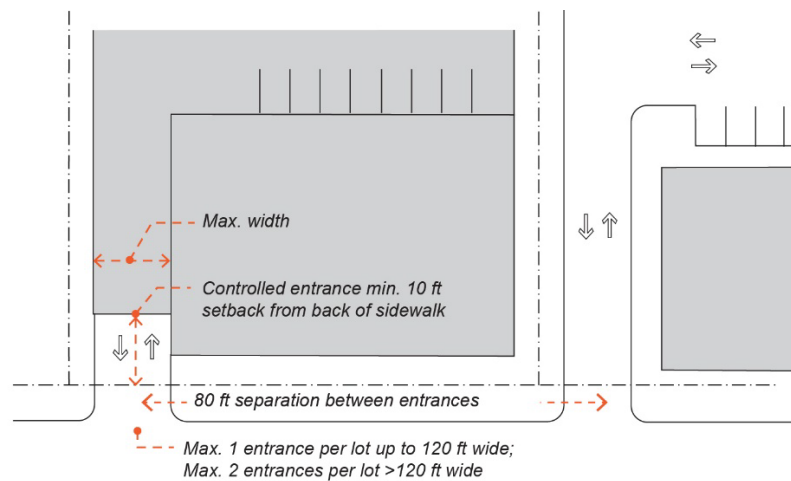
- b. **Structured Parking.** Structured parking may not be located along the ground-level building frontage unless the parking is:
 - (i) Recessed a minimum of four feet from the rest of the building façade and screened with a living wall or textured or decorative screening; or
 - (ii) Designed such that the parking area is located in a basement, where the vertical distance from grade to the finished floor directly above the parking area is a maximum of 42 inches.

FIGURE B.12.040-3: STRUCTURED PARKING GROUND LEVEL



4. **Upper-level Visibility.** All upper-level street-facing structured parking must be screened from view from the right-of-way by at least one of the following features:
 - a. Regular openings designed to resemble windows of habitable spaces that do not reflect the sloping floor lines of interior parking ramps on the facade;
 - b. A trellis or living wall; or
 - c. Textured or decorative screening.
5. **Vehicle Access.** Parking must comply with the following standards:
 - a. A maximum of one driveway to shared parking is permitted on street frontages up to 120 feet in length; a maximum of two shared driveways are permitted on street frontages exceeding 120 feet in length.
 - b. Controlled entrances to shared parking facilities (i.e., gates, doors, etc.) shall be located a minimum of 10 feet from the back of sidewalk.
 - c. Vehicular entrances to parking areas shall be a minimum of 80 horizontal feet from vehicular entrances to parking areas on adjacent properties.
 - d. Mechanical parking lifts are allowed in all structured parking configurations.

FIGURE B.12.040-4: PARKING ACCESS



6. **Parking Separation.** Parking for residential units shall be physically separated from parking for nonresidential uses through a controlled fence, gate, or other barrier.
- L. **Pedestrian and Bicycle Circulation.**
1. A system of pedestrian walkways shall connect all primary buildings entrances on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site usable open space areas, pedestrian amenities, and transit stops.
 2. Walkways shall be the shortest practical distance between the primary building entrance and sidewalk, generally no more than 125 percent of the straight-line distance.
 3. Walkways must link the entrances with on-site usable open spaces, on-site services, and other internal facilities.

4. Walkways shall be a minimum of five feet wide, hard-surfaced, and paved with permeable materials.
5. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identifiable through a raised crosswalk, a different paving material, or similar method.
6. Where a required walkway is parallel and adjacent to a vehicle travel area, it must be raised or separated from the vehicle travel lane by a raised curb at least four inches high, bollards, or other physical barriers.

M. Utilities.

1. Utilities shall be placed in underground or subsurface conduits consistent with Section C.2.150 (Underground Utilities).
2. Utilities shall be screened consistent with Section C.2.140.D (Equipment Screening).
3. Public utility distribution meters, vaults and similar installations shall be consolidated in a single area whenever possible and located away from highly visible areas such as street corners and public open spaces.
4. Backflow preventors shall be located within landscaped setback areas and painted black or dark green to minimize visual impact. Where no landscaped setback areas exist the backflow preventors shall be incorporated into the front of the building to minimize visual obtrusiveness.
5. Refuse and recycling containers shall not be visible from a public or private street. Such containers shall be stored either within the parking facility of the building or within a vehicular accessway with screening designed to meet the requirements of this Subsection.
6. Trash enclosure walls shall incorporate building materials and colors that match the architecture of the building and be well landscaped.
7. All telecommunications antennas shall be building facade or roof mounted and screened consistent with Section C.2.140.D (Equipment Screening).
8. On Main Street only telecommunication facilities that are disguised to appear as a part of the building architecture (i.e., "stealth" antennas) may be used.

N. BPRD-Metro and BPRD-R-Metro Zones.

1. ***BPRD Zone Supplemental Standards Apply.*** All nonresidential development in the BPRD-R-Metro and BPRD-Metro zones must additionally comply with the standards of Subsection B.10.040.D (Special Design Standards in the BPRD Zone). Where standards of this Section B.12.040 applicable to the BPRD-Metro and BPRD-R-Metro zones conflict with those of Subsection B.10.040.D, the more restrictive standard applies.
2. ***Loading Dock and Doors.*** In the BPRD-R-Metro and the BPRD-Metro zones, a maximum of two loading docks are allowed for any single project and must be located out of view from the primary abutting right-of-way.

Chapter B.14 Reserved

Chapter B.16 Milpitas Commercial Specific Plan Area

Sections:

- B.16.010 Introduction
- B.16.020 Existing Setting
- B.16.030 Land Use Plan
- B.16.040 Infrastructure, Grading and Construction
- B.16.050 Administration

B.16.010 Introduction

- A. **Specific Plan Area.** The Milpitas Commercial Specific Plan area is an approximately 14.56 acre-site located in the City of Milpitas, in Santa Clara County, California on the northernmost southeast corner of North McCarthy Boulevard and Ranch Drive (Ordinance 38-799, Figures 1 and 2). Regional access to the Specific Plan area is provided from Interstate 880 (I-880) and State Route 237 (SR-237). The Specific Plan area is bounded by Ranch Drive and the McCarthy Center office complex to the north; stores and parking areas in the McCarthy Ranch Marketplace to the south; Ranch Drive and I-880 to the east; and North McCarthy Boulevard and undeveloped land to the west. The undeveloped land to the west of the Specific Plan area is designated for Industrial Park uses by the City of Milpitas General Plan and is entitled for an office park campus (The Campus at McCarthy Ranch). Coyote Creek is located west of the undeveloped land with Coyote Creek Trail, a Class I bicycle/pedestrian trail, paralleling the east side of the creek. Single-family residences are located east of I-880 and are protected by a sound wall along the I-880 frontage.
- B. **Purpose of the Specific Plan.** A specific plan is a combination policy statement and implementation tool that can be used to address the unique needs of a particular area of a city or county. As a result, emphasis is on concrete standards and development criteria for use in the submission and review of subsequent development plans and permits. The California Government Code permits the use of specific plans to regulate site development, including permitted uses such as density, building size, and placement. Specific plans also govern the landscaping and roadways, as well as the provision of infrastructure and utilities. Since the development guidelines established in a specific plan focus on the unique needs of a specific area, specific plans allow for greater flexibility than is possible with conventional zoning.

The purpose of the Milpitas Commercial Specific Plan is to assist in the development of the site in a manner that will benefit local shoppers, the general public, and the City of Milpitas. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The customized development regulations contained in the Specific Plan address the unique characteristics of the site and surrounding properties, as well as the needs of the commercial land uses proposed for the site. These efforts are intended to foster greater economic development and design opportunities than could be achieved through the use of conventional zoning and development standards.

As used herein, the term "developer" shall mean the fee title holder of the Milpitas Commercial Specific Plan area.

- C. **Project Objectives.** The objectives of the Milpitas Commercial Specific Plan are as follows:
1. Promote economic growth and development that is consistent with the policies of the City of Milpitas General Plan.
 2. Provide development that maximizes the Specific Plan area's use potential in a manner consistent with the City of Milpitas General Plan.
 3. Ensure development within the Specific Plan area complies with appropriate conditions and environmental mitigations for the benefit of the City, its residents and taxpayers.
 4. Generate sales tax and property tax revenues to accrue to the various agencies within the Specific Plan area.
 5. Enhance the commercial retail opportunities in the City of Milpitas and surrounding communities.
- D. **Authority.** The Milpitas Commercial Specific Plan has been prepared in accordance with Government Code Sections 65450 et seq. and 66450 et seq. and will constitute the zoning for the Specific Plan area. Land use standards and regulations contained within this document shall govern future development within the boundaries of this Specific Plan.

The Milpitas Commercial Specific Plan provides a framework for development of the Specific Plan area. The Specific Plan provides guidance for the review of specific development proposals and is the City's reference document for determining permitted uses, intensity of use, and development standards and requirements. The Specific Plan defines objectives, as well as regulations and requirements for development of the Milpitas Commercial Specific Plan area.

E. **General Requirements.**

1. **General Plan Consistency.** Implementation of the Milpitas Commercial Specific Plan is intended to carry out the goals and policies contained in the City of Milpitas General Plan, as amended, in an orderly and attractive fashion. Development within the Milpitas Commercial Specific Plan area shall, therefore, be consistent with the provisions of the City of Milpitas General Plan.

The Milpitas Commercial Specific Plan implements the General Plan by:

- a. Encouraging development within the incorporated limits to fill in the urban fabric rather than providing costly expansion of urban services into outlying areas.
- b. Encouraging economic pursuits to strengthen and promote development; provide economic opportunities for all Milpitas residents within existing environmental, social, fiscal, and land use constraints; and maintain a balanced economic base that can resist downturns in any one economic sector.
- c. Providing opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.
- d. Fostering community pride and growth through beautification of existing and future development.
- e. Utilizing the City's adopted Level of Service standards in evaluating development proposals and capital improvements.
- f. Paying its share of street and other traffic improvements based on its impacts.

- g. Promoting measures that increase transit use, walking, and bicycling and that lead to improved utilization of the existing transportation system.
- h. Providing adequate circulation and off-street parking and loading facilities for trucks and restricting trucks to designated truck routes.
- i. Protecting and enhancing the quality of water resources and promoting conservation and efficiency in the use of water.
- j. Implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board.
- k. Enhancing the visual impact of the gateways to Milpitas.
- l. Undertaking efforts to reduce the generation of waste, increase recycling and slow the filling of local and regional landfills.
- m. Minimizing threats to life and property from seismic hazards, geologic hazards, flooding, and dam inundation.
- n. Minimizing unnecessary, annoying, or injurious noise.
- o. Furthering the Land Use Guiding Principles by promoting a compact urban form and encouraging focused growth through infill opportunities in the incorporated City limits rather than in outlying areas.
- p. Improving the viability of transit, pedestrian and bicycle systems by promoting measures that increases use of those systems.
- q. Maintaining the architectural and landscape elements that contribute to the identity and history of the City by requiring new developments to be harmonious with older structures.
- r. Ensuring the conservation, development and use of natural resources by providing "smart growth" through infill development and promoting conservation and efficiency in energy and water use and reducing waste generation through increased recycling and less waste production.

2. ***Relationship Between Specific Plan Development Standards/Criteria and the City of Milpitas Municipal Code.*** The provisions of the Milpitas Commercial Specific Plan shall govern all development on the lands within the Specific Plan area. Any regulations or requirements not specifically covered herein shall be subject to the regulations and requirements of the City of Milpitas Municipal Code, design guidelines and engineering standards and other applicable regulations, in addition to all applicable local, state and federal ordinances, laws or regulations. Any operations on the Specific Plan area shall also be required to operate in accordance with all local, state and federal regulations. If any provision of this document conflicts with the regulations or requirements of the City of Milpitas Municipal Code, the provisions of this document shall govern.

The process for approving development under the Milpitas Commercial Specific Plan shall be set forth in Section B.16.050 (Administration).

3. Conformance with Uniform Building and Fire Codes. All construction within the Milpitas Commercial Specific Plan shall be in compliance with Title II "Building Regulations" and Title V-300 "Fire Code" of the Milpitas Municipal Code.

4. **Provision of Infrastructure.** Unless otherwise specifically approved as part of this Specific Plan, all off-site improvements under the control of the City shall be subject to the City of Milpitas regulations and requirements in effect at the time improvement plans are submitted. Other improvements not under the control of the City (e.g., electricity, natural gas, telephone) shall be subject to the regulations and requirements of the responsible agency.

Specific requirements for infrastructure improvements are set forth in Table B.16.050-A (Milpitas Commercial Specific Plan Environmental Performance Standards) of this Specific Plan. To ensure the cost-effective availability of current and adequate infrastructure and services during the development of the Specific Plan area, infrastructure plans may be modified upon approval of the City of Milpitas Chief Building Official, which pursuant to Section B.16.050 (Administration) of this Specific Plan, shall be ministerial, final and not subject to appeal and without the need to amend this Specific Plan.

5. **Severability.** If any term, provision, condition, requirement, or portion thereof of this Specific Plan is for any reason held invalid, unenforceable, or unconstitutional, the remainder of this Specific Plan or the application of such term, provision, condition, requirement, or portion thereof to circumstances other than those in which it is held to be invalid, unenforceable, or unconstitutional, shall not be affected thereby; and each other term, provision, condition, requirement, or portion thereof shall be held valid and enforceable to the fullest extent permitted by law.
6. **Costs.** The developer shall pay the costs of any code enforcement activities, including attorney's fees, resulting in the violation of any provisions of the Milpitas Municipal Code, including the Milpitas Commercial Specific Plan. The developer shall be responsible for the entire cost to implement the environmental performance standards in accordance with Section B.16.050.D.7 (Environmental Performance Standards) of this Specific Plan.
7. **Consent to Hold Harmless.** The developer shall as a requirement of any development within the Milpitas Commercial Specific Plan area, agree to indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void or annul, any action by the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body related to, in furtherance of this Specific Plan.

Furthermore, developer shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer is subject to that other governmental entity's approval and a condition of such approval is that city indemnify and defend such governmental entity. City shall promptly notify the developer of any claim, action or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the city, any agency, or instrumentality thereof, or any of its officers, officials, employees, or agents.

B.16.020 Existing Setting

A. Site Conditions And Existing Land Uses.

1. *Historical and Existing Land Uses.*

- a. *Existing Land Use.* The Specific Plan area is currently developed with a 131,725-square-foot retail store and associated parking.
- b. *Existing On-Site General Plan Land Use and Zoning.* The Specific Plan area is currently designated General Commercial by the City of Milpitas General Plan. The General Commercial land use designation is intended for a wide range of retail sales and personal and business services accessed primarily by the automobile. It includes commercial uses where shopping is conducted by people walking to several stores and uses of a single-purpose character served from an adjacent parked vehicle.

The Specific Plan area is currently designated General Commercial (C2) by the City of Milpitas Zoning Code. The C2 zoning district is intended to provide for a wide range of retail sales and personal and business services primarily oriented to the automobile customer and is intended to promote stable, attractive commercial development which will afford a pleasant shopping environment. This zone permits retail sales as of right. Grocery stores that are within one thousand (1,000) feet of a residential zone and Liquor Stores (Alcohol Beverage Sales) are conditionally permitted.

The Specific Plan area is also within the Site and Architectural Overlay District (S). The S zone is intended to promote orderly, attractive and harmonious development; recognize environmental limitations on development; stabilize land values and investments; and promote the general welfare by preventing the establishment of uses or erection of structures having qualities that would not meet the intent of the Zoning Code. The General Plan and Zoning designations are illustrated in Ordinance 38-799, Figures XI-10-11.07-3 and -4.

2. ***Surrounding Land Uses.*** Land uses surrounding the Milpitas Commercial Specific Plan area are characterized by office and Research and Development uses to the north, commercial uses to the south, Interstate 880 and residential uses to the east, and undeveloped but entitled land to the west. North of the Specific Plan area is the McCarthy Center office complex, a 68-acre complex with approximately one million square feet of office and Research and Development uses spread among nineteen (19) two-story buildings in a campus setting. To the south is the remainder of a commercial/retail development, McCarthy Ranch Marketplace, which includes Best Buy, Borders and PetSmart, small shops and restaurants, and small, freestanding restaurants such as Black Angus, Macaroni Grill and Applebees. To the east, east of I-880, are single-family residential uses that are protected by a sound wall located along the I-880 frontage. The undeveloped land to the west is approved for an office park campus (The Campus at McCarthy Ranch) and further west of the undeveloped land is Coyote Creek and Coyote Creek Trail, a Class I bicycle/pedestrian trail, that parallels the east side of the creek. The surrounding land uses are illustrated in Ordinance 38-799, Figure 5.

B. Existing Circulation.

1. ***Regional Circulation.*** Excellent regional access to the Specific Plan area is provided by I-880 and SR-237.

I-880 is a north-south highway known as the Nimitz Freeway that provides regional access throughout the East Bay. It stretches north to Interstate 980 in Oakland and south to San Jose where it becomes State Route 17. It generally is an eight-lane, divided freeway. In the vicinity of the Specific Plan area, I-880 provides six (6) lanes in each direction, including a High Occupancy Vehicle (HOV) lane in each direction. It accommodates approximately one hundred eighty-one thousand (181,000) vehicles per day. Access to and from the Specific Plan area is provided at the SR-237/North McCarthy Boulevard interchange.

SR-237 is an east-west regional highway located approximately three-tenths (0.3) miles south of the Specific Plan area that provides access throughout northern Santa Clara County. It connects Mountain View to the west and Milpitas to the east. It is a major arterial providing connectivity to I-880 and Interstate 680. East of I-880, SR-237 is known as Calaveras Boulevard. SR-237 is a six-lane highway with HOV lanes in both directions. In the vicinity of the Specific Plan, SR-237 accommodates approximately one hundred fifty-eight thousand (158,000) vehicles per day. Access to and from the Specific Plan area is provided at the SR-237/North McCarthy Boulevard interchange.

2. ***Local Circulation.*** Major roadways in and around the Specific Plan area are Dixon Landing Road, North McCarthy Boulevard, Ranch Drive and Tasman Drive. These roadways are defined as arterials or collectors. Arterials collect and distribute traffic from freeways and expressways to collector streets and vice versa. Collector streets, which constitute most of the roadways in and around the Specific Plan area, serve as connectors between arterial and local streets, providing direct access to the parcel. Major collectors are typically wide streets with four (4) to six (6) lanes of moving traffic. Minor collectors are smaller street with either less than four (4) lanes of moving traffic or less traffic.

Dixon Landing Road is an east-west major collector roadway connecting North McCarthy Boulevard to the west and North Milpitas Boulevard to the east. It is a major collector East of North Milpitas Boulevard where it becomes Dixon Road. It is a four-lane divided roadway, except for between Milmont Drive and Village Parkway, where it is a four-lane undivided roadway with a center two-way left-turn lane. The posted speed limit along Dixon Landing Road is forty (40) miles per hour (mph).

North McCarthy Boulevard is a major north-south collector roadway connecting Dixon Landing Road to the north and Montague Expressway to the south. South of the Montague Expressway it becomes O'Toole Avenue. It is a four-lane divided roadway primarily serving adjacent commercial uses north of SR-237 and office parks south of SR-237. The posted speed limit along North McCarthy Boulevard is thirty-five (35) mph north of Technology Drive and forty (40) mph south of Technology Drive.

Ranch Drive is an east-west minor collector roadway that intersects North McCarthy Boulevard at two (2) locations. Ranch Drive is the main access roadway to retail uses within the McCarthy Ranch Marketplace. It changes from a four-lane divided roadway, a four-lane undivided roadway, and a two-lane road with a center two-way left-turn lane between its southern and northern intersection with North McCarthy Boulevard. The posted speed limit along Ranch Drive is thirty (30) mph.

Tasman Drive is an east-west arterial roadway stretching from Sunnyvale to the west to I-880 to the east. East of I-880 it becomes Great Mall Parkway. It is a six-lane divided roadway near the Specific Plan area. Santa Clara Valley Transportation Authority operates light rail service along Tasman Drive, with tracks located in the center median of the roadway. The posted speed limit along Tasman Drive is forty (40) mph.

3. **Public Transit.** Santa Clara Valley Transportation Authority (VTA) provides bus and light rail services in Milpitas and throughout Santa Clara County. The Specific Plan area is served by Route 33 and Route 825.

Route 33 passes northbound on North McCarthy Boulevard directly adjacent to the Specific Plan area and loops clockwise around Ranch Drive, where it returns south and provides connections to many locations in Milpitas and San Jose. Route 825 is a shuttle service provided by VTA for connections to the Santa Clara Great America station. The Santa Clara Great America station serves the Altamont Commuter Express (ACE), a weekday commuter rail service between Stockton and San Jose, and the Amtrak Capitol Corridor, a daily intercity rail service between San Jose and the Sacramento Area.

Route 33 operates every thirty (30) minutes and Route 825 operates every seventy-five (75) minutes during the weekday commute peaks. Route 33 provides weekend service from 9 a.m. to 6 p.m. every thirty (30) minutes. Route 825 does not provide weekend service, as it is a limited service commuter route.

The nearest light rail station to the Specific Plan area is the I-880 station, located at the intersection of Tasman Drive and Alder Drive, approximately one and one-half (1.5) miles to the south.

4. **Bicycle Facilities.** The Specific Plan area is serviced by a bicycle lane running along North McCarthy Boulevard. The existing retail building provides bicycle racks and any future development shall upgrade and provide bike storage pursuant to Subsection B.16.040.B (Project Access) of this Specific Plan.

C. Existing Physical Conditions.

1. **Topography.** The Specific Plan area is located in the City of Milpitas, which is within the relatively flat floor of the Santa Clara Valley. The Santa Clara Valley is a broad, northwesterly trending, alluvial-filled basin between the Santa Cruz Mountains to the south and the Diablo Range to the northeast. The Specific Plan area is bounded by baylands to the west and foothills to the east, with urban development located in the plain between the two (2) features. The Mission Hills are the primary backdrop to the Milpitas area. Monument Peak at two thousand five hundred ninety-four (2,594) feet is the highest point in the Mission Hills above Milpitas.
2. **Hydrology.** The Specific Plan area is located within Coyote Creek watershed. The Coyote Creek watershed encompasses three hundred fifty (350) square miles and drains the Specific Plan area, City of Milpitas, the eastern portion of San Jose and the Coyote Valley.

Coyote Creek is approximately one-quarter (0.25) miles west of the Specific Plan area and spans the length of the Santa Clara Valley, originating at Anderson Reservoir near Morgan Hill and emptying into San Francisco Bay.

Downstream of the Specific Plan area, Coyote Creek splits into "New" and "Old" branches. New Coyote Creek is a man-made channel that skirts the south side of the Newby Island Sanitary Landfill, while Old Coyote Creek meanders around the east and north sides of the landfill.

The Specific Plan area has an existing stormwater collection system. Stormwater is collected via inlets located around the Specific Plan area and is then piped and discharged into the City of Milpitas's municipal storm drain system, which outlets into Coyote Creek. Storm drain lines are located within Ranch Drive and North McCarthy Boulevard.

The Specific Plan area is located within the Santa Clara Valley subbasin, which extends from Coyote Narrows at Metcalf Road in south San Jose to Santa Clara County's northern boundary. The subbasin is approximately twenty-two (22) miles long and fifteen (15) miles wide, with a surface area of two hundred twenty-five (225) square miles.

3. **Soils.** The Specific Plan area is a developed, urban area. The Specific Plan area was graded and engineered in the early 1990s with the development of the existing retail building. The soils were conditioned to support urban development and are considered stable soils and geologic units. The deep-surface soils beneath the Specific Plan area consist of approximately three hundred (300) feet of alluvium, which is regarded as a very stable geologic unit. The Quaternary age old alluvium consists of inter-layered, poorly sorted gravel, sand, silt and clay.
4. **Seismicity.** The Specific Plan area is located in an area with eight (8) active faults including the Hayward, Calaveras, San Andreas, San Gregorio-Seal Cove-Hosgri, Concord, Greenville, Las Positas, and Verona faults. The closest fault to the Specific Plan area is the Hayward fault, which is located approximately two and one-half (2.5) miles northeast. The Specific Plan area is also located in a moderate liquefaction susceptibility zone pursuant to the Liquefaction Susceptibility Map for the San Francisco Bay Area prepared by the United States Geologic Study (USGS) in cooperation with the California Geological Survey and William Lettis & Associates, Inc. The Specific Plan area is not located within an Alquist-Priolo zone and no faults or fault traces are located within the Specific Plan area.

The Specific Plan area may be exposed to moderate to severe ground shaking during an earthquake, particularly one that occurs on either the Hayward or Calaveras fault. To reduce the risk associated with ground shaking, development within the Specific Plan area will be required to demonstrate that structural design measures identified in a seismic hazards technical study prepared prior to construction and in accordance with the requirements of the Seismic Hazards Mapping Act have been incorporated into any design and/or building plans.

The Specific Plan area is located within a liquefaction hazard zone. To reduce the risk associated with liquefaction, development within the Specific Plan area will be required to demonstrate that abatement measures identified in a design-level geotechnical investigation prepared prior to construction have been incorporated into any design and/or building plans. Development will also be required to comply with all state and local seismic safety requirements including the California Building Standards Code and Milpitas Municipal Code, Title II.

The Specific Plan area is flat and is not located in an area identified as being susceptible to landslides.

5. **Hazardous Materials.** The Specific Plan area is a developed, active commercial area. It appears on four (4) environmental databases listing parcels with known or potentially hazardous conditions.

The first database is the Hazardous Waste Information System database which lists sites recorded on hazardous wastes manifests. This listing only indicates that hazardous materials were transported to or from the Specific Plan area; it does not indicate that contamination occurred. The second database is the Statewide Environmental Evaluation and Planning System database which lists sites with registered underground storage tanks (USTs). This database is no longer updated. The Specific Plan area did contain a 1,000 gallon waste oil underground storage tank. A Phase I Environmental Site Assessment ("Phase I")

prepared by Tait Environmental Services, dated April 25, 2009, concluded that no UST exists in the Specific Plan area today based on the site reconnaissance. The Phase I found no evidence or record of when or how the UST was removed. The third database is the California Hazardous Material Incident Report System which records reported hazardous material incidents or accidental releases or spills. An alleged incident of raw sewage bubbling up on the parking lot in the Specific Plan area was reported in 1997 by a caller to the Santa Clara County Health Department. No confirmation of this release exists. The final database is the Emergency Response Notification System which reports the release of oil and hazardous substances. No details about the listing exist, so it is unclear why the Specific Plan area is listed on this database.

Fluorescent lighting fixtures within the existing building within the Specific Plan area may contain polychlorinated biphenyls and mercury. The existing refrigeration units and rooftop HVAC units may also contain chlorofluorocarbons. The existing automobile service area utilizes several above-ground storage tanks (AST) that store petroleum hydrocarbons and a hazardous waste storage area. The existing building also has a hazardous waste storage area inside for spent absorbent material used to soak up spills of hazardous retail products and store maintenance products.

The Specific Plan area is located one and one-tenth (1.1) miles east of the San Jose/Santa Clara Water Pollution Control Plant which uses nineteen (19) percent aqueous ammonia, a hazardous material. Worst-case offsite release for aqueous ammonia is one-one hundredth (0.01) mile from the release point or only forty-five (45) feet from the plant's fence line. The Calpine Los Esteros Critical Energy Facility, a 180-megawatt natural gas power plant served by two (2) PG&E natural gas pipelines, is located six-tenths (0.6) miles southwest of the Specific Plan area. The plant began operation in 2003. Because of the localized nature of any releases of aqueous ammonia, and the recent age and clean-burning attributes of natural gas, the Specific Plan area is not susceptible to exposure of hazardous materials from surrounding land uses.

6. **Biological Resources.** Most of the Specific Plan area is covered with impervious surfaces. Mature ornamental trees and landscaping are located throughout the parking lot and along frontages with Ranch Drive and North McCarthy Boulevard. Horticultural low growing shrubs, tree rows and single planter trees are located in the parking areas and along the periphery of the existing building. The ornamental trees include species up to approximately twenty (20) feet in height and non-native shrubs of five (5) feet or less in height. There are no special-status plants or wildlife species with potential to occur within the Specific Plan area.

Based on the developed and disturbed condition of the Specific Plan area, only commonly observed wildlife species would be expected to occur in the area such as house sparrows, starlings, crows, opossums and small squirrels. Based on the lack of trees, shrubs, and aquatic resources, there is no indication of a wildlife community in the area. The area also does not contain features suitable for use as a wildlife movement corridor (e.g., open drainages). The Specific Plan area does support ornamental trees and shrubs trees that could potentially provide nesting habitat for small migratory songbirds. No open channels, natural drainage features, wetlands or waters of state or the United States exist within the Specific Plan area.

7. **Climate.** Temperatures in the Specific Plan area range from an average monthly high of 81.9 degrees Fahrenheit (°F) in July to an average monthly low of 40.8 °F in January. Average annual rainfall is 14.70 inches.

D. **Existing Utilities.**

1. **Water.** The Specific Plan area will receive water service from the City of Milpitas, which provides potable water supply and distribution to an approximately fifteen (15) square mile service area. Milpitas's water distribution systems includes two hundred three (203) miles of water main, one thousand seven hundred fifty-five (1,755) fire hydrants, five (5) water tanks totaling 15.64 million gallons of capacity, five (5) pump stations, sixteen (16) pressure regulator valves, and one (1) well. Milpitas purchases treated water from the San Francisco Public Utilities Commission and the Santa Clara Valley Water District, and receives recycled water from the San Jose/Santa Clara Water Pollution Control Plant. The City also maintains an emergency well system. The City's emergency well meets all drinking water standards and is permitted for unlimited use. A second emergency well is under design.

The San Francisco Public Utilities Commission receives approximately eighty-five percent (85%) of its water from the Hetch Hetchy Reservoir with the remaining fifteen (15%) percent coming from Alameda and Peninsula watershed. The Santa Clara Valley Water District receives its water from local groundwater aquifers, the Sierra Nevada Mountains via pumping stations in the Sacramento-San Joaquin River Delta, and a small amount from local surface water and recycled water. The annual yield from the Santa Clara Valley Water District is four hundred forty thousand eight hundred (440,800) acre-feet during a year during average weather conditions.

In 2010, the estimated water demand for Milpitas based on the City's Urban Water Management Plan was 14.06 million gallons per day. By 2030, the projected demand would be 17.10 million gallons per day with the estimated supply also at 17.10 million gallons per day. Based on these projections, demand would exceed supply under both single dry year and multiple dry year scenarios. The Urban Water Management Plan identifies various water shortage contingency strategies including voluntary and mandatory rationing and supplemental groundwater pumping. Development in the Specific Plan area will be required to install indoor water conservation measures such as low-flow or ultra-low-flow toilets and urinals, and sensor-activated faucets in restrooms prior to final certificate of occupancy issuance.

2. **Wastewater.** The San Jose/Santa Clara Water Pollution Control Plant provides wastewater treatment and disposal services to a three hundred (300) square-mile service area encompassing the cities of San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The plant, which is located in San Jose, west of Milpitas, has capacity to treat 167 million gallons of wastewater per day. The plant receives 116.6 million gallons per day, on average.

The City of Milpitas collects wastewater from approximately six thousand (6,000) acres within the City planning area, including the Specific Plan area. Effluent is transmitted through 172.5 miles of sewer main to the San Jose/Santa Clara Water Pollution Control Plant. Wastewater treatment services are governed by an agreement between the cities of San Jose and Santa Clara (as joint owners of the plant) and the City of Milpitas. The City of Milpitas pays a capital share in proportion to the City's capacity rights and the total plant capacity. In 2009, the City of Milpitas increased its capacity allocation from 13.5 million gallons per

day to 14.25 million gallons per day. Any development in the Specific Plan area will be required to pay a Treatment Plant Fee.

Existing development in the Specific Plan area is served by a lateral tie into a wastewater trunk line located in North McCarthy Boulevard from SR-237 to the Milpitas Pump Station located at Dixon Landing Road. The trunk line ranges in diameter from thirty-six (36) to forty-eight (48) inches.

3. **Water Quality.** The existing drainage within the Specific Plan area is discussed above in Subsection B.16.020.C.2 (Hydrology).

Coyote Creek and South San Francisco Bay are listed on the United State Environmental Protection Agency (EPA) 303(d) list of impaired water bodies. During construction, all work would be required to meet the National Pollution Discharge Elimination System (NPDES) requirements for stormwater quality. The contractor would also be required to implement Best Management Practices (BMPs) for erosion control. These requirements will be implemented through the preparation and approval of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would ensure that construction would not violate any water quality standards.

During operations, all activities must comply with a City-approved stormwater management plan. Compliance with the stormwater management plan would ensure that operational activities within the Specific Plan area would not violate any water quality standards.

4. **Stormwater.** The City of Milpitas collects and disposes its stormwater via a storm drainage network consisting of catch basins, conveyance piping, pump stations, and outfalls to creeks. Storm drainage infrastructure within the City includes one hundred twenty-three (123) miles of piping, three thousand four hundred ninety (3,490) catch basins, approximately four and one-half (4.5) miles of drainage ditches and creeks, and thirteen (13) stormwater pump stations. The Santa Clara Valley Water District has jurisdiction over creeks, including Coyote Creek.

The Specific Plan area is served by existing storm drainage infrastructure (inlets and piping) that discharges runoff into the City's municipal storm drain system. The City's storm drain system includes lines located within Ranch Drive and North McCarthy Boulevard. The storm drain main within North McCarthy Boulevard ranges from twenty-four (24) to forty-eight (48) inches in diameter and discharges stormwater into Coyote Creek northwest of the Specific Plan area.

5. **Solid Waste Disposal.** Solid waste collection and recycling services are provided by Republic Services under contract with the City of Milpitas Public Works department. Solid waste from the City of Milpitas is landfilled at the Newby Island Landfill on Dixon Landing Road in San Jose, which has approximately 10.7 million cubic yards of remaining capacity. The Newby Island Landfill operator has applied to the City of San Jose to increase disposal capacity by 15 million cubic yards. Newby Island Landfill is permitted to accept up to four thousand (4,000) tons of Municipal Solid Waste (MSW) per day. The anticipated closure date of the Newby Island Landfill is 2025. The annual waste diversion rate in the City of Milpitas is steadily increasing and was sixty (60) percent in 2006.

Development on site shall be required to retain a qualified contractor to perform construction and demolition debris recycling and developer must document to the satisfaction of the City of Milpitas, that construction and demolition debris was recycled. Development on the Specific Plan area will be required to provide on-site recycling facilities prior to obtaining certificate of occupancy permits.

6. **Natural Gas.** Natural gas service to the Specific Plan area will provided by Pacific Gas and Electric Company (PG&E).
7. **Electricity.** Electricity service to the Specific Plan area will be provided by PG&E.
8. **Telephone.** Telephone service to the Specific Plan area will be provided by American Telephone & Telegraph (AT&T).

B.16.030 Land Use Plan

Any and all approvals, decisions, reviews or actions required under this section and required for development within the Milpitas Commercial Specific Plan area shall be ministerial, final, and not subject to appeal, and shall be processed pursuant to Section B.16.050 (Administration) of this Specific Plan, provided the proposed development is consistent with the conceptual site plan, elevations, colors and materials, and landscaping as depicted in Ordinance 38-799, Figures XI-10-11.07-6 through -9, of this Specific Plan and the conditions and requirements set forth in Ordinance 38-799, Figure XI-10-11.07-10, of this Specific Plan.

Development that is not consistent with the development standards set forth in the Milpitas Commercial Specific Plan and Ordinance 38-799, Figures XI-10-11.07-6 through -9, of this Specific Plan, and the conditions and requirements set forth in Ordinance 38-799, Figure XI-10-11.07-10, of this Specific Plan shall either require a Substantial Conformance Determination, as discussed below, or shall be processed under the procedures set forth for development in the General Commercial (C2) zone as set forth in the City of Milpitas Zoning Code. Development that has not commenced, which is defined as building permit issuance or completion of a foundation, within eighteen (18) months of approval of the Milpitas Specific Plan, shall be processed under the procedures set forth for development in the C2 zone as set forth in the City of Milpitas Zoning Code. The development standards shall be the same as those specified herein, but the process shall be consistent with the zoning code.

- A. **Land Use Concept.** The overall land use concept for the Milpitas Commercial Specific Plan is to revitalize, update and expand an existing retail facility to take advantage of the site's excellent regional access and visibility. It will improve the aesthetic and commercial landscape and provide for development of a full-service retail use to complement existing uses in the surrounding area. The land use concept will incorporate design elements that complement and are compatible with the architectural theme of the existing commercial landscape by creating an attractive and productive blend of retail uses. Access and parking within the Specific Plan area is intended to be designed with convenient vehicular, non-motorized vehicle and pedestrian access that blends and interconnects with the surrounding commercial area.

Ordinance 38-799, Figure XI-10-11.07-6, illustrates the Conceptual Site Plan for the Milpitas Commercial Specific Plan.

1. **Uses Allowed By Right.** Table B.16.030-A (Permitted Uses) below establishes the permitted uses for the Milpitas Commercial Specific Plan area. Ancillary and accessory uses, if proposed, will be reviewed concurrently with any application for development submitted. Ancillary and accessory uses that are not specifically listed as permitted may be approved subject to determination of substantial conformance as set forth in Section B.16.050 (Administration) of this Specific Plan. All uses shall be fully enclosed unless otherwise indicated.

Table B.16.030-A: Permitted Uses**1. Commercial Uses**

Alcoholic beverage sales for offsite consumption (type 20 or 21 license)

Art/photography studio or gallery

Bookstore

Commercial services (i.e., establishments which provide non-medical services of a retail character to patrons which may involve the sale of goods associated with the service being provided, including, but not limited to, establishments such as: accountants, architects, dry-cleaners, floral shops, barber and beauty shops, interior decorators; Laundromats (self-service laundries), locksmiths, mailbox rentals, photocopy shops, shoe repair shops, tailors, and tuxedo rental shops)

Furniture sales

Grocery store (supermarkets) regardless of distance from residential zone(s)

Home improvement (hardware, blinds, interior decorating, etc.)

Household appliance store

Janitorial services

Newsstand (indoor and outdoor)

Nursery (flower or plant) provided all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building or garden center.

Office supply sales (stationary, equipment)

Paint and wallpaper stores

Pet stores

Printing (newspaper, publishing)

Rentals (medical supplies, costumes, party equipment, office equipment)

Retail stores, general merchandise (i.e., retail trade establishments selling lines of merchandise, including, but not limited to: art supplies, antiques, bakeries (retail only), bicycles, candy stores, clothing and accessories, collectables, fabrics and sewing supplies, gifts (novelties and souvenirs), hobby materials, jewelry, luggage and leather goods, music stores, sporting goods and equipment, toys and games, variety stores; video rentals and sales)

Superstore-type uses including general merchandise, grocery, pharmacy and other uses permitted independently in the Specific Plan area ¹

Tanning salon

Thrift store

2. Entertainment and Recreation

Bowling alleys

Commercial athletic facilities - Indoor

3. Health and Veterinarian Uses

Animal grooming (no boarding)

Medical and dental office ²

Medical support laboratories

Optician and optometrist shop

Pharmacy or drug store

Table B.16.030-A: Permitted Uses

Veterinary clinic

4. Professional Offices, Financial Institutions and Related Uses

Automatic Teller Machines (freestanding)

Financial institutions (banks, savings and loans, check cashing, etc.)

General offices (administrative and business services, real estate, travel agencies, etc.)

5. Public, Quasi-Public and Assembly Uses

Trade and vocational school

Instruction - Private

Parking Facility - Storage Garage

6. Restaurants or Food Service

Catering establishment

Restaurants ³

7. Vehicle Related Uses

Auto repair (tire, oil change, smog check, etc.)

Temporary Recreational Vehicles (RV) sales

Vehicle-oriented window service facility

8. Unclassified Uses

24-hour operations

Accessory structures (not including warehouses on the same site as a permitted use)

Temporary seasonal sales

Table Notes:

¹ 24-hour operations permitted as-of-right.

² Medical and dental office is defined as a building or place where (a) member(s) of the medical profession, dentists, chiropractors, osteopaths, acupuncturists, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation rooms, pharmacy and x-ray providing that all such uses have access only from the interior of the building or structure.

³ Does not include live entertainment, dancing, drive-thru or drive-in restaurants.

B. Site Development Standards.

1. **Land and Structure Regulations.** Table B.16.030-B (Land and Structure Regulations) below establishes the land and structure regulations for the Milpitas Commercial Specific Plan area:

Table B.16.030-B: Land and Structure Regulations

Lot Area, minimum	10,000 square feet
Lot Width, minimum	100 feet
Maximum Floor Area Ratio	0.50
Minimum Yard Setbacks	Front: 0 feet Side Yard (interior): 0 feet; 15 feet when abutting R District

Table B.16.030-B: Land and Structure Regulations

	Street Side Yard: 0 feet Rear Yard: 0 feet; 15 feet when abutting R District
Maximum Building Height	None
Maximum Building Square Footage	150,725 square feet

2. **General Design Concepts.** Within the Milpitas Commercial Specific Plan, general design concepts address the nature and function of the use, building, or feature being considered. Architectural design and details are to be integrated throughout the Specific Plan area and oriented to areas within public view. Design within the Milpitas Commercial Specific Plan shall meld function and form, not one to the exclusion of the other, and promote the harmonious appearance of structures in other commercial areas adjacent to the Specific Plan area, including the McCarthy Ranch Marketplace which is a commercial/retail development south of the Specific Plan area.

To facilitate design integrity between the uses within the Milpitas Commercial Specific Plan and other commercial uses surrounding the Specific Plan area, the following standards shall be adhered to:

- a. Design shall reflect the "California ranch" design theme of the McCarthy Ranch Marketplace, including "salt box" style metal roofs and canopies, faux wood siding, corrugated metal cladding, and the use of colors such as Colonnade Gray, Cool Old Zinc Gray and Countryland Red. Ordinance 38-799, Figures XI-10-11.07-7 and -8 included in this Specific Plan comply with these requirements.
- b. The Planning Director shall review and approve all final building plans and elevations to ensure substantial conformance with Ordinance 38-799, Figures XI-10-11.07-6, -7 and -8, of this Specific Plan. Substantial conformance shall be determined as set forth in Section B.16.050 (Administration) of this Specific Plan.
- c. Development within the Specific Plan area shall comply with the environmental performance standards set forth in Section B.16.050.D.7 (Environmental Performance Standards) of this Specific Plan. Developer shall bear all costs of implementing such environmental performance standards.
- d. Shipping containers shall be removed from the Specific Plan area or screened in accordance with Section C.2.140 (Screening Standards) to be completely enclosed within a building or behind a visually obscure solid wall or tight board fence a minimum six (6) feet in height and not located within any front or street side yard setbacks.
- e. No trees shall be removed until the City has approved a detailed landscape plan as set forth in Section B.16.030.B.3 (Site Development Standards) below.
- f. All development within the Specific Plan area shall comply with all applicable building codes and the requirements of the City, County, State and other responsible agencies.

Ordinance 38-799, Figures XI-10-11.07-7 and -8 illustrate the conceptual exterior elevations and conceptual colors and materials for the Specific Plan area. Development proposed that is consistent with Ordinance 38-799, Figures XI-10-11.07-7 and -8 shall be processed as a ministerial building permit and construction plan review as set forth in Section B.16.050 (Administration) of this Specific Plan.

3. **Site Development Standards.** Within the Milpitas Commercial Specific Plan area the following standards shall apply to certain types of development or uses.
 - a. **Alcoholic Beverage Sales.** Any business conducting alcohol sales in the Specific Plan area shall comply with all Department of Alcoholic Beverage Control licensing requirements pertaining to the sale of beer, wine and distilled spirits. Business operators shall be responsible for ensuring that all employees receive "Responsible Alcoholic Beverage Service" training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request.
 - b. **Food Preparation and Sales.** The owner of any establishment involved in the preparation or sale of food shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor; and any other procedures that would assist the business in complying with all state and local health and sanitation standards.

Prior to issuance of a certificate of occupancy, the owner of any establishment involved in the preparation or sale of food shall post signs (in English, Vietnamese, Chinese, Filipino and Spanish) inside the premises for all employees, which identify procedures for the food delivery and disposing of garbage.

The preparation and storage of food is not permitted outside of the establishment.

The owner of any establishment involved in the preparation or sale of food shall comply with best management practices for the handling and disposal of solid and food wastes, as permitted by and in compliance with local and state solid waste disposal regulations.

4. **Landscaping.** The quality environment envisioned for the Milpitas Commercial Specific Plan site will be established, in large part, by its landscape treatment. Landscaping is to be designed to highlight positive visual features, to screen negative ones, and to provide a cool, pleasant outdoor environment.

Landscaping currently exists along the existing building frontage with North McCarthy Boulevard and Ranch Drive and within the parking area. The existing retail building and Specific Plan area is almost entirely screened from view by this landscaping. New planter areas shall be installed along the south side of the existing retail building, but all other landscaping shall remain unchanged.

Prior to issuance of a building permit, a detailed landscape plan shall be submitted to the Planning Director for review, approval and implementation.

Prior to the issuance of grading or building permits, whichever comes first, the developer shall obtain a tree removal permit from the City of Milpitas for any trees to be removed with a trunk circumference of 37 inches or more measured at 4.5 feet above ground level. As set forth in Section B.16.050 (Administration) of this Specific Plan, landscape plan review and approval, and tree removal permit issuance, shall be non-discretionary, final actions that cannot be appealed.

The detailed landscape plan shall include and/or provide for the following:

- a. The location and screening of all transformers and utility devices including backflow preventers.
- b. The location and type of trees, shrubs and ground cover, including sizes and quantities. The legend shall also show tree canopy diameter at planting, five (5) years and ten (10) years.
- c. Plan details for all fence and wall structures. These shall be compatible in style and material with the proposed buildings.
- d. All planter areas shall be serviced by a sprinkler head or drip system.
- e. All trees removed with a trunk circumference of more than thirty-seven (37) inches or more measured at four and one-half (4.5) feet above ground level shall be replaced in accordance with the requirements of the City of Milpitas Tree Maintenance Protection Ordinance and as set forth in the required tree removal permit. All trees removed with a trunk circumference of less than thirty-seven (37) inches or more measured at four and one-half (4.5) feet above ground level, shall be replaced on-site with a similar tree species at no less than a 1:1 ratio. All replacement trees shall be planted within thirty (30) days of issuance of the final certificate of occupancy.
- f. All approved landscaping shall be permanently maintained and replaced in kind as necessary to provide a permanent, attractive and effective appearance.

The approved detailed landscape plan shall be incorporated into the development proposed. All required landscaping shall be planted and in place prior to issuance of a certificate of occupancy.

Ordinance 38-799, Figure XI-10-11.07-9 illustrates the preliminary planting plan for the Specific Plan area. Ordinance 38-799, Figure XI-10-11.07-11 is a colored conceptual site plan that shows all the existing and preliminary planting pursuant to the preliminary planting plan for the Specific Plan area.

Any detailed land use plan or tree removal permit submitted as part of a development proposed that is consistent with Ordinance 38-799, Figure XI-10-11.07-9 shall be processed as a ministerial building permit and/or construction plan review as set forth in Section B.16.050 (Administration) of this Specific Plan.

5. ***On-Site Circulation, Parking, and Loading.***

- a. *On-Site Circulation.* The on-site circulation standards within the Milpitas Commercial Specific Plan will ensure the efficient and safe passage of vehicles and pedestrians to and from the various commercial uses within the Specific Plan area.

On-site circulation within the Specific Plan area shall adhere to the following requirements:

- (i) All ingress and egress routes shall be maintained clear of storage, delivery trucks or other obstructions at all times.
- (ii) The circulation system shall include adequate directional signs for entrances, exits, parking areas, loading areas, and other uses.
- (iii) On-site driveways shall be permitted to provide common access between the Specific Plan area and adjacent properties.
- (iv) Site lines required for safe automobile movement shall be kept clear.

(v) On-site pedestrian walkways should provide direct, safe, and adequate movement paths between parking areas and building entrances.

(vi) Truck deliveries shall enter via the northern driveway along Ranch Drive and immediately turn right and travel westbound towards the loading dock. Trucks exiting the site would retrace their path to the northern Ranch Drive driveway.

- b. *Parking.* Prior to issuance of a building permit, the developer shall prepare and submit a site plan to the City of Milpitas that demonstrates that off-street parking provided on-site complies with the parking provisions of the Milpitas Commercial Specific Plan. As set forth in Section B.16.050 (Administration) of this Specific Plan, review and approval of the site plan shall be a non-discretionary, final action that cannot be appealed. The intent of this action is to ensure compliance with the provision of the Milpitas Commercial Specific Plan.

The number of required parking spaces in the Specific Plan area is set forth in Table B.16.030-C (Number of Parking Spaces Required) below. Gross floor area, as used in this Specific Plan, means the total of all floors measured from the interior faces of the building, but not including areas for parking, basements, shaft enclosures, or unroofed inner courts unless any outdoor areas are used for retail purposes.

Table B.16.030-C: Number of Parking Spaces Required	
Use	Minimum Parking Spaces Required
1. Commercial Uses	
Commercial services ¹	1 per 200 square feet
Furniture and appliance stores and other bulky item retail	1 per 350 square feet
General Retail and Convenience Stores, including grocery stores	1 per 200 square feet
Plant nursery	1 per 200 square feet
Superstore-type uses including general merchandise, grocery, pharmacy and other uses permitted independently in the Specific Plan area	1 per 200 square feet
2. Entertainment and Recreation	
Arcade and Amusement	1 per 200 square feet
Bowling Alleys	6 per alley or lane
Indoor Commercial Athletic Facilities	1 per 150 square feet
3. Health and Veterinarian Uses	
Medical and dental office	1 per 225 square feet
Veterinary clinic and Animal Grooming	1 per 250 square feet
4. Professional Offices, Financial Institutions and Related Uses	
Automatic Teller Machines (freestanding)	2 per machine
Financial institutions (banks, savings and loans, check cashing, etc.)	1 per 180 square feet
Offices, administrative and business services	1 per 240 square feet

Table B.16.030-C: Number of Parking Spaces Required

Use	Minimum Parking Spaces Required
5. Public, Quasi-Public and Assembly Uses	
Trade and vocational school	1 per 200 square feet
Instruction - Private	1 per instructional area or classroom, whichever is greater. No fewer than 3 spaces
6. Restaurants or Food Service	
Restaurant - Sit Down	1 per 39 square feet of dining area
Restaurant - Take Out	1 per 2.5 seats (indoor/outdoor) plus 1 per 60 square feet GFA for the ordering or take-out area
7. Vehicle Related Uses	
Auto repair (tire, oil change, smog check, etc.)	3 per service bay

Table Notes:

¹ Commercial services shall have the same definition as that set forth in Table B.16.030-A (Permitted Uses).

Off-street parking configurations within the Specific Plan area shall adhere to the following requirements:

- (i) Shared Parking within the Specific Plan area shall be as set forth in the City of Milpitas Zoning Code Section C.6.060.A (Shared Parking).
- (ii) Up to forty (40) percent of the required parking stalls may be designed as compact stalls to accommodate compact cars. Compact parking stalls shall be dispersed throughout the parking lot and not concentrated to discourage oversized vehicles from using the stalls. Each stall shall be legibly marked "compact stall" or "small car" on the stall surface.
- (iii) Parking spaces for the disabled shall comply in all respects with the requirements of the California Code of Regulations (State Building Code) or Federal law, where such prevails over State law.
- (iv) Parking spaces shall be unobstructed in operation, shall not be used for vehicle repair work of any kind unless within a building, and shall not be reduced below the required size as long as the primary use remains, unless an equivalent number of spaces is provided for said use in another approved location.
- (v) The sale or storage of merchandise in parking areas may be allowed pursuant to the provisions and requirements set forth in Figure 10 and as set forth in Section B.16.030.B.5 (On-Site Circulation, Parking, and Loading) of this Specific Plan.
- (vi) All parking areas shall be kept clean and free of dirt, oil, mud or trash; pavement and striping shall be maintained in a continuous state of good repair.
- (vii) All parking areas and access driveways shall have a smoothly graded, stabilized and dustless surface with adequate drainage so that injury will

not be caused to adjacent properties. Bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas.

- (viii) Parking stalls and drive aisle dimensions shall comply with Table C.6.080-A (Parking Space Minimum Dimensions) of the City of Milpitas Zoning Code.
- (ix) All open automobile parking areas which abut upon a public street right-of-way shall provide landscaping to a depth of at least ten (10) feet of said street right-of-way and of any adopted plan line, with openings for walkway or drive purposes. Each landscaped planter in said parking facility shall be contained with a six (6) inch raised concrete curb (extruding curbing not permitted). Installation of an irrigation system shall be provided for in each planter area.
- (x) Lighting shall be provided in the parking area pursuant to Section B.16.030.B.9 (Lighting) of this Specific Plan and shall be designed, located and arranged so as to reflect the light away from any street and any adjacent premises.
- (xi) Directional signs are permitted in parking areas pursuant to Section B.16.030.B.7 (Signage) of this Specific Plan.
- (xii) Vehicles may overhang two (2) feet into any landscape area or private walkway if the walkway is a minimum six (6) feet in width, but in no event shall the overhang be permitted within any public right-of-way.

c. *Loading.*

- (i) Each loading berth shall have vehicular access to the street, without passing over other parking stalls.
- (ii) Loading areas shall be designed to provide for backing and maneuvering on site and not from or within a public street. Direct loading from a public street shall not be permitted.
- (iii) Loading bays shall be sealed with rubber gaskets to reduce noise impacts to adjacent areas.

6. ***Outdoor Storage/Sales.*** Outdoor storage and sales shall be permitted in the Milpitas Commercial Specific Plan area, pursuant to the requirements set forth below.

- a. Outdoor storage of material shall be completely enclosed within a building or behind a visually obscure solid wall or tight board fence a minimum six (6) feet in height and not located within any front or street side yard setbacks.
- b. Temporary seasonal sales such as Christmas tree or pumpkin sales lots may be permitted provided they do not reduce available parking to below the required parking ratio for the primary use on the site. Temporary seasonal sales shall not engage in the sale of any merchandise not directly associated with the holidays with which the seasonal sales are associated. Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use. Temporary seasonal sales shall be approved by Planning Department staff pursuant to Section B.16.050

(Administration) of this Specific Plan, provided the above requirements are met, and shall be limited to forty-five (45) days of operation per calendar year.

- c. Outdoor sales, including temporary tent sales and periodic temporary RV sales, shall be allowed as pursuant to the provisions and requirements set forth in Ordinance 38-799, Figure 10 and this Section.
 - d. Ingress and egress for emergency vehicles shall be maintained at all times within the sales and storage area.
7. **Signage.** Signage and graphics will be an important element within the Milpitas Commercial Specific Plan area. The intent of the sign program is to provide for maximum sign exposure for uses within the Specific Plan area in a manner that will complement the overall image of the area while preserving and enhancing the aesthetic, vehicle and pedestrian traffic safety and convenience, and environmental values of the surrounding area.

Developer shall be required to prepare and submit a sign program to the City of Milpitas for review and approval before building permit issuance. Developer shall implement the approved sign program into any proposed development in the Specific Plan area. As set forth in Section B.16.050 (Administration) of this Specific Plan, any review and approval of a sign program shall be a non-discretionary, final action that cannot be appealed. The intent of the review is to ensure compliance with the signage requirements of the Milpitas Commercial Specific Plan. Changes in existing sign copy and relocation of existing signs that do not change the existing sign area shall be deemed to be consistent with the signage requirements of the Specific Plan and shall not require any additional approvals.

The following sets forth the requirements for signs in the Milpitas Commercial Specific Plan area:

- a. **Definitions.** The definitions stated in Part XIII-E are incorporated herein.
- b. **Maximum Sign Area.** The maximum permissible sign area in the Specific Plan area shall conform to the following area:
 - (i) The total aggregate area of all signs permitted on any building site or property shall not exceed one (1) square foot of sign for each two (2) lineal feet of building perimeter on the subject parcel or not exceed two (2) square feet of sign for each one (1) lineal foot of public street frontage, at the developer's discretion.
 - (a) For buildings or uses containing more than one (1) business, the allowable sign area as defined in Section (1) above shall be distributed to each business proportionately to the floor area of the subject business to the total floor area for all leasable structures on the parcel or site; or, distributed to each business proportionately to the building façade of the subject business by one (1) square feet of sign area per one (1) lineal feet of adjacent building façade oriented towards a property line of a site or common parking area.
 - (b) Public street frontage with non-access rights or no immediate direct access, such as flood control channels, but excluding

landscaped planter areas, shall not be included in computing public street frontage for purposes of sign area calculations.

- (c) Any square footage of a sign shall be deducted from the total maximum permissible sign area allowed for the site, unless otherwise specified or exempted in this Specific Plan.

The following signs shall not count towards the maximum sign area allocations: Ancillary Service Signs; Blade Signs; City Identification Signs; Flag Signs; Menu Board Sign for Drive Through; one "open/closed" Window Sign; and Temporary Signs. Based on public street frontage the maximum allowable sign area is 2,806 square feet in the Specific Plan area.

c. *General Sign Requirements.*

- (i) The sign shall relate to the architectural design of the building. An attractive scale between the sign, the building and the immediate surrounding buildings and signs shall be maintained.
- (ii) Signs should be an integral part of the design of the storefronts of mixed-use buildings.
- (iii) To the extent feasible, a sign shall be graphic with design emphasis on simplicity, style, trademark, business identification and symbol. Wording shall be an integral part of the overall design.
- (iv) Signage shall not obstruct pedestrian circulation.
- (v) While bilingual signs are allowed, the size of English lettering should be at least equal to the size of letters of another language.
- (vi) The business name and address shall be displayed on the tenant space if located in a multi-tenant building or on the building or property for a single occupant building.
- (vii) All signs shall be erected only upon the site occupied by the persons or business sought to be identified or advertised by such signs.
- (viii) Lighting - All lighting sources shall be adequately diffused or shielded; bare lighting sources, such as neon, bare fluorescent tubes, incandescent bulbs, light emitting diodes (LED) and similar devices are not permitted.
- (ix) Construction - The sign's supporting structure shall be as small in density and as simple as is structurally safe; sign letters and materials should be professionally designed and fabricated; multiple signing on a single-faced building shall be reviewed for coordination of all signs architecturally and aesthetically; exposed transformers are prohibited; exposed conduit and tubing must be mitigated so that they are inconspicuous.
- (x) Materials - Sign faces should be constructed of non-brittle, non-yellowing Polycarbonate material or superior; signs should be constructed using high-quality materials such as metal, plastic, stone and wood; impact resistive plastic shall be used on all internally illuminated signs utilizing plastic sign faces. Whenever a plastic internally illuminated sign face, advertising copy or message becomes damaged and is to be replaced,

said sign face shall be replaced with a sign face constructed of impact resistive plastic.

d. *Standards for Specific Types of Permanent Signs.*

- (i) Ancillary Service Signs must be affixed to building, wall or window, and shall be smaller in scale to the tenant signs.
- (ii) Architectural Signs shall constitute an integral part of a roof or marquee and must have a minimum clearance of ten (10) feet from the ground.
- (iii) Area Identification Signs shall not require extensive maintenance or upkeep.
- (iv) Blade Signs shall provide a minimum of eight (8) feet of clearance above the walkway surface below, be pedestrian oriented only, project a maximum of four (4) feet from the wall of a building, and not be internally illuminated.
- (v) City Identification Signs erected on private property do not count toward the maximum number of freestanding signs allowed on site.
- (vi) Freestanding Signs greater than six (6) shall be part of an approved sign program as set forth in Section B.16.030.B.7 (Signage) of this Specific Plan. Freestanding signs shall be erected in on-site landscaped planter areas and maintained in a neat and healthy manner in perpetuity with vegetation that is appropriate to the site. The planter area shall extend a minimum of three (3) feet from the base of the sign. The height of free standing signs shall be measured from grade level of the closest public sidewalk, curb or public street. A freestanding sign may consist of more than one (1) sign panel provided that all such sign panels are consolidated into one (1) common integrated sign structure.
- (vii) Graphic Panel Signs shall be located within five (5) feet of the main building wall. They do not count as freestanding signs, but the display area on graphic panels counts towards overall sign area.
- (viii) Joint Use Signs shall be approved as part of a Sign Program and only for a commercial district under multiple ownerships where freestanding signs for each parcel for which signage is desired is infeasible. The commercial district shall be characterized by close proximity of the businesses and small parcel size. A common parking field and common vehicular circulation are strongly encouraged.
- (ix) Menu Board Signs for drive-thru and speakers shall be oriented away from the public right-of-way.
- (x) Off-Site Public Information Signs for a quasi-public use may request up to two (2) signs to be located by the City within the public right-of-way. These signs shall only include the name of the use in letters not exceeding four (4) inches in height and an arrow specifying the appropriate direction. Requests for such signs shall be made in writing by an authorized representative of the use and shall include the general location desired for said signs. The City Manager, or his or her designee,

shall determine the precise location and sign design based on good traffic engineering practice and shall provide for erection of the signs.

- (xi) Projecting Signs shall have a clearance of eight (8) feet above the ground and fourteen (14) feet above a driveway, alley, or other vehicular access way. Unless modified by an approved sign program, projecting signs shall only be located on the middle one-third of the front wall of a building and shall not extend from the front wall to which they are attached more than five (5) feet. Projecting signs shall not project into a public right-of-way.
- (xii) Wall Signs shall have a maximum area as set forth in Table B.16.030-D (Matrix of Permanent Sign Types) below. The exposed face of a wall sign shall be installed in a plane parallel to the plane of the wall.

The maximum number, size and height of permanent signs, as defined and discussed above, is set forth in Table B.16.030-D (Matrix of Permanent Sign Types).

Table B.16.030-D: Matrix of Permanent Sign Types			
Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign
Ancillary Service Signs	n/a	n/a	None
Architectural Sign	n/a	n/a	n/a
Area Identification Sign	n/a	60 square feet	n/a
Blade Sign	One per elevation of each tenant space	n/a	15 feet above walkway surface
City Identification Sign	n/a	n/a	n/a
Flag Signs	1 per site or building	40 square feet per flag sign	n/a
Freestanding Sign	1 per each parcel's public street frontage, 1 additional sign for sites with more than 300 feet of public street frontage	n/a	25 feet max.; 1 foot of height for every 8 lineal feet of public street frontage. For any second sign, only the lineal feet in excess of 300 shall be used to determine height.
Graphic Panel Sign	n/a	n/a	n/a
Joint Use Sign	See Freestanding Sign		
Menu Board Sign for Drive Through	2 per site	n/a	6 feet
Off-site Public Information Sign	n/a	n/a	n/a
Projecting Sign	One per business	Sixteen (16) square feet per side unless increased pursuant to approve Sign Program.	n/a
Wall Sign	n/a	n/a	n/a

Table B.16.030-D: Matrix of Permanent Sign Types

Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign
Window Sign	n/a	Shall not exceed twenty-five (25) percent of the contiguous window area.	n/a

e. *Standards for Specific Types of Temporary Signs.*

- (i) Balloon Signs shall be allowed for grand openings (when first opened or after significant remodeling) for a business, promotional events for individual businesses or group of businesses on a parcel. Only one (1) sign may be attached to the balloon to identify the name of the shopping center, business, activity or event. No other smaller balloons shall be attached to the balloon or its supporting or secure lines. The balloon shall be securely mounted to the ground or a room and shall not move by any other means than normal wind current.
- (ii) Banner Signs shall be securely attached flush to a building and located on the premise of the business or use it advertises. The banner sign may be wrapped around a permitted permanent freestanding sign or wall sign when used to announce a change of business name. This banner would be allowed in addition to any other banner for the business.
- (iii) Construction Signs may indicate the opening date, architect, engineer, contractor, future business or lending agency and shall only be placed on the site of work under construction with a valid building permit.
- (iv) Grand Opening Signs are permitted when used for bona-fide grand opening functions after a business' initial occupancy, new ownership, name change or the reopening of a business that completely closed for remodeling for at least two week and shall only be displayed at the business for which the grand opening will occur.

The maximum number, size and height of temporary signs, as defined and discussed above, is set forth in Table B.16.030-E (Matrix of Temporary Sign Types).

Table B.16.030-E: Matrix of Temporary Sign Types

Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign	Duration
Balloon Sign	1 per event		50 feet above grade	Up to four (4) times per calendar year. Maximum 30 days per event, 15 days for subsequent displays during year. Minimum 30 days between display occurrences
Banner Sign	1 per elevation	60 square feet		Maximum 30 consecutive days for

Table B.16.030-E: Matrix of Temporary Sign Types

Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign	Duration
				1st event; maximum 15 consecutive days for subsequent event. Displays shall be interrupted by 30 days. Maximum four (4) banner signs permitted per calendar year. If associated with a remodel, the interruption period may be waved.
Construction Sign	2 per street frontage For tenant improvements: 2 maximum	32 square feet	6 feet when freestanding	After issuance of building permit and removed upon approval of final occupancy
Grand Opening Sign	1 per elevation	60 square feet		30 days
Temporary Use Sign	1 per street frontage	32 square feet	8 feet	To be erected only during the temporary use and taken down upon completion of temporary use

- f. *Prohibited Signs and Elements of Signs.* The following types of signs are prohibited in the Specific Plan Area: Off-Site Advertising Displays; Privately-Owned Signs Resembling Traffic Signs; Reflective Signs; Rotating or Moving Signs; Roof Sign or Signs Extending Above Roof Ridge; Signs That Are A Traffic Hazard; Sound or Odor Emitting Signs; Other Advertising Structure; and Statuary Signs.

The following types of signs are prohibited subject to the exceptions noted below:

- (i) Abandoned Signs shall be removed within ninety (90) days after the business the sign advertised has ceased and shall include elimination of all sign copy and if the sign was mounted on a building, the building façade shall be restored to its original state to the best extent possible.
- (ii) A-Frame Signs and Portable Signs with the exception of public services signs and open house directional signs.
- (iii) Blinking, Flashing Lights or any sign having fluttering lights or other illuminating device which has changing light intensity, brightness or color unless approved pursuant to an approved sign program.
- (iv) Temporary Signs except construction signs, grand-opening signs, and temporary promotional signs.

(v) Vehicle-Mounted Signs where the vehicle is not legally registered, not operable, not parking within the confines of a striped parking space approved by the City of Milpitas or parked within the confines of a striped parking space approved by the City of Milpitas or a city street for more than seventy-two (72) hours.

(vi) Portable Signs

8. **Noise.**

- a. *Construction Noise.* Hours of exterior construction shall be limited to between the hours of 7 a.m. and 7 p.m. daily except holidays. All construction equipment shall be acoustically muffled to reduce noise in accordance with Caltrans Standard Specifications.
- b. *Operational Noise.* Development in the Specific Plan area shall comply with the noise standards contained in the Noise Element of the Milpitas General Plan.

9. **Lighting.** The following section addresses illumination of on-site areas for purposes of safety, security, and nighttime ambience, including lighting for parking areas, pedestrian walkways, graphics and signage, architectural and landscape features, shipping and loading areas, and any additional exterior areas.

Prior to issuance of building permits, the developer shall ensure that all exterior lighting fixtures (building-mounted and freestanding) are shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties. Fixtures shall be appropriate in terms of height, style, design, scale and wattage to the use of the property. Fixtures shall be spaced appropriately to maximize pedestrian safety. This may be accomplished by submitting a Lighting Plan for review and approval by the Planning Director as set forth in Section B.16.050 (Administration) of the Milpitas Commercial Specific Plan. Any review of a Lighting Plan shall be a non-discretionary, final action that cannot be appealed. The intent of the review is to ensure compliance with the provisions of the Milpitas Commercial Specific Plan. The approved Lighting Plan shall be incorporated into the development proposed.

10. **Police Protection.** Developer shall conduct a crime survey of the area to evaluate the security needs for development in the Specific Plan area and shall implement a security plan based on this analysis. Any security plan shall be submitted to the City of Milpitas Police Department for review and approval. As set forth in Section B.16.050 (Administration) of this Specific Plan, any review and approval of a security plan shall be a non-discretionary, final action that cannot be appealed. The intent of the review is to ensure compliance with the police protection requirements of the Milpitas Commercial Specific Plan.

The following security measures shall be incorporated into any development in the Specific Plan area and may be part of the developer's security plan:

- a. A closed-circuit camera surveillance system for inside and outside of any retail building. These cameras should monitor the store entrance, cash registers and safe;
- b. A parking lot patrol that assists customers, ensures safety, and takes action to identify and prevent any suspicious activity (such as loitering and vandalism) both

during the day and nighttime hours, and a plainclothes patrol inside the retail building to ensure safety and security;

- c. Practices and procedures to prohibit consumption of alcohol in the parking lot by having employees regularly patrol the parking lot areas while collecting shopping carts and report any inappropriate activity to the appropriate management staff;
- d. A burglar, robbery and/or panic alarm;
- e. Clearly marked and lighted parking areas to allow for safe circulation; and,
- f. On-site security twenty-four (24) hours a day during construction to prevent theft or vandalism of construction materials.

- C. **Business Licenses.** Prior to the issuance of a grading permit, demolition or ground or vegetation disturbance; whichever occurs first, the developer will comply with City of Milpitas provisions for obtaining business licenses for the construction contractor and subcontractors.

Prior to the issuance of a Final Certificate of Occupancy, the developer shall comply with City of Milpitas provisions for obtaining business licenses (including amendments to existing licenses) for the building occupant.

B.16.040 Infrastructure, Grading and Construction

Any and all approvals, decisions, reviews or actions required under this section and required for development within the Milpitas Commercial Specific Plan area shall be ministerial, final and not subject to appeal, and shall be processed pursuant to Section B.16.050 (Administration) of this Specific Plan.

A. Infrastructure.

- 1. **General Provisions.** Any development in the Specific Plan area shall comply with the following:
 - a. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure shall be permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
 - b. Submittal of the Sewer Needs Questionnaire and/or Industrial Waste Questionnaire is required with any building permit application. Payment of the storm water connection fee and treatment plant fee shall be paid prior to building permit issuance.
 - c. Developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit, and two and one-half percent (2.5%) building permit automation fee. These fees are collected as part of the secured public improvement agreement. The agreement shall be secured for an amount of one hundred percent (100%) of the engineer's estimate of the construction cost for faithful performance and one hundred percent (100%) of the engineer's estimate of the construction cost for labor & materials. All fees shall be paid prior to building permit issuance.

- d. Before building permit issuance, developer shall obtain design approval from the City Engineer pursuant to Section B.16.050.D.7 (Environmental Performance Standards) of this Specific Plan, for all necessary public improvements along Ranch Drive, including, but not limited to, the installation of new pedestrian crosswalk and ped-flashing warning signals, new mid-block ramp, signage and striping, and installation of new median. Developer shall bond for such improvements and execute a secured public improvement agreement. The agreement shall be secured for an amount of one hundred percent (100%) of the engineer's estimate of the construction cost for faithful performance and one hundred percent (100%) of the engineer's estimate of the construction cost for labor and materials. All public improvements shall be constructed to the City Engineer's satisfaction and accepted by the City prior to building occupancy permit issuance.
 - e. At the time of building permit application, developer shall pay any project job account balance due to the City for recovery of review fees. Review of any permit submittals will not be initiated until balance is paid in full.
2. **Water Facilities.** The Specific Plan area will receive water service from the City of Milpitas. The City of Milpitas's Urban Water Management Plan indicates that under normal water years, water supplies are sufficient to serve demands within the City through 2030. Under multiple dry year scenarios, demand is expected to surpass supply as soon as 2010. Because the Specific Plan area has an existing building, that building's water demand is accounted for in the City's water demand projections. Development within the allowable Floor Area Ratio for the Specific Plan area would not create increased potable water demand that would adversely impact the water system. Development may be suspended, however, prior to building permit issuance if necessary to stay within available water supplies and will remain suspended until water is available. The City shall provide Developer with written evidence that available water supplies do not exist prior to suspending any development within the Specific Plan area. The Specific Plan area is estimated to generate ten thousand nine hundred (10,900) gallons per day of water demand. Implementation of the Specific Plan will not require new or expanded water facilities.

Development in the Specific Plan area must install the following indoor water conservation measures prior to issuance of the final certificate of occupancy to reduce overall demand for potable water: low-flow or ultra-low-flow toilets and urinals; and sensor-activated faucets in restrooms.

3. **Wastewater Facilities.** The Specific Plan area would convey wastewater via municipal sewage infrastructure maintained by the City of Milpitas to the San Jose/Santa Clara Water Pollution Control Plant. A wastewater trunk line is located in North McCarthy Boulevard from SR-237 to the Milpitas Pump Station located at Dixon Landing Road. The trunk line ranges in diameter from thirty-six (36) to forty-eight (48) inches. Development within the allowable Floor Area Ratio for the Specific Plan area would not create increased effluent generation that would adversely impact the sewer system or treatment plant capacity. Development may be suspended, however, prior to building permit issuance if necessary to stay within the safe allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant and will remain suspended until sewage capacity is available. The City shall provide Developer with written evidence that available sewage capacity does not exist prior to suspending any development within the Specific Plan area. The Specific

Plan area is estimated to generate six thousand three hundred ninety (6,390) gallons per day of effluent. Implementation of the Specific Plan will not require new or expanded wastewater treatment facilities.

Development in the Specific Plan area will be required to pay a Treatment Plant Fee, a standard requirement for new development projects.

4. **Storm Drains.** Implementation of the Specific Plan will not require new or expanded offsite storm drainage facilities. However, at the time of building permit plan check, the developer shall submit a grading plan and a Drainage Study prepared by a registered Civil Engineer that recommends adequate drainage facilities to properly accept and convey drainage flows from the Specific Plan area. The study shall be reviewed and approved by the City Engineer, pursuant to Section B.16.050 (Administration) of this Specific Plan. Developer shall incorporate the conclusions and recommendations of the approved Drainage Study prior to building permit issuance.
5. **Solid Waste Disposal.** Republic Services provides solid waste and recycling services to the City of Milpitas, including the Specific Plan area. During construction, it is estimated that the Specific Plan area would generate approximately five thousand seven hundred thirty-seven (5,737) tons of solid waste. During operation, it is estimated that the Specific Plan area would generate approximately 361.7 tons of solid waste annually. Before starting construction in the Specific Plan area, developer shall retain a qualified contractor to perform construction and demolition debris recycling. Developer must document, to the satisfaction of the City of Milpitas, that construction and demolition debris was recycled. Before building permit issuance, developer shall show on-site facilities necessary to collect and store recyclable materials. The facilities shall include receptacles in public spaces that are of high-quality design and identify accepted materials. Business owners in the Specific Plan area must comply with best management practices for the handling of solid and food wastes, as permitted by and in compliance with local and state solid waste disposal regulations.
6. **Natural Gas.** PG&E will provide natural gas service to the Specific Plan area and has available natural gas supplies and appropriate transmission capacity to serve the Specific Plan area. The Specific Plan area's estimated annual natural gas consumption is 8.79 million cubic feet.
7. **Police Protection.** The Milpitas Police Department will provide police protection to the Specific Plan area. No new or expanded police protection facilities are necessary to serve the Specific Plan area.
8. **Fire.** The Milpitas Fire Department will provide fire protection and emergency medical services to the Specific Plan area. No new or expanded fire protection facilities are necessary to serve the Specific Plan area.
9. **Electricity and Telephone.** The Specific Plan area is located within PG&E's service territory. PG&E would provide electrical services to the Specific Plan area. PG&E has available electricity supplies and appropriate transmission capacity to serve the Specific Plan area. The Specific Plan area's estimated annual electricity consumption is 2.37 million kilowatt hours.

Telephone service to the Specific Plan area will be provided by AT&T.

10. **Schools.** Prior to the issuance of building permits, the developer shall pay school impact fees. Impact fees are currently forty-seven cents (\$0.47) per square foot.

B. **Project Access.** Access to the Specific Plan area allows for safe and efficient travel to and from the area. Administrative provisions and signage of the Specific Plan will facilitate direction and access throughout the area. Public transportation exists in the Specific Plan area and a direct pedestrian connection links the existing retail building with the Ranch Drive sidewalk, allowing for safe and convenient access between the existing retail building and the bus stop. A designated pedestrian connection between the existing retail building and the balance of the McCarthy Ranch Marketplace to the south and Ranch Drive to the north exists and will be maintained with any development of the Specific Plan area.

Vehicular access to the Specific Plan area will be provided by two (2) driveways onto Ranch Drive and a McCarthy Ranch Marketplace driveway entrance located to the southeast of the existing retail building. The driveways on Ranch Drive are stop-controlled and provide single-lane ingress and egress. Truck deliveries would enter via the northern driveway along Ranch Drive and immediately turn right and travel westbound towards the loading dock. Trucks exiting the site would retrace their path to the northern Ranch Drive driveway.

Prior to the issuance of a Certificate of Occupancy, Developer shall obtain the necessary approvals for the installation of VTA bus stop improvements consisting of retention of the bus stop in its existing location, and installation of a seven-foot by twenty-foot Portland cement concrete shelter pad behind the sidewalk/passenger waiting pad with retaining wall. Bicycle storage facilities shall also be installed prior to the issuance of the final certificate of occupancy. These facilities shall consist of at least one (1) rack located in a visible and convenient location (i.e., near the entrance to the building) and that provides storage equivalent to two (2) percent of the minimum parking requirement in the Specific Plan area.

Developer also shall work with and negotiate in good faith with the adjacent property owner to obtain permission for the design and construction of striped pedestrian crossing and associated median and/or ramp modifications at the shared driveway for McCarthy Ranch Marketplace and Specific Plan area entrances.

C. **Grading.** Given the relatively level topography within the Specific Plan area, development will result in modest changes to topography and ground surface features. During grading and construction, however, developer shall adhere to all applicable recommendations for abating expansive soil conditions contained in the Geotechnical Engineering Investigation or comparable geotechnical study. Prior to the issuance of grading permits, developer shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Milpitas that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities.

D. **Construction.** During all construction activities within the Milpitas Commercial Specific Plan area, the following measures shall be implemented:

1. Water all active construction areas and exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least two (2) times per day;
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of freeboard;

3. Pave, apply water three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites;
 5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
 6. All vehicle speeds on unpaved roads shall be limited to fifteen (15) miles per hour;
 7. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 8. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points;
 9. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and,
 10. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The phone number of the Bay Area Air Quality Management District shall also be visible to ensure compliance with applicable regulations.
- E. **Fiscal Implementation.** Implementation of the Specific Plan including, without limitation, construction of all infrastructure and private facilities contemplated in the Specific Plan, will be financed as follows:
1. All infrastructure necessary to implement the Specific Plan will be privately funded (by way of debt and/or equity financing), except to the extent that the cost of components of the infrastructure is a) funded by development impact fees, fair share contributions and other payments to public agencies and/or b) reimbursed from any public source.
 2. All private improvements necessary to implement the Specific Plan will be privately financed (by way of debt and/or equity financing).

B.16.050 Administration

- A. **Permit Processing.** Development within the Specific Plan area that is consistent with the provisions of the Milpitas Commercial Specific Plan and the conceptual site plan, elevations, colors and materials, and landscaping as depicted in Ordinance 38-799, Figures XI-10-11-07-6 through -9, and the conditions and requirements set forth in Ordinance 38-799, Figure 10, shall be processed under building permit and/or construction plan review and no additional approvals or permits shall be required. Any review or action by City agencies, entities or individuals (i.e., the Milpitas Police Department; the City Engineer; the City Building Department; Planning Director) on such development submittals shall be considered part of building permit and/or construction plan review. The action shall be limited to a determination of compliance with the provisions of

the Milpitas Commercial Specific Plan and all applicable building codes and other requirements of the City, County, State and/or other responsible agencies. Building permit and/or construction plan review shall be non-discretionary, final actions that cannot be appealed.

Development that is not consistent with the development standards set forth in the Milpitas Commercial Specific Plan, shall either require a Substantial Conformance Determination, as discussed below, or require approval under the provisions and requirements of the Milpitas Zoning Code for development in the C2 Zone.

Any building permit issuance in the Specific Plan area will be conditioned on the availability of water and sewage capacity as set forth in Sections B.16.040.A.2 (Water Facilities) and B.16.040.A.3 (Wastewater Facilities). Conformance with the provisions of this Specific Plan do not provide a vested right to the issuance of a Building Permit as water and sewage capacity availability is a material (demand/supply) condition to development on the Specific Plan area.

B. **Existing Uses.** Operation and maintenance of existing uses or structures in the Specific Plan area are not subject to the provisions of the Milpitas Commercial Specific Plan provided a building permit has been obtained and is still valid at the time of the effective date of the provisions codified in this title. Any expansion or development of existing uses or structures, however, would require compliance with the provisions of the Milpitas Commercial Specific Plan.

C. **Substantial Conformance Determination.**

1. **Purpose.** A Substantial Conformance Determination is a mechanism to allow the approval of minor modifications for development under the Specific Plan. A Substantial Conformance Determination may include, but is not limited to, minor modifications to the conceptual plans (Ordinance 38-799, Figures XI-10-11.07-6 through-9); inclusion of land uses not listed in Section B.16.030.A (Land Use Concept) of the Specific Plan; modifications that might be necessary to comply with applicable infrastructure, public services and facilities requirements, and landscape palette; and other issues. A Substantial Conformance Determination does not apply to significant modifications in the basic design of the Specific Plan area; changes to the height or bulk of the approved uses; or increases in the density or intensity of the approved uses unless specifically permitted by the provisions of this Specific Plan.

The purpose of a Substantial Conformance Determination is to ensure orderly development, quality aesthetic design, and safe and harmonious placement of uses within the Specific Plan area. A Substantial Conformance Determination (unless specifically noted otherwise) shall be made by the Planning Director or designee administratively, without the need for a public hearing. In making a Substantial Conformance Determination, the Planning Director or designee shall first make all of the required findings set forth in this section.

2. **Guidelines For A Substantial Conformance Determination.** The following guidelines explain the requirements for making a Substantial Conformance Determination, and the limits placed on the degree of variance from the provisions of the Specific Plan that can occur as part of a Substantial Conformance Determination.
 - a. **Permitted Land Uses.** Land uses not listed as permitted in Section B.16.030.A (Land Use Concept) of this Specific Plan may be permitted, with a Substantial Conformance Determination, provided that:

- (i) The proposed use is compatible with the uses permitted described in Section B.16.030.A (Land Use Concept) of this Specific Plan; and
 - (ii) The proposed use is similar to and will not cause environmental impacts substantially greater than the other permitted uses set forth within Section B.16.030.A (Land Use Concept) of this Specific Plan.
- b. *Infrastructure.* Any modifications to the alignment of access roads; parking lot configurations, or adjustments to individual infrastructure facilities plans such as drainage, sewer, water, and utilities shall be subject to a Substantial Conformance Determination by the Planning Director or designee. Prior to making a Substantial Conformance Determination, the Planning Director or designee shall make the finding that the proposed modification will not result in any environmental impacts substantially greater than those which would occur without any modification.
- c. *Environmental Performance Standards.* The Planning Director or designee may approve minor variations from the environmental performance standards set forth in Section B.16.050.D.7 (Environmental Performance Standards) of this Specific Plan, with a Substantial Conformance Determination. In making such a determination, the Planning Director or designee shall first find that the proposed variation provides substantially equivalent environmental protection as the originally approved standard.
- d. *Conceptual Plan and Other Specific Plan Provisions.* Provisions of the Specific Plan including, but not limited to, architectural details; landscape palette; building size, height, bulk, and orientation; parking lot layout; and other plan details may be modified with a Substantial Conformance Determination. In making such a determination, the Planning Director or designee shall be required to find that the revisions requested as part of a Substantial Conformance Determination are consistent with the provisions of the Milpitas General Plan, and will not create impacts substantially greater than those that would have resulted from the original approval of the Specific Plan.

A maximum ten (10) percent modification to permitted lot coverage, setbacks, floor area (other than the maximum allowable with the Specific Plan area), parking and fence and wall heights may be permitted subject to a Substantial Conformance Determination by the Planning Director or designee. In making such a determination, the Planning Director or designee shall be required to find that the revisions requested as part of a Substantial Conformance Determination are consistent with the provisions of the Milpitas General Plan, and will not create impacts substantially greater than those that would have resulted from the original approval of the Specific Plan.

The required parking spaces may be reduced by the Planning Director or designee subject to a Substantial Conformance Determination after preparation of a parking study demonstrating the proposed reduction in parking spaces is justified based on the mix of uses within the Specific Plan area and the use of shared parking between those uses.

A comprehensive sign program shall be submitted to the Planning Director for finding that it complies with the signage requirements of the Milpitas Commercial Specific Plan. Such finding shall be made as a part of building permit and/or construction plan review. Any subsequent sign permit applications that

substantially comply with the comprehensive sign program shall be processed as a ministerial building permit and/or construction plan review. Any comprehensive sign program that does not comply with the signage requirements of the Milpitas Commercial Specific Plan shall require a Substantial Conformance Determination.

D. Substantial Conformance Determination Procedure.

1. **Application.** Applications for a Substantial Conformance Determination shall be made on forms provided by the Planning Director or designee and shall be accompanied by a filing fee, equivalent to the fee for a Site Development Permit application. Applications shall be made by the owner of the property for which the approval is sought, or an authorized agent.
2. **Hearing.** No public hearing shall be required for a Substantial Conformance Determination.
3. **Action by Reviewing Authority.** The reviewing authority for a Substantial Conformance Determination shall be the Planning Director or designee. The reviewing authority shall take action by providing written notice to the applicant or developer approving, conditionally approving, or denying a Substantial Conformance Determination. The action of the Planning Director or designee shall be final with no appeal.
4. **Findings.** The Planning Director or designee must make a Substantial Conformance Determination if all of the following findings, in addition to those identified above, can be made:
 - a. The physical characteristics of the site have been adequately assessed, and proposed building sites are of adequate size and shape to accommodate proposed uses and all other features of development.
 - b. There is supporting infrastructure, existing or available, consistent with the requirements of the Milpitas Commercial Specific Plan, to accommodate the development without significantly lowering service levels.
 - c. The development resulting from the determination of substantial conformance will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land uses, as well as the character of the surrounding area.
 - d. The proposed improvements related to the development resulting from a Substantial Conformance Determination adequately address all natural and man-made hazards associated with the proposed development and the project site.
5. **Periodic Review.** After receiving a certificate of occupancy, development in the Milpitas Commercial Specific Plan Area is subject to a six-, twelve- and eighteen-month review by the Planning Commission. The review shall be a public hearing to review conformance of the development with the requirements of the Milpitas Commercial Specific Plan.
6. **Specific Plan Amendments.**
 - a. **Purpose.** Specific Plan amendments are governed by Government Code Section 65453 and Section D.10.070 (Implementation and Amendments).
 - b. **Process.**

- (i) The Specific Plan may be amended or repealed only by a majority of the voters voting in an election thereon.
- (ii) Notwithstanding subsection (a), upon application of the fee title holder of the Milpitas Commercial Specific Plan area, the City Council may amend the Specific Plan to further the purposes of this Specific Plan, but in no case can such amendment reduce or eliminate the parties' obligation to fund, construct, or cause to be funded or constructed, the public benefits or Environmental Performance Standards required.

7. **Environmental Performance Standards.** The Specific Plan includes environmental performance standards to ensure that development proceeds with appropriate environmental sensitivity. Environmental studies related to aesthetics, light and glare, health risks, air quality, biological resources, geology, soils and seismicity, hazards and hazardous materials, hydrology and water quality, noise, public services and utilities, transportation and urban decay were conducted for an expansion of the existing retail facility in the Specific Plan area. Environmental performance standards were developed from these environmental studies along with information from the City of Milpitas General Plan.

All environmental performance standards shall be implemented in accordance with the Specific Plan's environmental performance standards and implementation process as outlined in Table B.16.050-A (Milpitas Commercial Specific Plan Environmental Performance Standards). The developer of the Specific Plan area shall bear all costs of implementing the environmental performance standards.

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
1. Aesthetics, Light, and Glare					
AES-1a: Prior to issuance of building permits, the developer shall prepare and submit a sign program to the City of Milpitas for review and approval. The sign program shall demonstrate compliance with the applicable requirements with Milpitas Municipal Code Title XI, Chapter 30. The approved sign program shall be implemented into the proposed project.	Approval of plans	Prior to issuance of building permits	City of Milpitas Planning Department		
AES-1b: Prior to issuance of grading or building permits, whichever comes first, the developer shall obtain a tree removal permit from the City of Milpitas for any trees slated for removal with a trunk circumference of 37 inches or more measured at 4.5 feet above ground level. Replacement of such trees shall be performed in accordance with the requirements of the Tree Maintenance and Protection Ordinance. Removed trees that are not covered by the Tree Maintenance and Protection Ordinance (i.e., less than 37 inches	Issuance of permit; Site inspection	Prior to issuance of grading or building permits (whichever comes first); Prior to issuance of the final certificate of occupancy	City of Milpitas Planning Department and Public Works Department		

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
in circumference at 4.5 feet above ground level) shall be replaced onsite with a similar tree species at no less than a 1:1 ratio. All replacement trees shall be planted prior to the issuance of the final certificate of occupancy.					
AES-1c: Prior to issuance of the final certificate of occupancy, the developer shall do one of the following: 1) permanently remove all shipping containers from the project site; or 2) obtain a minor Site Development Permit Approval and install screening measures in accordance with Zoning Ordinance requirements. If the second option is pursued, outdoor storage of containers shall occur in a completely enclosed building or behind a visually obscure solid wall or tight board fence a minimum 6 feet in height and outside any front or street side yard setback area.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning Department		
AES-2: Prior issuance building permits, the developer shall ensure that all exterior lighting fixtures associated with the existing retail building (building-mounted and freestanding) are shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties.	Approval of plans	Prior issuance building permits	City of Milpitas Planning Department		

2. Air Quality

AIR-3: The following measures shall be implemented during all construction activities:	Site inspection	During construction activities	City of Milpitas Building Safety and Housing Department		
Water all active construction areas and exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least two times per day.					
Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.					
Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.					
Sweep daily (with water sweepers) all paved access roads, parking					

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
areas, and staging areas at construction sites.					
Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.					
All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.					
All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.					
Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.					
All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.					
Post a publicly visible sign with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the Bay Area Air Quality Management District shall also be visible to ensure compliance with applicable regulations.					
AIR-7a: The developer shall use paving materials with increased solar reflectivity in areas where pavement is replaced. Such materials shall use light-colored aggregate or other appropriate methods to achieve high solar reflectivity. The developer shall provide	Approval of plans and site inspection	Prior to issuance of Building Permit	City of Milpitas Planning Department		

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
construction details and specifications that shall be submitted with construction drawings and installed with improvements.					
AIR-7b: Prior to issuance of the final certificate of occupancy, the developer shall post signs in the loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning Department		
AIR-7c: Prior to issuance of the final certificate of occupancy, the developer shall do the following:	Approval of plans; Site inspection; ongoing	Prior to issuance of the building permit; ongoing.	City of Milpitas Planning Department and Building Safety and Housing Department		
Prior to building permit issuance, a secondary closed loop system shall be evaluated and implemented, if found to be technically and economically feasible. Details and specifications shall be included with the construction drawings.					
The developer shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Milpitas.					
During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants are reused.					
AIR-7d: Prior to issuance of the final certificate of occupancy, the developer shall provide the following Transportation Demand Management measures:	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning Department		
Public transit information in the employee breakroom. Store management shall post information such as Santa Clara Valley Transportation Authority bus and light rail schedules, maps, and fares.					

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Ride sharing information in the employee breakroom. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.					
Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation.					
AIR-7e: To reduce construction related greenhouse gas impacts, the following measures are required:	Submittal of documentation	During construction activities	City of Milpitas Planning Department		
At least 15 percent of the construction vehicles/equipment shall be fueled by an alternative source such as biodiesel and/or electric.					
At least 10 percent of all building materials shall be local (within 100 miles); and					
At least 50 percent of construction and demolition materials shall be recycled. This latter provision shall be coordinated with Mitigation Measure PSU-6a.					

3. Biological Resources

BIO-1: If vegetation removal associated with development of the property is to occur during the nesting bird season (February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on the site, a 100-foot buffer shall be maintained around the nests; no construction-related activities shall be permitted within the 100-foot buffer. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological	Submittal of documentation; Site inspection	Within 14 days prior to any construction-related activities during the nesting bird season (February 15 through August 31)	City of Milpitas Planning Department		
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Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
monitor. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14).					
4. Geology, Soils, and Seismicity					
GEO-1a: Prior to issuance of building permits, the developer shall submit a seismic hazards technical study prepared by a qualified geotechnical engineer to the City of Milpitas for review and approval. The report shall be prepared in accordance with the requirements of the Seismic Hazards Mapping Act and shall identify necessary design measures to reduce potential seismic ground shaking impacts to acceptable levels. The developer shall incorporate the approved design measures into the project plans.	Approval of plans	Prior to issuance of building permits	City of Milpitas Building Safety and Housing Department		
GEO-1b: Prior to issuance of building permits, the developer shall submit a design-level geotechnical investigation to the City of Milpitas for review and approval. The design-level investigation shall address the potential for ground failure to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The abatement measures shall be incorporated into the project design.	Approval of plans	Prior to issuance of building permits	City of Milpitas Building Safety and Housing Department		
GEO-1c: Prior to issuance of building permits, the developer shall submit plans to the City of Milpitas for review and approval that demonstrate that the proposed project is designed in accordance with all state and local seismic safety requirements. Such requirements shall include the California Building Standards Code and Milpitas Municipal Code, Title II. The approved plans shall be incorporated into the project design.	Approval of plans	Prior to issuance of building permits	City of Milpitas Building Safety and Housing Department		
GEO-4: During grading and construction, the developer shall adhere to all applicable recommendations for abating expansive soil conditions contained in the Geotechnical Engineering Investigation or comparable geotechnical study. This includes the excavation of expansive soils and the subsequent replacement of such soils with non-expansive engineered fill.	Site inspection	During grading and construction	City of Milpitas Building Safety and Housing Department		

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
5. Hydrology and Water Quality					
HYD-1: Prior to the issuance of grading permits for the proposed project, the developer shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Milpitas that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements:	Approval of plan	Prior to the issuance of grading permits	City of Milpitas Planning Department and Engineering Department		
Temporary erosion control measures shall be employed for disturbed areas.					
No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.					
Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.					
The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.					
BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.					
In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative					

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.					
HYD-2: Prior to the issuance of building permits for the proposed project, the developer shall submit a stormwater management plan to the City of Milpitas for review and approval. The stormwater management plan shall comply with the requirements of Milpitas Municipal Code Title XI, Chapter 16 and identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include, but are not limited to:	Approval of plan	Prior to the issuance of building permits	City of Milpitas Planning Department and Engineering Department		
Strategically placed bioswales and landscaped areas that promote percolation of runoff					
Pervious pavement					
Roof drains that discharge to landscaped areas					
Trash enclosures with screen walls					
Stenciling on storm drains					
Curb cuts in parking areas to allow runoff to enter landscaped areas					
Rock-lined areas along landscaped areas in parking lots					
Catch basins					
Oil/water separators					
Regular sweeping of parking areas and cleaning of storm drainage facilities					
Employee training to inform store personnel of stormwater pollution prevention measures					
The developer shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.					

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
6. Public Services and Utilities					
PSU-3: Prior to building permit issuance, the developer shall include details and specification in the construction drawings and install the following indoor water conservation measures:	Approval of plans	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning Department, Building Safety and Housing Department and Engineering Department		
• Low-flow or ultra-low-flow toilets and urinals					
• Sensor-activated faucets in restrooms					
PSU-6a: Prior to the commencement of construction activities, the developer shall retain a qualified contractor to perform construction and demolition debris recycling. The developer shall provide documentation to the satisfaction of the City of Milpitas demonstrating that construction and demolition debris was recycled.	Submittal of documentation	Prior to issuance of building permits	City of Milpitas Planning Department		
PSU-6b: Prior to building permit issuance, the developer shall show onsite facilities necessary to collect and store recyclable materials. The facilities shall include receptacles in public spaces that are of high-quality design and identify accepted materials.	Approval of plans; Site inspection	Prior to issuance of building permits	City of Milpitas Planning Department		
7. Transportation					
TRANS-1a: Prior to the issuance of building permits, the developer shall provide fair-share fees to the City of Milpitas for improvements to the Dixon Landing Road/N. Milpitas Boulevard intersection and the widening of Dixon Landing Road in the amount of \$31,960 (\$3,000 for the intersection improvement and \$28,960 for the roadway widening). The fees will go towards the following intersection improvements: 1) modifying the signal operation to include a southbound right-turn overlap and subsequent signal timing optimization or 2) adding a northbound left turn lane, a southbound right-turn lane, and eastbound left-turn and right-turn lanes. The widening shall consist of adding an additional lane in each direction between I-880 and N. Milpitas Boulevard. Both improvements are	Receipt of fees	Prior to the issuance of building permits	City of Milpitas Planning Department		

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
identified in the Valley Transportation Plan 2035.					
TRANS-1b: Prior to the issuance of final certificate of occupancy, the developer shall provide the City of Milpitas the full cost of signal timing modifications at the N. McCarthy Boulevard/Ranch Drive (south) intersection in the estimated amount of \$2,500 dollars. The modifications shall consist of re-timing the signal to increase the current cycle length. This mitigation measure shall not apply if the signal timing is modified prior to the developer seeking the final certificate of occupancy.	Receipt of fees	Prior to the issuance of final certificate of occupancy	City of Milpitas Planning Department		
TRANS-3: Prior to issuance of building permits, the developer shall provide a traffic management fee in the amount of \$180,000 to the City of Milpitas. The fees shall be used for circulation and traffic operation improvements within the City of Milpitas, including signal coordination and intersection improvements. Specific improvements that shall be fully funded by funds collected shall include:	Receipt of fees	Prior to issuance of building permits	City of Milpitas Planning Department		
McCarthy Boulevard/Technology Drive: The eastbound approach shall be re-stripped to provide two left-turn lanes and one shared through/right lane.					
McCarthy Boulevard/SR-237 Westbound Ramps: An additional westbound right-turn lane shall be constructed to provide two left-turn lanes, two through lanes, and two right-turn lanes for the westbound approach.					
Ranch Drive: The roadway shall be restriped to extend the existing two-way left-turn lane from the northern driveway of the existing retail building to the end of the existing westbound left-turn lane at the McCarthy Boulevard/Ranch Drive (North) intersection.					
TRANS-5: Prior to issuance of building permits, the developer shall prepare and submit a site plan to the City of Milpitas that demonstrates that off-street parking is provided onsite complies with the Milpitas Municipal Code Parking Regulations and Development	Approval of plan (Note: Project plans submitted comply with	Prior to issuance of building permits	City of Milpitas Planning Department		

Table B.16.050-A: Milpitas Commercial Specific Plan Environmental Performance Standards

Environmental Performance Standards	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Standards. The approved site plan shall be incorporated into the proposed project.	the City's off-street parking requirements)				
TRANS-8: Prior to building permit issuance, the developer shall provide details and specifications for bicycle storage facilities on the construction drawings and install prior to occupancy. Bicycle storage facilities shall consist of at least one rack located in a visible and convenient location (e.g., near the store entrance) and that provides storage equivalent to 2 percent of the proposed project's minimum parking requirement.	Approval of plans; Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning Department		
TRANS-9: Prior to commencement of construction activities, the developer shall submit a Construction Traffic Control Plan to the City of Milpitas for review and approval. The plan shall identify the timing and routing of all major construction equipment and materials deliveries to avoid potential traffic congestion and delays on the local street network and the McCarthy Ranch Marketplace, and to encourage the use of I-880 and SR-237. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours (e.g., mornings or evenings) to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.	Approval of plan	Prior to commencement of construction activities	City of Milpitas Planning Department		

Chapter B.18 Other Zones and Standards

Sections:

B.18.010 Purpose

B.18.020 Other Zones Use Regulations

B.18.030 Other Zones Development Standards

B.18.040 Other Zones Supplemental Standards

B.18.010 Purpose

- A. **Agricultural (A) Zone.** The Agricultural (A) Zone is intended to preserve lands best suited for agricultural use from the encroachment of incompatible uses, and to preserve land for eventual development into other uses, pending proper timing for the economical provision of utilities, major streets, and other facilities to allow compact, orderly development.
- B. **Institutional (I) Zone.** The Institutional (I) Zone is intended to encourage the orderly development of public service and educational uses in the community and to ensure their presence as a vital part of the neighborhood balance.
- C. **Park and Public Open Space (POS) Zone.** The Park and Public Open Space (POS) Zone is intended to provide for public open space and recreational uses in order to preserve environmentally sensitive areas and accommodate community service or recreational facilities.

B.18.020 Other Zones Use Regulations

- A. Table B.18.020-A (Other Zones Use Regulations) sets the land use regulations for other zones. Land uses are defined in Chapter E.4 (Definitions of Uses). In cases where a land use is not listed in the table, the Director shall make a determination regarding similar use consistent with Subsection A.4.020.G (Determination of Similar Use).
- B. Land uses not listed in the table and not substantially like the uses below are prohibited unless the Planning Commission approves a Conditional Use Permit consistent with Subsection D.4.030 (Use Permits) and finds that use will not have adverse impacts or be more detrimental to the public welfare than any other use explicitly, with or without a Conditional Use Permit, in the same zone.
- C. All uses shall be conducted entirely within enclosed structures, unless specifically noted or otherwise approved by the Director or Review Authority.

Table B.18.020-A: Other Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Uses	A	I	POS	Additional Regulations
Agricultural Uses				
Agricultural Supply Sales	C	-	-	n/a

Table B.18.020-A: Other Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Uses	A	I	POS	Additional Regulations
Animal Husbandry	P	-	-	Section C.10.060 (Animal Husbandry)
Commercial Agricultural Processing Plant	C	-	-	n/a
Cultivated Agriculture	P	-	-	n/a
Guest Ranch	P	-	-	n/a
Riding Academy and Public Stables	P	-	-	n/a
Commercial Uses				
Animal Care and Services				
Kennel	C	-	-	Milpitas Municipal Code Section V-210-11 (Permits for Animal Facilities and Animal Adoption Organizations)
Veterinary Hospital or Services	-	C	-	
Eating and Drinking Establishment				
Mobile Food Vending (Individual Vehicle)	P	P	P	Section C.10.170 (Mobile Food Vending)
Restaurant, Limited Service	-	MCS ¹	-	
Home Occupation	P	P	-	Section C.10.130 (Home Occupations)
Hospital	-	C	-	n/a
Offices				
Medical Office/Clinic	-	C	-	n/a
Vehicle-Related Uses				
Fleet-Based Service	-	P	-	n/a
Mobile Fueling	P/-	P/-	-	Milpitas Municipal Code Chapter V-300 (Fire Code)
Industrial Uses				
Mining and Quarrying	C	-	-	n/a
Recycling Facility				
Collection Facility	-	C	-	n/a
Public, Institutional, and Recreational Uses				

Table B.18.020-A: Other Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Uses	A	I	POS	Additional Regulations
Cemetery	C	C	-	n/a
Child Care				
Child Care Center	MC	MC	MC	Section C.10.140 (Large Family Child Care and Child Care Centers)
Large Family Child Care Home	P	-	-	
Small Family Child Care Home	P	-	-	n/a
Civic/Government	-	P	-	n/a
Community Assembly				
Major	-	C	C	n/a
Minor	-	MCS	MCS	n/a
Community Garden	P	P	P	n/a
Correctional Facility	-	C	-	n/a
Educational Institutions				
College/University, Private	-	P	-	n/a
School, Private	-	P	-	n/a
School, Public	-	P	-	n/a
Trade and Vocational School	-	C	-	n/a
Farmers' Market	-	MCS	MCS	Section C.10.120 (Farmers' Markets)
Funeral Parlor and Mortuary	-	C	-	n/a
Library/Museum	-	P	-	n/a
Park/Playground	P	P	P	n/a
Public Safety	-	P	-	n/a
Public Utility	-	C	C	n/a

Table B.18.020-A: Other Zones Use Regulations

"P" = Permitted Use | "MC" = Minor Conditional Use Permit approved by Zoning Administrator required | "MCS" = Minor Conditional Use Permit approved by Director required | "C" = Conditional Use Permit required | "-" = Not Allowed

Uses	A	I	POS	Additional Regulations
Resilience Hub	-	P	-	See Subsection C.10.230.D.6 regarding Temporary Resilience Hubs.
Transportation Passenger Terminal/Facility	-	C	-	n/a
Wireless Telecommunications Facility	See Section C.10.240 (Wireless Telecommunications Facilities).			
Residential Uses				
Accessory Dwelling Unit and Junior Accessory Dwelling Unit	P	-	-	Section C.10.030 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
Elderly and Long-Term Care	-	C	-	n/a
Employee/Farmworker Housing	P	-	-	n/a
Group Living Accommodation	-	MCS	-	n/a
Residential Care Facility	P ²	-	-	n/a
Single-Family Dwelling	P ²	-	-	Section C.10.210 (Single-Family Dwelling)
Supportive Housing	P ²	-	-	California Government Code § 65582
Transitional Housing	P ²	-	-	California Government Code § 65582
Unclassified Uses				
Accessory Use	P	P	P	n/a
Parking Lot ³	-	MCS	-	n/a
Parking Structure ³	-	MCS	-	n/a
Temporary Use	See Section C.10.230 (Temporary Uses and Structures)			

Table Notes:

¹ Limited to an accessory use that serves the primary use on the same site.

² When accessory to primary agricultural use.

³ Applies to parking lots or structures that are primary uses, as defined in Part XIII-E (Definitions).

B.18.030 Other Zones Development Standards

Table B.18.030-A (Other Zones Development Standards) establishes the development standards for other zones.

Table B.18.030-A: Other Zones Development Standards			
ft = feet ac = acres du = dwelling unit FAR = floor area ratio n/a = not applicable			
Standard	A	I	POS
Lot Area, min (ac)	5	n/a	n/a
Lot Width, min (ft)	300	n/a	n/a
Density (du/gross acre) ¹	0.4	n/a	n/a
Setbacks (ft)			
Front	50	n/a	The most restrictive setback required for the abutting zone; in no case less than 20
Interior side	50	n/a	The most restrictive setback required for the abutting zone; in no case less than 10
Street side	50	n/a	The most restrictive setback required for the abutting zone; in no case less than 20
Rear	50	n/a	The most restrictive setback required for the abutting zone; in no case less than 10
FAR, max.	n/a		
Primary Building Height, max.	30 ft; 2.5 stories	n/a	30 ft; 2.5 stories
Accessory Building Height, max.	30 ft; 2.5 stories	n/a	30 ft; 2.5 stories
Usable Open Space	n/a	n/a	n/a

Table Notes:

¹ When determining the density of non-traditional housing configurations such as group living accommodations and single-room occupancy residences, three bedrooms may be counted as the equivalent of one unit.

B.18.040 Other Zones Supplemental Standards

Reserved.

Chapter B.20 Overlay Zones and Standards

Sections:

- B.20.010 Purpose
- B.20.020 Freeway Corridor (FC) Overlay Zone
- B.20.030 Site and Architectural (S) Overlay Zone

B.20.010 Purpose

This Chapter establishes additional standards for defined areas (i.e., overlay zones) that are applied in addition to standards provided in the base zones. These standards are intended to ensure that proposed uses and development are compatible with existing and future development on neighboring properties and produce an environment of desirable character consistent with the General Plan. The “H” Hillside Combining District is addressed in Chapter B.22 (“H” Hillside Combining District).

B.20.020 Freeway Corridor (FC) Overlay Zone

- A. **Purpose.** The purpose of the Freeway Corridor (FC) Overlay Zone is to establish a process to consider an increase in the maximum floor area ratio to accommodate new and infill developments along the freeway corridor.
- B. **Applicability.** The FC Overlay Zone may be combined with any non-residentially zoned property within 300 feet of Interstate 680, Interstate 880, or State Route 237.
- C. **Development Standards.** The development standards for the underlying base zone shall apply, except that an increase of up to 20 percent above the base zone’s maximum floor area ratio may be allowed subject to the Review Authority’s discretion (e.g., if the maximum floor area ratio is 0.50, eligible properties may submit an application requesting an increase in floor area ratio of up to 0.60).
- D. **Process.**
 - 1. An applicant for a proposed development project on a lot located within the FC Overlay Zone may request an increase in the maximum floor area ratio, pursuant to this Section, as part of the overall project entitlements. The Review Authority may approve, approve with conditions, or deny the request.
 - 2. The Review Authority may deny a request for increased floor area ratio on a lot within the FC Overlay Zone if a finding is made that such increase would be detrimental to public health, safety, or welfare; or that such increase would not be consistent with the nature and configuration of streets, infrastructure, and/or existing or anticipated development in the vicinity of the subject property.
- E. **Limitations.** The FC Overlay Zone may not be combined with any other overlay or other process allowing additional floor area ratio.

B.20.030 Site and Architectural (S) Overlay Zone

The Site and Architectural (S) Overlay Zone applies to areas annexed into Milpitas city limits consistent with Section B.2.040 (Zoning of Annexed Areas). Development in the S Overlay Zone shall comply with all applicable standards and procedures in this Title.

Chapter B.22 “H” Hillside Combining District

Sections:

- B.22.010 Findings, Purpose and Intent
- B.22.020 Establishment and Designation
- B.22.030 Maximum Allowable Densities and Minimum Lot Sizes
- B.22.040 Height Regulations
- B.22.050 Yard Requirements
- B.22.060 Crestline Zone of Protection
- B.22.070 Special Provisions for PUD’s in Hillside
- B.22.080 Open Space Easements
- B.22.090 Site and Architectural Approval
- B.22.100 Slope Planting
- B.22.110 Residential Driveways and Parking
- B.22.120 Non-Residential Off-Street Parking
- B.22.130 Fencing
- B.22.140 Recreation Courts
- B.22.150 Outdoor Lighting
- B.22.160 Underfloor Clearance
- B.22.170 Maximum Size of Residence, Accessory Structures, and Impervious Surface Coverage
- B.22.180 Grading Requirements

B.22.010 Findings, Purpose and Intent

The City Council of the City of Milpitas finds and declares:

- A. The hillsides which are a part of the City and within its urban planning area represent a unique scenic asset to the community and a part of the history and tradition of the community.
- B. The inventory of open space and natural scenery in the City and County is rapidly diminishing.
- C. The congestion of traffic, commerce, development and people may require a counterbalance of pleasant vistas bearing in mind preservation and conservation of the natural landscaping and open space while at the same time permitting orderly and regulated residential development.
- D. Pleasant communities attract business, industry and people. They improve public morale and pride and encourage public support for safe, healthful and productive development.
- E. Citizens have shown that they wish this community to be attractive as well as clean and safe and that they want to avoid hillside visual pollution. Therefore, it is necessary to create a special zoning

district which insures an orderly and harmonious residential development that will minimize the amount of disturbance to the natural terrain.

- F. If Milpitas is to avoid the hillside safety, ecological/environmental, and financial disasters which have occurred elsewhere in California, seismic risk, geologic hazards, fire protection, groundwater protection, flood prevention and erosion control require the regulation of hillside development as to density, construction practices, building sites and landscaping.
- G. That all environmental concerns be included in hillside development (in order to take into account nationally recognized Pacific Flyway Habitat designations and not to disturb nesting areas or resting areas).
- H. The purpose of the "H" Hillside Combining District is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including but not limited to geologic problems, slope, safe access and visibility.

B.22.020 Establishment and Designation

"H" Hillside Combining Districts shall be established only in conjunction with other districts. An "H" designation shall be required in areas designated in the adopted General Plan as "Hillside" and may be combined with "R1" Single-Family Residential District.

The provisions of this section shall apply in the "H" Hillside Combining District, in addition to those conditions specified for the basic zone classification. Where there is a conflict between these regulations and the regulations specified in the basic zone, the provisions in this section shall prevail.

B.22.030 Maximum Allowable Densities and Minimum Lot Sizes

The following requirements shall apply in the "H" Hillside Combining District:

- A. The average land area per dwelling unit is determined by calculating the average slope of the parcel and then using this figure in the slope density equation to get minimum average land area per dwelling unit.
- B. **The Slope Density Equation.** If the parcel has an average slope of ten (10) percent or less, the average land area per dwelling unit shall be no less than ten (10) acres. If the parcel has an average slope of fifty (50) percent or more, the minimum average land area per dwelling unit shall be no less than eighty (80) acres. If the parcel has an average slope of ten (10) percent to fifty (50) percent, the average land area per dwelling unit shall be determined by the following equation:

$$a = \frac{1}{0.121875 - 0.0021875 S}$$

Where: **a** is the average land area per dwelling; and **S** is the average slope of the lot in percent.

- C. Average slope shall be based on existing contours as shown on aerial maps on file in the office of the City Engineer dated April 1964. Where slope cannot be directly determined by observation, the average slope will be determined by the formula:

$$S = \frac{100 I L}{A}$$

Where: **I** is the contour interval in feet; **L** is the combined length of the contour lines in scale feet; and **A** is the net area of the lot in square feet.

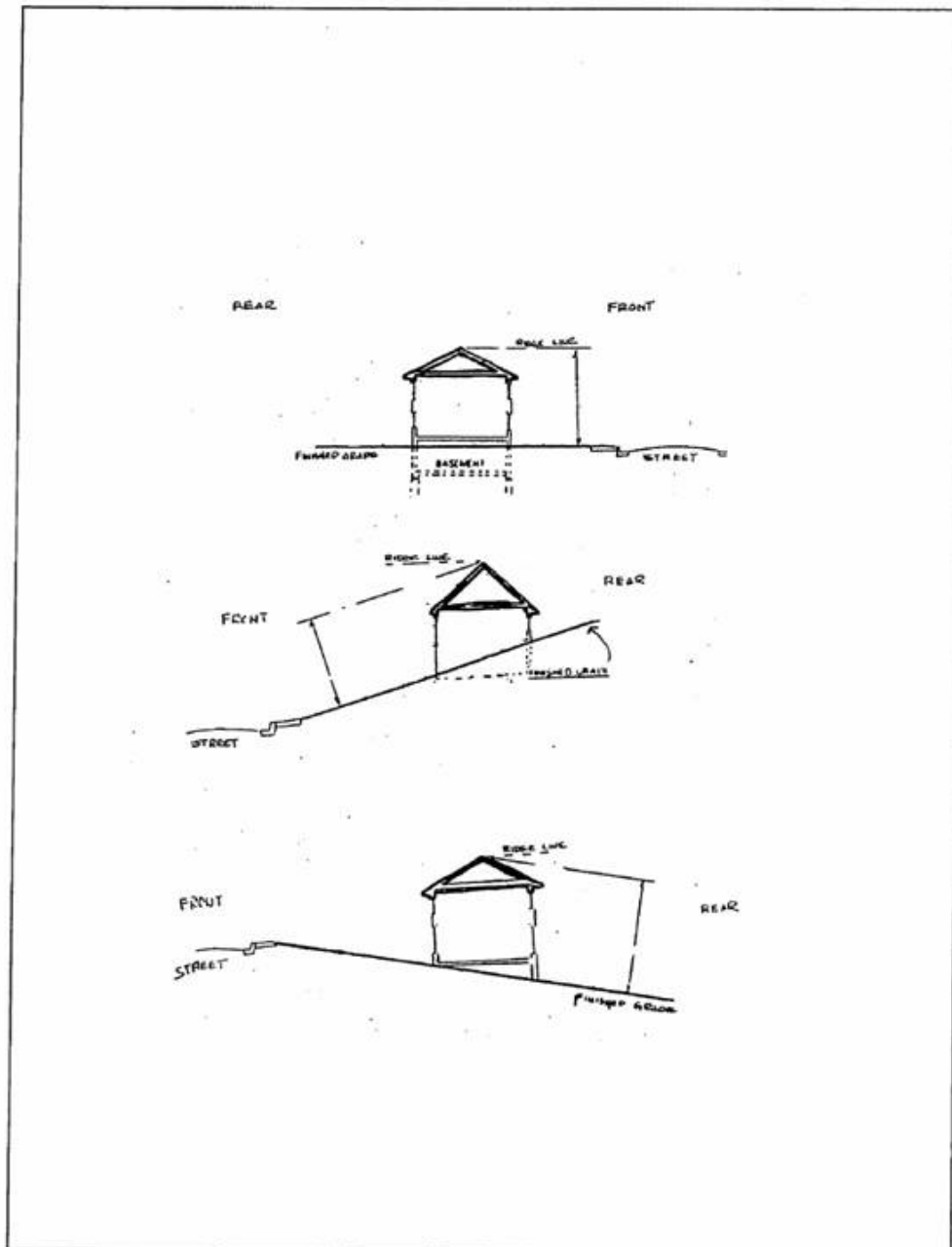
Exhibit "B" is an example of the use of this formula.

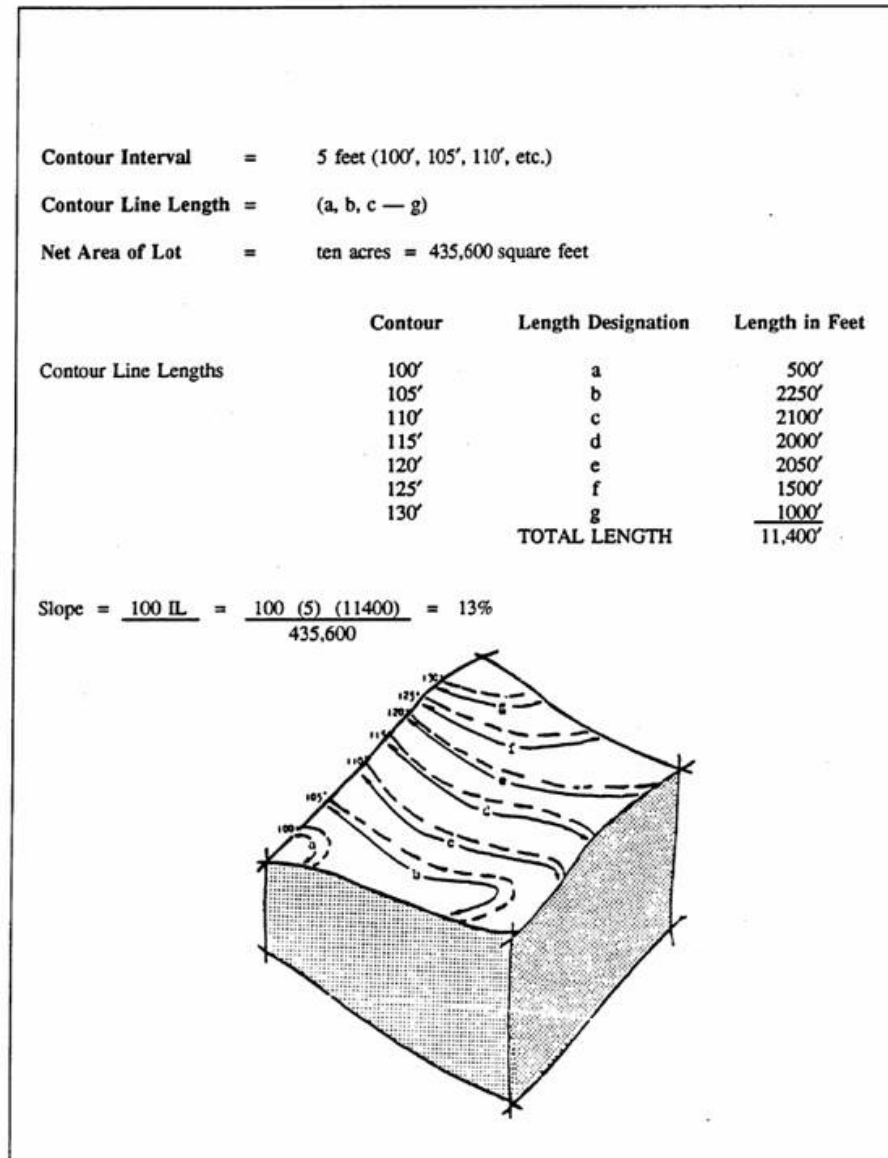
- D. The maximum number of dwelling units permitted in a subdivision shall be determined by dividing the gross land area by the average land area per dwelling unit, computed to the third significant figure, and then rounded to the nearest whole number.
- E. **Reduction of Density.** The City may require a reduction in the number of dwelling units below the maximum otherwise permitted under this Section if the City determines that such reduction is necessary or appropriate by reason of site restrictions or geologic hazards.
- F. **Further Subdivision Prohibited.** Upon recordation of a final subdivision or parcel map covering any site zoned "R1-H," no lots or parcels shown on such map may be thereafter further subdivided so as to increase the total density permitted under this Section for the entire subdivision or parcel depicted on the final map.
- G. **Exempted Lots.** Any lot shown as a unit on a recorded subdivision or land division, or any lot otherwise legally created, is exempt from the density requirements set forth in this Section provided such lot was created prior to the effective date of the ordinance codified in this chapter. Any lot so exempted will not lose its exempt status if either of the following events takes place subsequent to the effective date of the ordinance codified in this chapter:
 - 1. A portion of the lot is exchanged for a portion of any adjoining lot, the result of which does not decrease the original square footage of the lot; or
 - 2. The lot is enlarged by the addition of land from any adjoining parcel.Under no circumstances shall the number of dwelling units be greater than the number permitted prior to any modification for lot line adjustment.
- H. **Density Exception.** Notwithstanding the density provisions of the "H" District set forth in Section B.22.030, a commercial development which was approved prior to the October 15, 1992 effective date of the ordinance codified in this section may, upon site and architectural approval, pursuant to Section B.22.030, be replaced with one less intensive single-family residential dwelling that complies with all other conditions of Chapter B.22 and all other relevant provisions of the Municipal Code.

B.22.040 Height Regulations

- A. Under no circumstances shall any main building on the west side of the crestline exceed a height of seventeen (17) feet and one (1) story (excluding basements) from the lowest finished grade to the highest ridgeline of the building.
- B. Under no circumstances shall any main building on the east side of the crestline exceed a height of twenty-seven (27) feet and two (2) stories from the lowest finished grade to the highest ridgeline of the building.
- C. Accessory structure(s) shall not exceed seventeen (17) feet and one (1) story from the lowest finished grade to the highest ridgeline of the building anywhere in the hillside.

FIGURE B.22.040-1: ILLUSTRATIONS FOR SECTION B.22.040





B.22.050 Yard Requirements

For lands in the R1 residential zoning district, the following requirements shall apply:

- A. All dwellings shall have a minimum side yard of forty (40) feet.
- B. Minimum front yard setbacks shall be twenty-five (25) feet when the average slope of the lot is less than sixteen (16) percent, or when the front yard slope does not exceed sixteen (16) percent; otherwise, the minimum front yard setback shall be forty (40) feet.
- C. The minimum rear yard setback for the principal dwelling shall be forty (40) feet.

B.22.060 Crestline Zone of Protection

- A. The purpose of the crestline zone of protection is to preserve the natural quality of the crestline and the slopes immediately below, when viewed from the valley floor.
- B. The crestline zone of protection is defined as the area westerly of the perceived crestline and between the perceived crestline and an elevation one hundred (100) feet below. In the area within three hundred (300) feet easterly of the crestline, structure heights shall be restricted so that no structure extends above the crestline site line.
- C. The perceived crestline is the crestline identified when viewed from the three (3) closest viewpoints of those nine (9) shown on the zoning map and designated as "VP."
- D. The land within the crestline zone of protection shall remain in a natural condition and structures, grading and non-native plant materials are prohibited. All fences constructed within the crestline zone of protection shall be subject to review and approval by the Planning Commission.
- E. In demonstrating compliance with the crestline zone of protection, an applicant shall submit cross-sections from each of the three (3) closest viewpoints from their site. Each cross-section shall include the viewpoint, any proposed structure(s) on the applicant's site, the perceived crestline, and the lower edge of the zone of protection. Each cross-section shall be drawn commencing from the closest viewpoint with lines projecting through the highest point of any and all structures. No structure may visually intrude into the "crestline zone of protection" area. Exception may be granted where development would not be visible from the three (3) closest viewpoints.

B.22.070 Special Provisions for PUD's in Hillside

- A. When land in Hillside is to be subdivided and is also approved as a PUD, the following rules shall apply in addition to those specified elsewhere in this chapter for PUD's.
- B. There shall be no minimum lot size requirements for PUD's. Clustering of development for PUD's is encouraged and shall be located on not more than ten (10) percent of the total lot area that exists prior to any subdivision.
- C. Land included in a PUD but not included in lots shall be held in common and shall be encumbered with an open space easement in favor of the City unless such common ownership and easement would be inconsistent with approved uses such as public streets or public utilities.

B.22.080 Open Space Easements

- A. In any subdivision which is not approved as a PUD, at least fifty (50) percent of the gross area within the subdivision shall be encumbered with an open space easement in favor of the City. Side yard and front yard setback areas will not be allowed to be a part of nor encroach on the open space easement. Said easement shall be identified at the time of submittal of the tentative map.
- B. Reconfiguration of the open space easement may be granted, at a public hearing, by the City Council provided that the area (net acreage) is not decreased.
- C. No open space easement dedicated to the City within the "H" Hillside Combining District shall be abandoned by resolution of the City Council without a majority of those voting on the matter in a

City election approving of such abandonment. The election shall be held at one (1) of the regularly scheduled election dates for general law cities.

B.22.090 Site and Architectural Approval

- A. **Purpose.** It is the policy of the City to review the proposed construction or expansion of single-family dwellings and certain accessory structures under circumstances where such structures might constitute an invasion of privacy, unreasonable interference with views, light and air, and create adverse impacts upon the aesthetic character of neighboring residential structures. The purpose of this Section is to establish standards and procedures to be followed with respect to the design review of single-family dwellings and certain accessory structures to ensure that new development occurs in a manner which is consistent with the objectives of this Chapter and the policies of the General Plan.
- B. **Applicability-Requirement for Site and Architectural Review.** In each of the following cases, no building permit shall be issued for the construction or expansion of a single-family structure or accessory structure in any "H" District, until such structure has received a site and architectural review approval by the Planning Commission and City Council pursuant to this Section:
1. Prior to any grading;
 2. Prior to construction of any new structure; or
 3. Prior to any modification that requires a building permit, any interior alteration, or any alteration or conversion where such alteration or conversion does not result in any exterior modifications to the existing structure beyond the installation of skylights in the roof, installation of new windows or doors, fireplaces or chimneys, or any other minor alteration which in the opinion of the Community Development Manager meets the intent of this Subsection.
- C. **Application Requirements-Public Hearing.** Site plan and building elevations, which portray as accurately as possible the ultimate development of the lot, shall be submitted to the City. The plans shall include all structures, grading, landscaping, colors and materials.
- D. The applicant shall in addition propose a "building envelope" within which all development other than specified minor improvements such as fences (permitted by Section B.22.130, Fencing) and driveways shall be located.
- E. A public hearing on the site and architectural review application shall be required at the planning commission level only. The review before the city council shall not be a public hearing. Provided, however, that any modifications or addition onto an existing structure, on parcels twenty thousand (20,000) square feet or less, shall not require a review by either the Planning Commission or City Council but said modifications or addition must comply with the site and architectural guidelines contained in this Section.
- F. **Application Materials.** Application for site and architectural review ("S" Zone Approval) shall be made, with the Community Development Department, on a form prescribed for this purpose.
1. The application shall include the following exhibits such as, but not limited to:
 - a. Site plan
 - b. Building envelope and open space plan

- c. Existing topographic plan
 - d. Architectural plan(s)
 - e. Roof plan
 - f. Floor plan(s)
 - g. Line of sight-view restriction/obstruction analysis
 - h. Landscape plan
 - i. Crestline zone of protection plan, where appropriate
 - j. Grading plan
- 2. The application shall be accompanied by the payment of a processing fee(s), in such amount(s) as established by the City Council.
- G. **Site and Architectural Guidelines.** The Planning Commission and City Council shall consider the following guidelines in its review process:
- 1. ***Avoid Unreasonable Interference with Views and Privacy.*** The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.
 - 2. ***Preserve Natural Landscape.*** The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.
 - 3. ***Minimize Perception of Excessive Bulk.*** The design of the proposed main and/or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.
 - 4. ***Impairment of Light and Air.*** The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.
 - 5. ***Grading.*** All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.

B.22.100 Slope Planting

The face of all cut-and-fill slopes may be required to be planted and maintained with a ground cover as recommended by the geotechnical report in order to protect the slopes against erosion as soon as practical and prior to the final approval of the grading. This plant material shall be shown on the landscape plan.

B.22.110 Residential Driveways and Parking

- A. Privately owned and maintained access from the public road to each single-family dwelling shall be a minimum of fourteen (14) feet in width. Turning radius shall be designed to meet the Fire Department's requirements.

- B. Turnout space shall be provided on driveways over one hundred fifty (150) feet in length with a maximum spacing of one hundred fifty (150) feet if driveway is less than eighteen (18) feet wide.
- C. **Turnaround.** All dwelling units shall provide an on-site area for vehicles to turn around if served by a driveway over one hundred fifty (150) feet in length to meet Fire Department's requirements.
- D. **Vertical Clearance.** All privately owned and maintained roads and drives shall assure a minimum fourteen (14) foot vertical clearance.
- E. There shall be provided at the time of erection of any dwelling at least two (2) permanently maintained parking spaces on the same lot with the dwelling, for each dwelling unit. Said parking spaces shall be not less than ten (10) feet wide and twenty (20) feet long with adequate provisions for ingress and egress.
- F. Private parking may be required to be located to the rear of the front setback line. Criteria used to determine need for parking to be located behind the front setback line shall be based on providing safe access which is harmonious with adjacent natural land slope, and structures existing and proposed.
- G. The design of the driveway and parking areas shall consist of an all-weather surface conforming to Section II-13-18, Paving Standards, and Chapter C.6, Parking and Loading, of this Code.
- H. The Planning Commission and City Council may grant exceptions to the above requirements pursuant to the guidelines set forth in Subsection B.22.090.G, Site and Architectural Guidelines, of this Section.

B.22.120 Non-Residential Off-Street Parking

Off-street parking shall be provided on-site for all nonresidential uses. The number and design of parking spaces shall be in accordance with Chapter C.6, Parking and Loading.

B.22.130 Fencing

Fencing on hillside lots shall be minimized and shall be of an open variety, except fencing around the immediate vicinity of each house. Fencing criteria will be found in Section C.2.040, Fences, Walls, and Hedges.

B.22.140 Recreation Courts

- A. Grading for tennis courts and other recreation courts shall not exceed six (6) feet of fill or twelve (12) feet of cut and fill. A site development application for a tennis or other recreation court which proposes grading in excess of the limits of this Chapter may be approved by the City upon finding that the excess cut or fill:
 - 1. Will not result in slopes prone to landslides or soil creep;
 - 2. Can be landscaped and/or contours rounded to render the cut or fill inconspicuous when viewed from off the site; and
 - 3. Can be properly drained according to methods approved by the Building Division.

- B. **Screening.** Recreation courts shall be landscaped and screened so as to be unobtrusive from off-site. The structure will not be permitted unless this screening can be accomplished without interfering with the function of the structure.
- C. **Color.** All surface and retaining walls shall be colored in natural tones and screened as appropriate so that the court is not conspicuous when viewed from off-site.

B.22.150 Outdoor Lighting

- A. **Tennis—Recreation Courts.** No artificial lighting shall be permitted for tennis and other recreation courts.
- B. **Swimming Pools and Spas.** Artificial lighting of swimming pools and spas shall be permitted only under the following conditions:
 - 1. Light(s) are placed beneath the surface of water in the pool or spa to illuminate the water;
 - 2. Other exterior lights used to illuminate the surrounding area;
 - 3. Light(s) use the minimum wattage which will safely illuminate the area;
 - 4. No direct light is cast beyond the immediate area of the pool or spa; and
 - 5. No light sources are directly visible from off the site.
- C. **Outdoor Lighting-General.** Outdoor lighting should use the minimum wattage lights which will safely illuminate the area. Outdoor light sources shall be shielded so as not to be directly visible from off-site. This section does not pertain to motion-induced/activated or motion-sensor security-type lights.

B.22.160 Underfloor Clearance

All new single-family main structures and accessory buildings, or additions thereto, shall be designed to follow the slope of the site so as to reduce the clearance between ground-floor levels and finish grade to not more than five (5) feet. This underfloor clearance shall not be enclosed. The Planning Commission and City Council may grant exceptions to this requirement pursuant to the guidelines set forth in Subsection B.22.090.G of this Section.

B.22.170 Maximum Size of Residence, Accessory Structures, and Impervious Surface Coverage

- A. **Purpose and Intent.** The purpose and intent of limiting the amount of impervious surface coverage allows for the site and area to remain in its natural setting, as much as possible, without incorporating unnatural man-made features. Impervious surfaces also increase stormwater runoff, which is to be considered in the design of drainage systems.
- B. **Definition.** "Impervious surfaces" are meant to include surfaces that will not allow or will greatly reduce the penetration of water into the ground. Impervious surfaces include the following: concrete, asphalt, bricks, paving stones, swimming pools, "turf stones," plastic sheeting,

compacted gravel and rock areas, and similar surfaces. Impervious surfaces shall also include any and/or accessory structures located on a specific site.

- C. On parcels less than three (3) acres, the amount of impervious surface on the site is limited to eight thousand (8,000) square feet or ten (10) percent of the total lot area, whichever is greater (including the building footprint). The maximum size of the main residence shall not exceed six thousand (6,000) square feet.
- D. On parcels three (3) acres or greater, the amount of impervious surface on the site is limited to ten (10) percent of the total lot area (including the building footprint). Under no circumstances shall the impervious surface coverage exceed thirty thousand (30,000) square feet. The maximum size of the main residence shall not exceed ten thousand (10,000) square feet.
- E. The maximum size of an accessory structure shall not exceed one thousand two hundred (1,200) square feet.

B.22.180 Grading Requirements

- A. **Purpose and Intent.** The intent of this Section is to regulate use, development and alteration of land in hill areas so that essential natural characteristics such as land form, vegetation and wildlife communities, scenic qualities, and open space can substantially be maintained; to preserve unique and significant geologic, biologic and hydrologic features of public value; to encourage alternative approaches to conventional hillside construction practices by achieving land use patterns and intensities that are consistent with the natural characteristics of hill areas such as slope land form, vegetation and scenic quality. It is further the intent of this Chapter to protect predominant views of and from hill areas in order to maintain the identity, image and environmental quality of the City; and to achieve land use densities that are in keeping with the General Plan.
- B. **Definition.** "Grading" means an excavation or fill, or the stockpiling or any combination thereof, or the conditions resulting from any excavation or fill. All grading quantities shall be measured in their compacted state.
- C. **Design Standards and Requirements.**
 - 1. Grading will "blend" in with the natural land forms and native vegetation to the maximum extent feasible.
 - 2. No grading cut or embankment with a slope greater than three (3) feet horizontal to one (1) foot vertical shall be located adjacent to a publicly maintained right-of-way. The applicant shall provide suitable guarantees, satisfactory to the Planning Commission, for landscaping and perpetual maintenance, at no cost to the City, of all slopes greater than fifteen (15) feet in total elevation.
 - 3. Within six (6) months, or such other period established by the Planning Commission, after the commencement of grading activities, all graded areas not covered by an impervious surface shall be stabilized in such manner as shall be approved by the Community Development Manager.
 - 4. Landscaping coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation or to replace removed natural vegetation and should recognize climatic, soil and ecologic characteristics of the region.

Plant materials that require excessive water after becoming established should be avoided. (Refer to illustrations.)

5. Trees which have a six (6) inch or greater diameter trunk size at a point three (3) feet above grade should not be removed. The location of all such trees shall be shown on all plans submitted for approval. The Planning Commission, upon review of an "S" Zone application approval, shall have the power to authorize removal, relocation or replacement if the applicant can show that such requirement is unreasonable as applied to the particular property. If the removal is permitted, the replacement of any trees removed pursuant to this Section shall be at a five to one (5:1) ratio.
6. The overall shape, height, grade or any cut-or-fill slopes shall be developed in concert with existing natural contours and scale of the natural terrain of a particular site. (Refer to illustrations.)
7. Where two cut-or-fill slopes intersect, the intersection shall be horizontally rounded and blended. (Refer to illustrations.)
8. Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended with the natural contours so as to present a natural slope appearance. (Refer to illustrations.)
9. Provide sites which fit into the terrain and allow for minimal amount of grading. Grading of any area of a site with a natural slope greater than forty (40) percent shall be prohibited.
10. Stepped building foundations shall be required to minimize grading on building pads. (Refer to illustrations.)
11. Streets shall be designed to generally follow the natural contours and land form in order to minimize cut and fill. Exposed walls and fences facing roadways and retaining walls shall be no greater than six (6) feet in height. Crib walls fencing roadways shall be no greater than fifteen (15) feet in height. (Refer to illustrations.)
12. Structures shall be designed to fit with the contours of the hillside and relate to overall form of the terrain. Structures shall be designed to fit into the hillside rather than altering the hillside to fit the structure. (Refer to illustrations.)

D. **Development Plan Review Procedures.** To further the specific purposes of this chapter, the following procedures are established:

1. ***Development Plan With Grading Under Five Hundred (500) Cubic Yards.*** Where the aggregate volume of grading on any site or contiguous group of sites is under five hundred (500) cubic yards, the Community Development Manager shall review the proposed Grading Plan. If the plan is found to be in conformance with the provisions of this chapter, the Grading Plan shall be approved. In approving the plan, such conditions as are reasonably necessary to ensure compliance with the objectives of the chapter may be imposed.
2. ***Development Plan With Grading in Excess of Five Hundred (500) Cubic Yards.*** Where the aggregate volume of grading exceeds five hundred (500) cubic yards but is under one thousand five hundred (1,500) cubic yards, the Planning Commission shall review the proposed Grading Plan. If the plan is found to be in conformance with the provisions of the chapter, the Grading Plan shall be approved. In approving the plan, such conditions

as are reasonably necessary to ensure compliance with the objectives of this chapter may be imposed. On receipt of the recommendations of the Planning staff, the Planning Commission shall approve or deny the application.

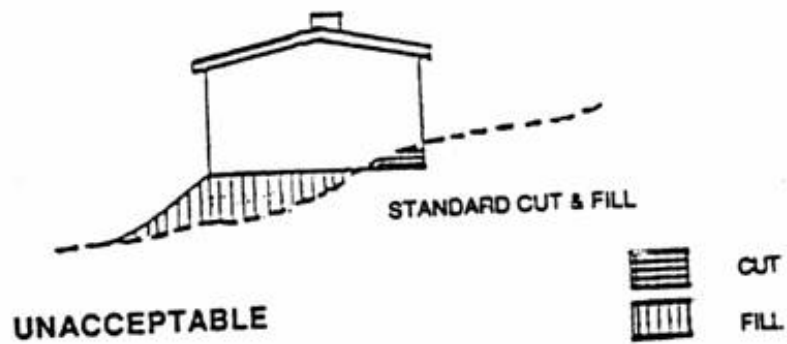
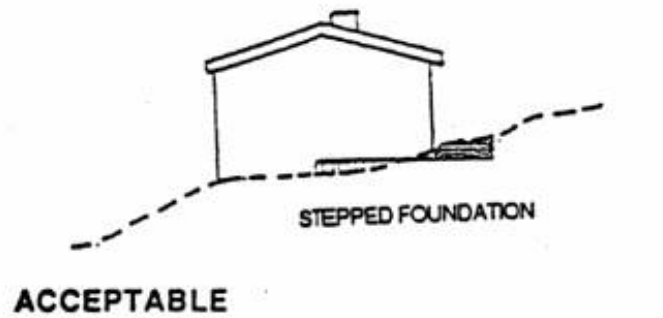
3. ***Development Plan With Grading in Excess of One Thousand Five Hundred (1,500) Cubic Yards.*** Where the aggregate volume of grading exceeds one thousand five hundred (1,500) cubic yards, the Planning Commission shall review the proposed Grading Plan and recommend approval or denial to the City Council. If approval is recommended, such conditions as are reasonably necessary to secure substantially the objective of this chapter may be included. On receipt of the recommendations of the Planning Commission, the City Council shall approve or deny the application.

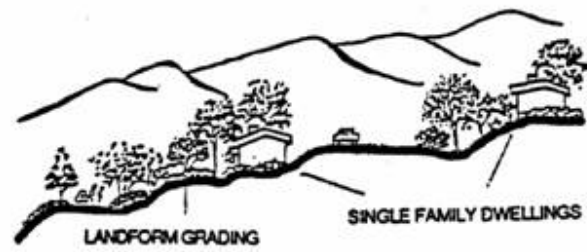
E. **Grading Plan Requirements.** Wherever proposed grading in the hillsides exceeds five hundred (500) cubic yards, the applicant shall submit grading plans prepared by a licensed Civil Engineer. Said grading plans shall include, but not be limited to, the following:

1. Property lines and accurate contours of existing and proposed elevations;
2. Cross-sections taken through at least two (2) planes normal to each other. Horizontal and vertical depictions shall be made in the same scale;
3. Quantities of fill and excavating proposed in cubic yards;
4. Location of all existing and proposed structures; and
5. Location of existing trees which have a six (6) inch or greater trunk diameter at a point three (3) feet above grade, and details of the measures proposed to conserve such trees.

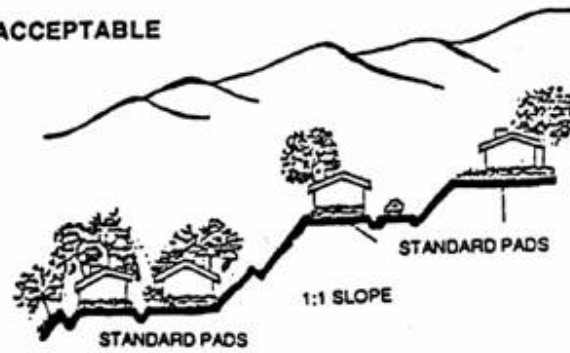
FIGURE B.22.180-1: ILLUSTRATIONS FOR SECTION B.22.18

STEPPED BUILDING FOUNDATIONS: STEPPED BUILDING FOUNDATIONS SHALL BE REQUIRED TO MINIMIZE GRADING ON BUILDABLE AREAS.

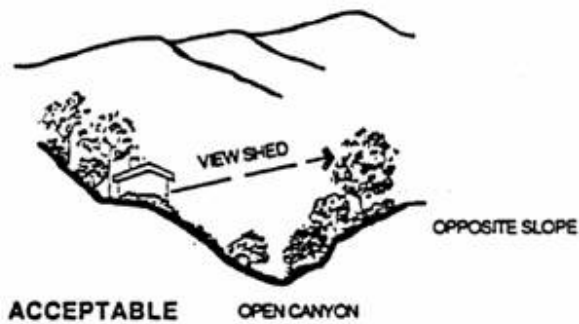




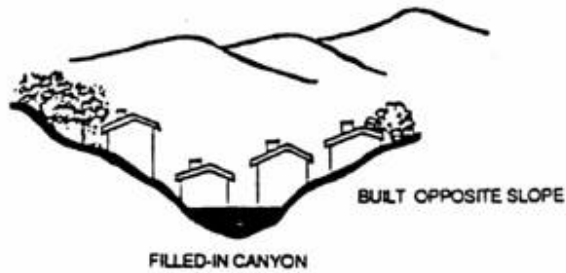
ACCEPTABLE



UNACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

LANDFORM GRADING

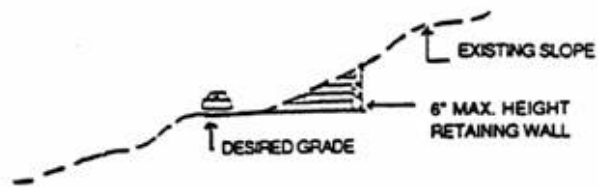
NATURAL CONTOURING

ACCEPTABLE

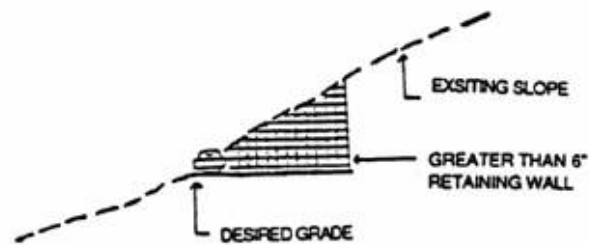
STANDARD CUT & FILL GRADING

CUT CONTOUR

UNACCEPTABLE



ACCEPTABLE



UNACCEPTABLE

Chapter C.2 General Development Standards

Sections:

- C.2.010 Purpose
- C.2.020 Accessory Buildings and Structures
- C.2.030 Affordable Housing
- C.2.040 Fences, Walls, and Hedges
- C.2.050 Height Exceptions
- C.2.060 Incentives
- C.2.070 Lighting and Illumination
- C.2.080 Objective Design Standards
- C.2.090 Open Space
- C.2.100 Outdoor Display and Sales
- C.2.110 Performance Standards
- C.2.120 Refuse and Recycling Areas
- C.2.130 Setbacks and Encroachment into Required Setbacks
- C.2.140 Screening Standards
- C.2.150 Underground Utilities

C.2.010 Purpose

The purpose of this Chapter is to prescribe development standards that, except where specifically stated, apply to development in all zones. These standards shall be used in conjunction with the standards for each zone as established in Part XIII-B (Zone Regulations).

C.2.020 Accessory Buildings and Structures

- A. **Purpose.** This Section establishes development standards for accessory buildings and structures.
- B. **Applicability.**
 - 1. **Detached Structures.** The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, greenhouses, pool houses, and covered patios which are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as play equipment, decks, and trellises, that are over 18 inches in height and are detached from and accessory to the main building on the site.
 - 2. **Attached Structures.** The provisions of this Section do not apply to accessory buildings or structures attached to the main building, which shall comply with the requirements of this Title applicable to the main building. Structures with a common wall or roof with the main building shall be considered part of the main building. Allowed building projections

into required setbacks are stated in Section C.2.130.B (Encroachment into Required Setbacks).

3. **Accessory Dwelling Units.** This Section does not apply to accessory dwelling units, which are regulated by Chapter C.10.030 (Accessory Dwelling Units).
 4. **Fences and Walls.** This Section does not apply to fences and walls, which are regulated by Section C.2.040 (Fences, Walls, and Hedges).
- C. **Relation to Existing Structures.** A detached accessory building or structure may only be constructed on a lot on which there is a constructed main building to which the accessory building or structure is related.
- D. **Development Standards.** Accessory structures shall meet the development standards of the zone in which they are located consistent with Part XIII-B (Zone Regulations) except as follows.
1. **Limited Total Coverage in the Rear Setback Area.**
 - a. **Maximum coverage.** All accessory buildings and structures in the required rear setback area, as well as building additions as described in Subsection C.2.130.A.2.b (Building additions for R1 and R2 zones), are limited cumulatively to a total area not exceeding 30 percent of the area of the required rear setback area.
 - b. **Exemptions.** Platforms, landing places, concrete slabs, walkways, paved areas, in-ground pools, in-ground spas, and associated decking not covered by a roof or canopy and up to 18 inches above the ground are not counted toward this maximum coverage limitation.
 2. **Setbacks.**
 - a. Any detached accessory building shall not be located within:
 - (i) Three feet of any rear lot line or side lot line of the rear half of an adjacent lot; or
 - (ii) Seven feet of the side lot line of the front half of any adjacent lot.
 - b. In the case of a corner lot, shall not project beyond the required front setback line or the existing building front setback on the adjacent lot.
 - c. Eaves of accessory buildings and structures shall not project closer than three feet to any side or rear lot line.
 - d. Allowed projections into required setbacks are stated in Section C.2.130.B (Encroachment into Required Setbacks).
 3. **Location Limitation for Residential Zones.** A detached accessory building in a residential zone shall be located as follows:
 - a. On the rear half of the lot;
 - b. At least six feet from any dwelling existing or under construction on the same lot; and
 - c. In the R1 and R2 zones, at least 14 feet from a residential structure existing or under construction on any adjacent lot.

E. **Specific Standards.**

1. **Porte-Cocheres.** A porte-cochere may be permitted over a driveway in a required side setback area provided the porte-cochere is no more than 24 feet in length, not closer than three feet from the side lot line, and is entirely open on at least three sides, except for the necessary supporting columns.
2. **Patio Covers.** Patio covers, including but not limited to gazebos and pergolas, must not exceed 12 feet in height.
3. **Built-in Barbeque Pits and Water Features.** Built-in barbecue pits and water features (e.g., fountains) must not exceed six feet in height.
4. **Location Limitation for Community Emergency Caches.** Community emergency caches that do not displace required parking for the site and are located in the rear half of the lot are considered accessory uses.

C.2.030 Affordable Housing

A. **Affordable Housing Ordinance.** All applicable projects must comply with the affordable housing requirements in Milpitas Municipal Code Chapter XII-1 (Affordable Housing Ordinance).

B. **Housing Element Sites.**

1. **Reused Sites.** Reused sites are the opportunity and rezone sites listed in the Milpitas 2023-2031 Housing Element, Appendix E, Tables E-13 and E-14 that are identified for lower-income housing capacity and as a 5th Cycle Housing Element site. On these reused sites, owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.
2. **Rezone Sites.** Rezone sites are those listed in the Milpitas 2023-2031 Housing Element, Appendix E, Table E14 that are identified for lower-income housing capacity. On these rezone sites, the following shall apply:
 - a. Owner-occupied and rental multi-family housing uses shall be allowed by right (i.e., without any discretionary review) when at least 20 percent of the units will be affordable to lower income households.
 - b. 100 percent residential use is allowed.
 - c. A minimum of 50 percent of the floor area in mixed-use projects must be occupied by residential use.

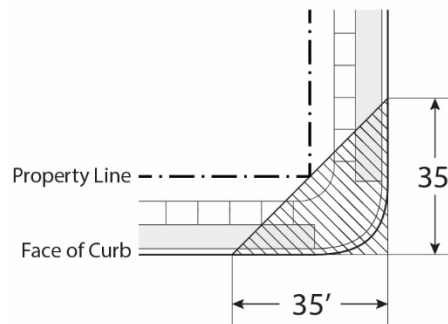
C.2.040 Fences, Walls, and Hedges

A. **Purpose.**

1. This Section establishes standards for fences, walls, dense and continuous hedges, and similar structures to allow for privacy while limiting visual impacts. The purpose of stricter height limits for walls and fences in the front yard is to allow for unobstructed views of traffic to and from driveways; to allow the primary structures on a street to be visible for enhanced safety; and to contribute to the visual character of the neighborhood.

2. This Section establishes standards for all fences and walls, including those not requiring a Building Permit.
- B. **Standards for Fences, Walls, and Hedges in All Zones.** The following standards apply to all fences, walls, and dense and continuous hedges, including all structural support elements (e.g., pilasters, columns, and posts) unless otherwise provided for in this Title.
1. **Measurement of Fence and Wall Height.** See Subsection A.6.090 (Measuring Height and Number of Stories) for rules for measuring fence and wall height.
 2. **Prohibited Fences.** The following fences are prohibited:
 - a. Barbed wire fences within four feet of a public sidewalk;
 - b. Electrically charged or other hazardous fences unless such fencing is required by any City, state, or federal law or regulation or other public agency;
 - c. Chain link fencing unless for recreational sports courts (e.g., tennis courts), or within a commercial or industrial zone where it is an expansion of an existing approved chain link enclosure and it is not visible from the public right-of-way or public property;
 - d. Fences that encroach into any public utility or other easement without written approval from the Public Works Director and all affected utility companies; and
 - e. Fences that encroach into any public easements without written approval from the Public Works Director and all affected public agencies.
 3. **Design.** Concrete block must be finished with stucco (or decorative split-faced block) and capped with a decorative cap. Plain, concrete block material is not allowed for walls or fencing.
 4. **Intersection Visibility.** On corner lots, fences within the visibility triangle (see Figure C.2.040-1 (Visibility Triangle)) may not exceed three feet in height unless approved by the Public Works Director. The visibility triangle is formed by lines extended from the face of the curb to their intersection and a line connecting the face of the curb extensions measured 35 feet from their point of intersection. If no curb exists, the edge of the roadway or vehicular travel area shall be used as the point of measurement.

FIGURE C.2.040-1: VISIBILITY TRIANGLE



5. **Safety.** All fences, walls, and hedges must be constructed or installed and maintained so that they do not constitute a hazard to traffic, persons, or property.

C. **Standards for Fences and Walls on the Valley Floor (outside of the “H” Hillside Combining District).**

1. **Height Limitations.** Fences, walls, dense and continuous hedges, and similar structures are limited to maximum heights as follows:
 - a. *Within required front setbacks.* 42 inches.
 - b. *Within required street side setbacks.*
 - (i) *Within 10 feet of the property line.* 42 inches.
 - (ii) *10 feet or more from the property line.* Six feet.
 - c. *Within required interior side and rear setbacks.* Six feet.
2. **Exceptions.**
 - a. *Building Code.* Any fences or railings required by the Building Code are allowed to exceed the maximum height established in this Section.
 - b. *Recreational areas.* Fences within a rear or side setback area adjacent to recreational areas, athletic fields, or sports courts may be up to 12 feet in height provided that the portion of the fence higher than six feet is at least 50 percent openwork design.
 - c. *All nonresidential zones.* In nonresidential zones, fences within the rear and side setback areas may be up to eight feet in height when approved by the Director through a Minor Site Development Permit.
 - d. *Residential zones.* In residential zones, fences within the rear and side setback areas may be up to eight feet in height provided written consent of adjoining residential property owners is received. See Milpitas Municipal Code Title II (Building Regulations) for permit requirements.
 - e. *Screening or security.* In commercial, mixed use, and industrial zones, fences or walls used for screening or providing security to mechanical equipment, to provide screening between a parking lot and an abutting residential zone or use (see Subsection C.6.080.I (Screening)), or to provide a buffer between an industrial use and an abutting residential zone or use, may exceed six feet in height to comply with Section C.2.140 (Screening Standards) subject to Review Authority approval.
 - f. *Decorative features.* One entry gateway, trellis, or other entry structure is allowed in the required front or street side setback of each lot, provided that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet.

D. **Standards for Fences and Walls within the “H” Hillside Combining District.**

1. **Development Review.** All fences and walls constructed within the crestline zone of protection shall be subject to review and approval by the Planning Commission. Other fences that meet the requirements of this Subsection and do not otherwise require Planning Commission review, may be constructed without further review by the City.

2. **Height Limitations.** Fences and walls shall not exceed 54 inches in height. Also see requirements in Subsection B.22.180.C.11.
3. **Openwork Design.** Fences and walls must be of an openwork design which results in at least 75 percent visual transparency within every square foot area, posts excluded.
4. **Materials.** All fence post and supporting framework material shall be wood in order to maintain the rural character of the hills. Chain link fences and cyclone type fences are not considered an approved material in the area.
5. **Exceptions.**
 - a. The following may be allowed with Planning Commission approval of a Site Development Permit consistent with Chapter B.22 ("H" Hillside Combining District):
 - (i) Fences within the rear and side setback areas which exceed 54 inches in height.
 - (ii) Fences other than an openwork design.
 - (iii) Fences around recreational sports courts (e.g., tennis courts) up to eight feet provided that the portion of the fence higher than six feet is an openwork design approved by the Planning Commission, which may be chain link fencing, and screened from the valley floor consistent with Council Resolution No. 6066 (Hillside Landscaping Water Conservation Policy and Fire Hazard Mitigation Measures). The Planning Commission may approve fencing taller than eight feet in height with a Site Development Permit.
 - (iv) Non-wood material for fence posts.
 - b. Barbed wire fences, using a post material other than wood, may be erected on any parcel two acres or greater without Planning Commission approval.

C.2.050 Height Exceptions

The structures and features listed in Table C.2.050-A (Allowed Projections Above Height Limits) may exceed the maximum permitted building height for the zone in which they are located, subject to the limitations stated and provided that no portion of a structure taller than the building height limit contains habitable areas.

Table C.2.050-A: Allowed Projections Above Height Limits

Structures Allowed Above the Height Limit	Maximum Vertical Projection Above the Height Limit (ft)	Maximum Coverage and Locational Limitation
Skylights	1	None
Chimneys and smokestacks	8	None
Decorative features including spires, cupolas, steeples, bell towers, domes, obelisks, and monuments	10	Limited to a total of 20% of roof area of the building or structure Must be set back from the exterior wall one foot for every foot of projection above the height limit

Table C.2.050-A: Allowed Projections Above Height Limits

Structures Allowed Above the Height Limit	Maximum Vertical Projection Above the Height Limit (ft)	Maximum Coverage and Locational Limitation
Rooftop open space features including sun decks, sunshade and windscreens, trellises, and landscaping		
Elevator and stair towers (for multi-unit residential and nonresidential buildings only)	16	Limited to a total of 10% of roof area Must be set back from the exterior wall one foot for every foot of projection above the height limit
Mechanical equipment	5	Must be set back from the exterior wall one foot for every foot of projection above the height limit and screened consistent with Section C.2.140 (Screening Standards)
Mechanical equipment penthouses	10	Limited to 60% of roof area Must be set back from the exterior wall one foot for every foot of projection above the height limit and screened consistent with Section C.2.140 (Screening Standards)
City utility infrastructure	Consistent with City standard (e.g., light pole height) or as required by law or for public safety	None
Fire escapes, catwalks, and open railings required by law	No restriction	None
Telecommunications facilities, antennas, microwave equipment, and radio towers	Subject to the provisions of Section C.10.240 (Wireless Telecommunications Facilities)	

C.2.060 Incentives

A. Larger Affordable Rental Unit Incentives.

1. **Purpose.** To encourage the construction of larger affordable rental units, incentives shall be offered to eligible projects.
2. **Eligibility.** To be eligible for the incentives described in this Subsection, a project must comply with all of the following:
 - a. The project must include rental units with three or more bedrooms that are deed restricted to a low-income rental price. A low-income rental price shall be affordable to households earning no more than 80 percent of area median income as defined by California Health and Safety Code section 50079.5.
 - b. The project must comply with all requirements in Milpitas Municipal Code Chapter XII-1 (Affordable Housing Ordinance) with no exceptions under Milpitas Municipal Code Section XII-1-4 (Exceptions to On-Site Development of 15 Percent Affordable Units).

3. **Incentives.** The following incentives shall be granted to eligible projects:
 - a. Low-income rental units with three or more bedrooms shall count as no more than one dwelling unit for purposes of density calculations.
 - b. The following incentives shall be granted to projects that include at least 40 percent of the total units as low-income rental units with three or more bedrooms:
 - (i) Reduction in required setbacks for the project, up to a maximum reduction of 30 percent.
 - (ii) Reduction in common open space requirements for the project, up to a maximum reduction of 30 percent.
 4. **Agreement.** A developer electing incentives under this Section shall execute a legally binding agreement with the City that ensures the affordability of the units qualifying the projects for incentives. The agreement shall be similar to a density bonus agreement described in Section C.12.080 (Density Bonus Agreement).
- B. **Lot Consolidation Incentives.**
1. **Purpose.** To encourage the assembly of smaller existing lots into larger lots that can be more efficiently developed into higher density housing or mixed-use projects, incentives shall be offered to eligible projects.
 2. **Eligibility.**
 - a. The lot consolidation incentive request must be proposed and processed concurrently with a multi-family or residential mixed-use project.
 - b. Consolidation of existing smaller lots into a project site of one acre to two acres shall be eligible for one incentive.
 - c. Consolidation of existing smaller lots into a project site of greater than two acres shall be eligible for two incentives.
 3. **Incentives.** The following incentives shall be granted to eligible lot consolidation projects:
 - a. Reduction in required setbacks, up to a maximum reduction of 10 percent.
 - b. Reduction in required guest parking, up to a maximum reduction of 20 percent.
 - c. Reduction in common open space requirements, up to a maximum reduction of 10 percent.
- C. **Sustainability Incentives.**
1. **Purpose.** To encourage energy efficiency and building decarbonization, incentives shall be offered to eligible projects.
 2. **Eligibility.** Projects that exceed required energy efficiency standards, including but not limited to local, regional, and state building codes, shall be eligible for incentives.
 3. **Incentives.** Eligible projects shall receive streamlined review by the Department, as feasible based on Department resources.
- D. **Affordable Housing Density Bonus Incentives.** See Chapter C.12 (Density Bonus for Affordable Housing Developments).

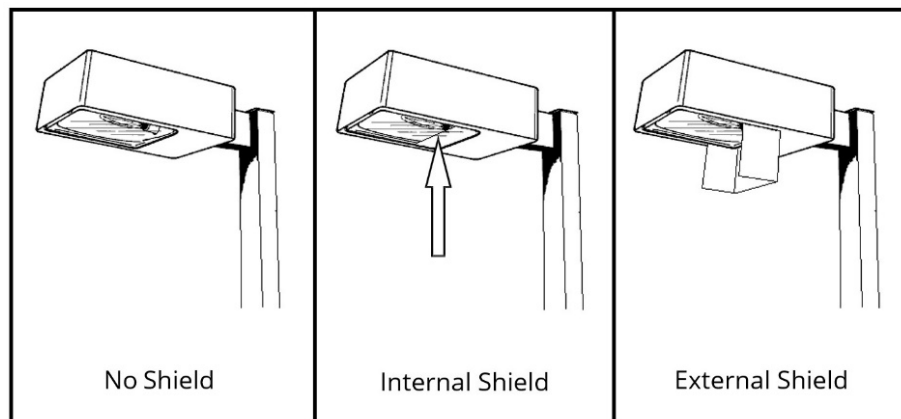
C.2.070 Lighting and Illumination

- A. **Purpose.** The purpose of this Section is to provide standards for outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and protect against glare and excessive lighting. This Section is intended to minimize outdoor artificial light that may have a detrimental effect on the environment and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary intrusion of light onto adjacent properties.
- B. **Applicability.**
1. ***New Projects, Alterations, and Additions.*** The standards in this Section apply to all new construction and to exterior alterations and additions that involve installation of new exterior light fixtures and/or replacement of existing exterior light fixtures. Any new outdoor lighting installed on a building or parcel must meet the requirements of this Title for shielding and lamp type.
 2. ***Exemptions.*** The following lighting is exempt from the provisions of this Section.
 - a. Public and private street lighting.
 - b. Athletic field lights used within a school campus or public or private park.
 - c. Safety and security lighting for public facilities.
 - d. Lighting of state and federal facilities.
 - e. Temporary construction and emergency lighting provided the lighting is discontinued immediately upon completion of the construction work or abatement of the emergency.
 - f. Temporary seasonal lighting related to cultural or religious celebrations using low wattage bulbs (15 lumens or less).
 - g. Underwater lighting that is used for the illumination of swimming pools and decorative water fountains.
 - h. Special event lighting approved by the City.
 3. ***Compliance with Applicable Codes.*** All outdoor lighting fixtures must be installed and maintained in compliance with the provisions of this Section and all applicable Building Codes.
- C. **General Requirements.**
1. ***Design.*** Outdoor lighting shall be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community, while still employing Crime Prevention Through Environmental Design (CPTED) principles.
 2. ***Controls.*** All exterior lighting must be capable of accepting controls that enable dimmers, timers, motion sensors, or networking to avoid unnecessary lighting and energy use, especially in areas adjacent to sensitive habitat, such as riparian habitat, streams, and wetlands.

3. **Shielding.**

- a. *General.* Exterior lighting shall be shielded or recessed and directed downward and away from adjoining properties and public rights-of-way.
- b. *Partial shielding.* Exterior light fixtures that have a maximum output of 1,000 lumens may be partially shielded using a semi-translucent barrier, provided that the lamp is not visible from offsite, no direct glare is produced, and the fixture has an opaque top to keep light from shining directly up.
- c. *Unshielded fixtures.* Exterior light fixtures that have a maximum output of 400 lumens, regardless of the number of bulbs, may be left unshielded provided that the fixture has an opaque top to prevent the light from shining directly up.
- d. *Accent lighting.* Architectural and landscape features may be illuminated by uplighting, provided that the light is effectively contained by the structure or landscaping, the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. For national flags, statues, public art, or other objects of interest that cannot be illuminated with down-lighting, upward lighting may only be used in the form of one narrow-cone spotlight that confines the illumination to the object of interest.
- e. Any light fixture located within 25 feet of a residential zone or public right-of-way must utilize an internal or external shield, with the light fixture and shield oriented to minimize light trespass onto adjacent property or the right-of-way line. If an external shield is used, its surface must be painted black to minimize reflections.

FIGURE C.2.070-1: SHIELDING CONFIGURATIONS



4. **Maximum Height.** Pole-mounted lighting shall comply with the following height standards:
- a. *Within 100 feet of a residential zone.* 16 feet.
 - b. *Parking lot illumination.* 15 feet.
 - c. *Other locations.* 25 feet.

- d. *Exceptions.* The Review Authority may allow additional height for activities, uses, or development with unique lighting needs, such as accentuating historic architectural features of a building; accentuating signage and/or landscape features; or for security purposes.
 - 5. **Light Trespass Standard.** All light fixtures must be located, aimed, and shielded to prevent light trespass onto adjacent properties. The light level at the property lines must not exceed 0.3 foot-candles.
 - 6. **Time Limits for Outdoor Lighting.** All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or all buildings on the site are not in use and the lighting is not required for security.
 - 7. **Lighting that Changes Color.** Decorative lighting that changes colors is only permitted to change color every two minutes.
 - 8. **Sign Illumination.** Standards for external and internal sign illumination are provided in Chapter C.8 (Signs).
- D. **Supplemental Requirements.**
- 1. **Multi-Unit Residential Building Lighting Standards.**
 - a. Lighting in parking, garage, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
 - b. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.
 - 2. **Nonresidential Building Lighting Standards.** Ground-floor building façades and other areas, including parking lots, driveways, pedestrian and bicycle circulation areas, and recesses, shall be illuminated with lighting fixtures that meet the following minimum standards:
 - a. All exterior doors: 0.5 foot-candle at ground level.
 - b. Open parking lots: One foot-candle at ground level.
 - c. Pedestrian paths/bike paths: One foot-candle at ground level.
 - d. Covered parking: Five foot-candles at ground level.
- E. **Prohibited Outdoor Lighting.** The following types of outdoor lighting are prohibited:
- 1. Outdoor floodlighting;
 - 2. Searchlights, sky beams, strobe lights, laser lights, or similar high intensity light, except as necessary for official emergency services or for meteorological data gathering purposes;
 - 3. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the property boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating, or strobe light illumination;
 - 4. Lighting that results in glare to motor vehicles on public rights-of-way;

5. Mercury vapor lights; and
6. Aerial lasers.

C.2.080 Objective Design Standards

- A. New residential and mixed-use projects for which state law limits the City's application of design standards to objective standards must comply with the Milpitas Residential and Mixed-Use Objective Design Standards. Eligible projects that comply with the Objective Design Standards shall qualify for streamlined ministerial review consistent with California Government Code section 65913.4.
- B. Where standards of this Title conflict with the Objective Design Standards, the Objective Design Standards control.

C.2.090 Open Space

- A. New residential and mixed-use projects shall comply with the usable open space standards established in the Milpitas Residential and Mixed-Use Objective Design Standards and Part B (Zone Regulations).
- B. Where usable open space standards of this Title conflict with the Objective Design Standards, the Objective Design Standards control.

C.2.100 Outdoor Display and Sales

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards.

- A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section D.4.040 (Temporary Use Permits).
- B. **Produce Displays.** The outdoor display of fresh produce associated with an existing food and beverage retail sales establishment on the same site is allowed, subject to the following standards:
 1. The display shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.
 2. All produce shall be removed or enclosed at the close of each business day.
- C. **Permanent or Ongoing Outdoor Display and Sales.** The permanent or ongoing outdoor display of merchandise, except for vehicle sales and leasing, shall comply with the following standards:
 1. **Relationship to Primary Use.** The outdoor display and sales area shall be directly related to a business occupying a principal structure on the same parcel.
 2. **Allowable Merchandise.** Only merchandise sold at the business is allowed to be displayed outdoors.

3. **Location.** The displayed merchandise shall occupy a fixed and defined location, shall not disrupt the normal function of the site or its circulation, and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.
 4. **Size Limits.** Permitted as an accessory use where the outdoor display and sales occupies less than 200 square feet or five percent of the indoor retail space, whichever is less. Additional area may be allowed with approval of a Minor Conditional Use Permit.
- D. **Outdoor Vending Machines Prohibited.** Outdoor vending machines other than those for the sale of newspapers is prohibited.

C.2.110 Performance Standards

- A. **Purpose.** The purposes of this Section are to:
1. Ensure that uses and activities are conducted in a manner that protects the public health and safety and does not produce adverse impacts on surrounding properties or the community at large.
 2. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions; and
 3. Protect industry from arbitrary exclusion from areas of Milpitas.
- B. **Applicability.** The standards of this Section apply to all uses and properties in all zones, unless otherwise specified. The standards established by this Section are minimum requirements and shall not be construed to prevent the Council, the Planning Commission, or the Director from imposing, as part of a project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.
- C. **Measurement of Impacts.** Measurements necessary for determining compliance with the performance standards of this Section shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.
- D. **Electromagnetic Interference.** Uses, activities, and processes shall not cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities, and processes shall comply with the applicable Federal Communications Commission regulations.
- E. **Radioactivity.** No radiation of any kind shall be emitted that is dangerous to humans.
- F. **Fire and Explosive Hazards.** All activities, processes, or uses involving the storage, use of, transportation, or production of products which, in the raw or finished state, constitute a flammable or explosive material or volatile extraction, shall be subject to approval by the Fire Department. All incineration is prohibited except for those substances including, but not limited to, chemicals, insecticides, hospital materials and waste products required by law to be disposed of by burning, and those instances where the Fire Department deems it a practical necessity.
- G. **Glare.** Uses, activities, buildings, structures, and processes shall not produce glare perceptible beyond the boundaries of the lot where the use is located. Exterior lighting must comply with Section C.2.070 (Lighting and Illumination).
- H. **Hazardous Materials.** The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials

Regulations, the California Fire and Building Codes, Milpitas Municipal Code Chapter V-300 (Fire Code), as well as the laws and regulations of the California Department of Toxic Substances Control and the County of Santa Clara Environmental Health Department.

- I. **Heat and Humidity.** Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with the ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase of more than five degrees Fahrenheit on another property.
- J. **Noise.** Noise standards are established in the Noise Element of the General Plan and Milpitas Municipal Code Chapter V-213 (Noise Abatement). Additionally, the following standards shall apply.
 - 1. **Acoustic Study.** An acoustic study shall be required for any proposed project which could create or be subject to a noise that exceeds the levels contained in Tables N-1, N-2, and N-3 in the General Plan.
 - 2. **Noise Attenuation Measures.**
 - a. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels as determined by the Director.
 - b. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered and may be required only after all feasible design-related noise measures have been incorporated into the project.
 - 1. **Public Areas.** Recorded background music may be permitted outdoors on public sidewalks and in other public areas subject to the standards of this Title and Milpitas Municipal Code V-213 (Noise Abatement).
- K. **Odors.**
 - 1. No use, process, or activity shall produce odors that are perceptible without instruments at the lot lines of a site. Odors from temporary construction, demolition, and vehicles that enter and leave the subject lot (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
 - 2. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent, or repetitive.
- L. **Air Contaminants.**
 - 1. Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, or particulate matter.
 - 2. Sources of air emissions shall comply with regulations established by the Environmental Protection Agency, the California Air Resources Board, and the Bay Area Air Quality Management Control District (BAAQMD). Operators of activities, processes, or uses that require “approval to operate” from the BAAQMD, shall file a copy of the permit with the Department within 30 days of permit approval.

M. **Vibration.**

1. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site.
2. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject lot (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

N. **Liquid or Solid Wastes.** The handling of liquid or solid wastes shall comply with Milpitas Municipal Code Chapter VIII-2 (Milpitas Sanitary Code), Chapter V-3 (Sewage Disposal), and Chapter V-200 (Solid Waste Management) , and applicable regulations established by the State Water Resources Control Board and any other public agency.

O. **Hours of Operation.** Hours of operation for all uses, activities, and processes may be regulated as determined by the Director, through the conditions of project approval, in order to mitigate impacts on surrounding uses and ensure compliance with the provisions of this Title.

C.2.120 Refuse and Recycling Areas

A. **Purpose.** This Section establishes standards for refuse and recycling areas consistent with California Public Resources Code section 42900 et seq. and section 40050 et seq.

B. **Applicability.** Areas for collecting and loading refuse and recyclable materials are required for any project for which a Building Permit is required, except as follows:

1. Projects that consist of interior improvements only; or
2. Single-family dwellings and other uses which participate in the City's curbside trash and recycling program.

C. **Size and Number.** Refuse and recycling collection areas and bins shall be adequate in capacity, number, and distribution to accommodate all trash, garbage, recyclables, green waste, organic waste, and any other waste until such items are picked up by the City or its contracted collector.

D. **Screening.** Refuse and recycling areas or bins shall be stored or screened in such a manner that containers are not visible from the right-of-way at the front of the property.

E. **Enclosures.** Enclosures for dumpsters must comply with the following:

1. When located on the street side of a corner lot, the enclosure must be set back at least as far as the main building.
2. The enclosure must be constructed as a masonry wall using cement block, split-face block, or similar masonry materials. Colors and materials used on the enclosure must complement the colors and materials on the building.
3. Gates shall be solid metal, or other equivalent material approved by the Director, and painted to match the enclosure.
4. The enclosure shall screen the dumpsters, trash compactors, or any other equipment.
5. No net reduction in the number of on-site trees and no loss of protected trees, as defined in Milpitas Municipal Code Section X-2-7.01 (Existing Trees Protected), may be approved to accommodate an enclosure.

6. Trash enclosures shall be located as far away as possible from residential zones and residential uses.
- F. **Recycling Areas.** The design and construction of recycling areas shall be reviewed and approved in accordance with the City Development Guidelines for Solid Waste Services.

C.2.130 Setbacks and Encroachment into Required Setbacks

- A. **Setbacks.** Projects shall comply with the required setbacks of the zone in which it is located consistent with Part XIII-B (Zone Regulations) except as follows.
 1. **Front Setbacks.**
 - a. *Infill development between projecting buildings.* Where a lot is located between two lots, each of which has a main building that is within 25 feet of its side lot lines, which projects beyond the required front setback line and has been so maintained since March 15, 1955, the front setback may be the average of the front yards of the two adjacent buildings.
 - b. *Sloping lot.* Where the elevation of the ground at a point 50 feet from the front lot line and midway between the side lot lines, differs 10 feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is 20 percent or more on at least one-quarter of the depth of the lot, the front yard may be reduced to 50 percent of the required setback.
 2. **Rear Setbacks.**
 - a. *Alleys.* The depth of a required rear setback area may include one-half of the width of an abutting alley.
 - b. *Building additions for R1 and R2 zones.* Building additions into the required rear setback area shall be allowed for all legal, conforming single-family and two-family dwellings in the Valley Floor (outside of the "H" Hillside Combining District), consistent with the following:
 - (i) The dwelling has been constructed in accordance with law and a minimum period of one year has elapsed since the final inspection in compliance with Milpitas Municipal Code Title II (Building Regulations).
 - (ii) The rear setback area (measured perpendicular to the rear lot line at any point) must not be less than the exterior height of the rear wall of the building addition. The exterior height of the rear wall at any point shall be measured vertically from the ground to top of the wall.
 - (iii) The building addition must not encroach into a public utility easement and must comply with any other easement requirements.
 - (iv) The limitation for total coverage in rear setback area is not exceeded consistent with Subsection C.2.020.D.1 (Limited Total Coverage in the Rear Setback).
 - (v) This Subsection is intended to apply to bona fide building additions not contemplated at the time of original construction, where the owner finds for personal or economic reasons (in a community of growing families

and under economic conditions where the purchases of larger homes imposes a heavy financial burden) the need to expand the existing dwelling and would not otherwise be allowed to do so within the required setbacks.

3. ***Semi-Attached and Attached Dwellings.*** Dwellings with common party walls shall be considered as one building occupying one lot and no interior side setback shall be required between units or lots.
4. ***Mixed-use Buildings.*** The front and side setback areas shall be waived for mixed-use buildings that include dwellings or hotels above the ground floor of a building when the ground floor is designed exclusively for commercial purposes. If the setback abuts any easement(s), the building or any other structure must provide the minimum distance, as determined by the Public Works Director or any other City department's applicable code requirements.
5. ***Creek/Drainage Channel Setback.***
 - a. A minimum 25-foot setback must be maintained from the top of a creek or drainage channel bank or from any maintenance road for the creek or drainage channel.
 - b. The top of bank shall be determined as the point beyond which the slope of the upper elevation of land, which confines the channel waters flowing in a watercourse in their normal course of high seasonal flow, does not exceed 10 percent.
 - c. No structure, fence, parking access, parking space, paved area, or swimming pool shall be constructed within a creek or drainage channel setback. Public roads, sidewalks, paths, trails, and other public facilities may be constructed within the setback.

- B. **Encroachments into Required Setbacks.** Encroachments into required setback areas are allowed consistent with Table C.2.130-A (Allowed Encroachments into Required Setbacks), subject to all applicable requirements of the Building and Fire Codes and any easements.

Table C.2.130-A: Allowed Encroachments into Required Setbacks				
Projection	Front or Street Side Setback (max.)	Interior Side Setback (max.)	Rear Setback (max.)	Limitations
All projections	No projection may extend closer than 3 ft to an interior lot line unless a setback of less than 3 ft is required or into a public utility or other easement. Where any allowance of this Title conflicts with applicable Building or Fire Codes, the more restrictive shall apply			
Uncovered stairs, ramps, stoops, landings, decks, balconies, porches, platforms, and walkways	Any railing that is part of one of these projections is allowed provided the railing is an openwork design and does not exceed 3.5 ft in height			

Table C.2.130-A: Allowed Encroachments into Required Setbacks

Projection	Front or Street Side Setback (max.)	Interior Side Setback (max.)	Rear Setback (max.)	Limitations
<i>All elements 18 inches or less above ground elevation</i>	30 in R4 Zone: 6 ft	Must not be located closer than 3 ft to an interior side or rear lot line unless a setback of less than 3 ft is required		Walkways 4 ft in width or less may encroach to the property line
<i>All elements more than 18 inches above ground elevation</i>	30 in R4 Zone: 6 ft	30 in R4 Zone: 6 ft Must not be located closer than 3 ft to an interior side lot line unless a setback of less than 3 ft is required	4 ft Must not be located closer than 3 ft to a rear lot line unless a setback of less than 3 ft is required	n/a
In-ground pools/spas and associated decking (no more than 18 inches above ground)	None	Must not be located closer than 3 ft to an interior side or rear lot line unless a setback of less than 3 ft is required.		n/a
Covered patios, trellises, gazebos, and porches	None	Must not be located closer than 3 ft to an interior side or rear lot line unless a setback of less than 3 ft is required		Must be unenclosed on 3 sides except for required vertical supports, insect screening, and kickboards not exceeding 1 ft in height measured from ground level
Cornices, eaves, canopies, awnings, chimneys, foundationless bay windows, and similar architectural features	30 in	30 in R4 Zone: 6 ft	30 in	Must not be located closer than 3 ft to any side lot line unless a setback of less than 3 ft is required

Table C.2.130-A: Allowed Encroachments into Required Setbacks				
Projection	Front or Street Side Setback (max.)	Interior Side Setback (max.)	Rear Setback (max.)	Limitations
Utility or mechanical equipment structures	None	Must not be located closer than 3 ft to an interior side or rear lot line unless a setback of less than 3 ft is required.		
Ramps and similar structures that provide access for persons with disabilities	Must not be located closer than 3 ft to any lot line unless a setback of less than 3 ft is required Any railing that is part of one of these projections is allowed provided the railing is an openwork design and does not exceed 3.5 ft in height Reasonable accommodation will be made consistent with Subsection D.2.050.K (Reasonable Accommodation) for additional encroachments			
Fire escapes required by law or public agency regulation	4 ft	4 ft	4 ft	n/a

C.2.140 Screening Standards

- A. **Purpose.** This Section establishes standards for the screening and separation of abutting residential and nonresidential uses, outdoor storage areas, and equipment to minimize visual and other potential impacts on adjacent lots and surrounding areas.
- B. **Screening and Buffer Abutting Residential Zones and Uses.**
 1. **Industrial Uses.**
 - a. Industrial activities must maintain a minimum 15-foot separation from any abutting residential zone or residential use unless a larger setback is required by Part B (Zone Regulations). For additional industrial separation requirements, see Section B.10.040 (Industrial Zones Supplemental Standards).
 - b. A minimum six-foot masonry or solid fence and/or screening landscaping must be provided and maintained on the interior lot lines of any lot that contains an industrial use and abuts a residential zone or residential use.
 2. **Commercial Uses.** Commercial structures and activities must maintain a minimum 10-foot separation from any abutting residential zone or residential use unless a larger setback is required by Part B (Zone Regulations). The 10-foot buffer area must be landscaped consistent with Chapter C.4 (Landscaping).

- C. **Outdoor Storage.** Outdoor storage areas shall be screened from view from any adjacent public street or freeway, existing or planned residential area, or publicly accessible open space area with a solid wall or tight board fence that is:
1. Tall enough to sufficiently screen stored material; and
 2. Consistent with this Title; however, the fence or wall may exceed the maximum allowable height consistent with Chapter D.2 (Procedures).
 3. **Exceptions.**
 - a. Temporary storage of materials reasonably required for construction work on the premises in compliance with a valid Grading Permit or Building Permit.
 - b. Outdoor sales or uses that by their nature provide outdoor storage, such as auto, trailer, and boat dealers, and equipment rental specified as an allowed land use in the applicable zone.
- D. **Equipment Screening.**
1. **Ground-Mounted Equipment.** Ground-mounted equipment including, but not limited to, air conditioning units, landscape irrigation controls, transformers, communication equipment, gas meters, water meters, standpipes, fire sprinkler connectors, tanks and other exterior equipment shall comply with the following standards:
 - a. *Location.* Ground-mounted equipment must be located outside the front setback and, when no front setback is required, ground-mounted equipment must be outside the area between the street and the building closest to the street. Where it is infeasible to locate ground-mounted equipment outside the front setback, ground-mounted equipment located in the front yard must be screened from public view as provided for in Subsection C.2.140.D.1.b (Screening) below.
 - b. *Screening.* Equipment shall be completely screened from view from all public and private streets by dense shrubbery, masonry wall such as split face block or masonry finished to match the building, or other solid screening material utilizing colors and materials which complement the building. Wall and fences must comply with Section C.2.040 (Fences, Walls, and Hedges).
 - c. No net reduction in the number of on-site trees, and no loss of protected trees, as defined in Milpitas Municipal Code Section X-2-7.01 (Existing Trees Protected), are allowed for the placement of any ground-mounted equipment.
 - d. *Height of ground-mounted equipment.*
 - (i) In commercial and industrial zones, the installed height of the transformer, tank, or equipment shall not exceed the height of the building. Equipment exceeding building height may be approved by the Director if it is proposed at the rear of the building, and the applicant can demonstrate that the equipment will not be seen from the public right-of-way.
 - (ii) If adjacent to a residential zone, mixed use zone, or a residential use, the maximum installed height shall not exceed six feet.
 - e. Generators are not allowed adjacent to residential zones or residential use.

2. **Rooftop Equipment.** All rooftop equipment including, but not limited to, air conditioning units, and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets, and adjacent residential zones as follows:
 - a. All rooftop equipment shall be placed so that it is screened by a screening wall, parapet wall, equipment well, or other device approved by the Review Authority and not visible from public rights-of-way. Exceptions may be granted by the Review Authority where screening is infeasible due to health and safety, structural limitations, or utility requirements.
 - b. Rooftop equipment screening shall match or be complementary in material and color to the exterior building and may include metal panels, parapet walls, or screens constructed of exterior grade plywood or other durable materials.

C.2.150 Underground Utilities

- A. **Residential Zones.**
 1. Where the allowable dwelling units exceed six for a single parcel or the total area to be subdivided exceeds three acres, all on-site utilities must be placed underground.
 2. Television antennas must be centralized for structures of four or more units.
- B. **Mixed Use, Commercial, and Industrial Zones.** All electrical, telephone, cable television, and similar distribution lines providing direct service to new development shall be installed underground within the site.
- C. **Waiver.** Undergrounding requirements may be waived by the Review Authority upon determining that underground installation is unreasonable or impractical consistent with Milpitas Municipal Code Subsection XI-1.02 (Utilities).

Chapter C.4 Landscaping Standards

Sections:

- C.4.010 Purpose
- C.4.020 Applicability
- C.4.030 Landscape Plan
- C.4.040 Areas to be Landscaped
- C.4.050 General Landscaping Standards
- C.4.060 Tree Preservation and Maintenance

C.4.010 Purpose

- A. The purpose of this Chapter is to:
 - 1. Improve the appearance of the community by requiring permanently maintained landscaping;
 - 2. Aid in energy conservation by providing shade from the sun and shelter from the wind;
 - 3. Promote conservation and efficient use of water;
 - 4. Improve the appearance of parking lots and other development through landscaping;
 - 5. Minimize or eliminate conflicts between potentially incompatible but otherwise allowed land uses on adjoining lots through landscaping;
 - 6. Provide opportunities for carbon sequestration;
 - 7. Improve environmental quality by recognizing the many beneficial effects of landscaping, including:
 - a. Improving air and water quality through natural processes such as photosynthesis and mineral uptake;
 - b. Maintaining permeable land areas essential to surface water management and aquifer recharge;
 - c. Reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capabilities of trees and other vegetation; and
 - 8. Preserve existing established tree canopy.

C.4.020 Applicability

- A. **General Applicability.** This Chapter applies to all new development and improvement of existing uses in Milpitas, including any construction, expansion, or improvement on private property, which requires the issuance of a Building Permit or other approval by the City unless excepted under Subsection C.4.020.B (Exceptions).

- B. **Exceptions.** This Chapter shall not apply to the following:
1. An addition or alteration to an existing single-family dwelling;
 2. Construction of accessory dwelling units (see Section C.10.030 (Accessory Dwelling Units and Junior Accessory Dwelling Units));
 3. Construction of accessory structures;
 4. New project landscape areas of less than 500 square feet;
 5. Rehabilitated landscape areas of less than 2,500 square feet;
 6. Registered local, state, or federal historic sites; and
 7. Ecological restoration projects.
- C. **“H” Hillside Combining District.** Landscaping in the “H” Hillside Combining District must comply with City Council Resolution No. 6066.
- D. **Water Efficient Landscapes.** All landscaping and irrigation shall comply with Chapter VIII-5 (Water Efficient Landscapes).
- E. **Nonconforming Landscaping.** Landscaping that is not consistent with this Chapter shall comply with Section C.18.060.B (Nonconforming Landscaping).
- F. **Multi-Family and Mixed-Use Projects.** Landscaping for multi-family and mixed-use projects shall comply with the Milpitas Residential and Mixed-Use Objective Design Standards.
- G. **Stormwater Management and Landscape Areas.** Landscaped areas may be used for stormwater management practices consistent with Milpitas Municipal Code Chapter XI-16 (Stormwater and Urban Runoff Pollution Control) provided the requirements of this Chapter are met.

C.4.030 Landscape Plan

- A. **Application Requirements.**
1. **Filing and Review.** A conceptual landscape plan demonstrating compliance with the standards of this Chapter shall be prepared, filed, and processed concurrently with any required planning permit or approval in compliance with Chapter D.2 (Procedures) and this Section. If no planning permit or approval is required, a landscape plan shall be submitted as part of a Building Permit, Grading Permit, or other similar application. If applicable, the landscape plan may be combined with the Landscape Documentation Package required by Milpitas Municipal Code Chapter VIII-5 (Water Efficient Landscapes).
 2. **Preparation by Landscape Professional.** All landscape plans for commercial, industrial, institutional, and residential projects consisting of two or more, shall be prepared by a California registered landscape architect or licensed landscape contractor. A written statement from the landscape professional must be included on the landscape plan indicating compliance with this Chapter.
- B. **Alternative Landscape Plan Requirements.**
1. **Purpose.** An applicant may demonstrate that the intent of the landscape requirements of this Chapter can be achieved through an alternative landscape plan.

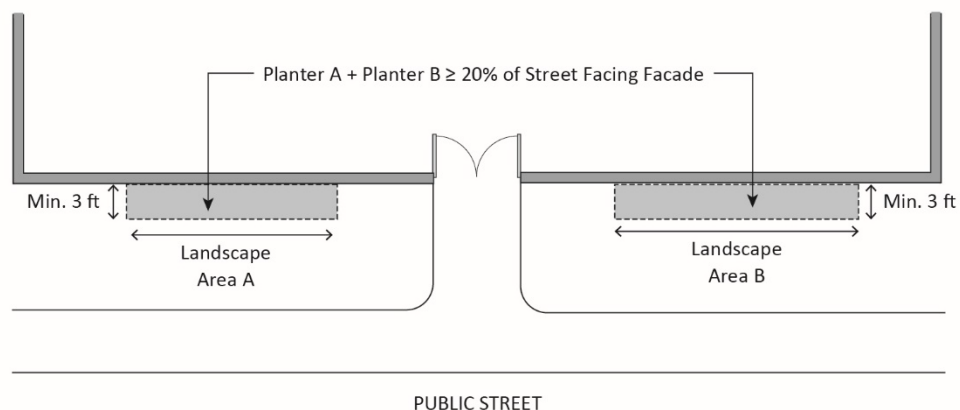
2. **Filing and Review.** An alternative landscape plan shall be filed and processed in the same manner as a conceptual landscape plan consistent with Subsection C.4.030.A (Application Requirements); however, an alternative landscape plan must clearly detail the modifications being requested from the standards of this Chapter.
3. **Criteria for Approval.** The Review Authority may approve a landscape plan, with or without conditions of approval, only after finding that the landscape plan meets one or more of the following criteria:
 - a. Innovative use of plant materials and design techniques in response to unique characteristics of the site or the proposed use;
 - b. Preservation or incorporation of existing native vegetation and documentation and proposed removal of existing invasive species;
 - c. Integration of landscaping and pedestrian facilities in a manner that improves access or incorporates pedestrian-friendly design; this may include reduced ground-level planting along the street or within the front setback area if canopy shade trees along sidewalks are provided; and/or
 - d. Use of additional shade trees to create a greater canopy effect.

C.4.040 Areas to be Landscaped

A. Front and Street-Side Setbacks.

1. All required front and street-side setback areas, except for areas used for vehicles (i.e., parking and driveways), must be landscaped.
2. A landscaped area must be installed between a wall or fence that fronts a street and the property line unless the wall or fence is at the property line.
3. The portions of a nonresidential building that are greater than two feet from the property line and that front a public street must have one or more landscape planters installed along a minimum of 20 percent of the building face. The minimum width of the planter must be three feet or the entire distance between the building and the property line.

FIGURE C.4.040-1: NONRESIDENTIAL BUILDING PERIMETER LANDSCAPING



4. Where buildings are located at the back of the sidewalk on the property line or within two feet of a property line, no landscaped areas are required; however, the sidewalk must be extended to the front of the building and constructed with materials that match the surface of the existing sidewalk.
- B. Interior Side and Rear Setbacks.**
1. **General.** All required interior side and rear setback areas must be landscaped.
 2. **Abutting Residential Zones or Uses.** Wherever a nonresidential use is located adjacent to a residential zone or use, a landscape buffer shall be provided along interior property lines.
 - a. **Buffer yard landscaping.** At least one tree of at least 15-gallon size shall be planted per 20 lineal feet to create a tree canopy over the buffer yard. At least 10 percent of the required trees shall be 24-inch box size, or a minimum of one tree when five to 10 trees are required. In addition, at least three shrubs shall be planted per 20 lineal feet.
 - b. **Buffer yard width.** The buffer yard between a nonresidential use and a residential zone or use must comply with the following widths:
 - (i) **Industrial use.** Ten foot wide landscaped buffer yard.
 - (ii) **Other nonresidential uses.** Six foot wide landscaped buffer yard.
- C. Common Open Space Areas.** All common open space areas in residential and nonresidential projects must be landscaped.
- D. Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, must be landscaped or left in a natural state. The Director may waive this requirement for areas planned for near-term future development.
- E. Parking Areas.** The following standards apply to parking areas for multi-family projects with five or more units and nonresidential parking area with 10 or more spaces.
1. **Minimum Landscaped Area in Parking Areas.** A minimum of 15 percent of the total off-street open parking area shall be landscaped with a mixture of trees, shrubs, ground cover, and other plant material, except that only 10 percent is required in the BPRD Zone.
 2. **Parking Area Landscaping Along the Public Right-of-Way.** Along the public right-of-way adjacent to any street front parking there must be a minimum landscape planting area 10 feet wide; however, portions of the right-of-way landscape strip may be reduced to five feet when in the opinion of the Director the following conditions are met:
 - a. The total amount of required landscaping, as calculated by applying the 10-foot width requirement, is met along the same street frontage, or the size, configuration, topography, or other condition on the site would make the 10-foot requirement impractical.
 - b. The reduction does not preclude the requirement for adequate shading or screening of the parking area; and
 - c. The reduction in required width does not impede compliance with any other landscape requirement.
 3. **Tree Planters Within Parking Areas.**

- a. *Tree well dimension.* Tree wells shall have a minimum five-foot dimension between parking spaces.
 - b. *Residential parking.* Contiguous parking spaces shall not exceed six spaces without a tree well.
 - c. *Nonresidential parking.* Contiguous parking spaces shall not exceed eight spaces without a tree well.
4. ***Landscaping Adjacent to Paved Areas.***
- a. All landscaped areas located adjacent to driveways, loading areas, parking lots and sidewalks must be protected along the parking lot side with curbs or wheel stops, or alternative treatments subject to Review Authority approval.
 - b. A six-inch high curb must be constructed around planter islands.
 - c. *Shade requirements for surface parking areas.* Shade trees must be installed to provide shade over 50 percent of a vehicle parking area within 15 years. Areas within the parking area that are excluded from the total vehicle parking area shade requirement include:
 - (i) The surface parking area covered by solar photovoltaic shade structures, or shade structures;
 - (ii) Truck loading in front of overhead doors;
 - (iii) Truck maneuvering and main access roads and driveways not used as back-up areas; and
 - (iv) Surfaced areas for automobile dealerships and areas used for display, service, and vehicle storage.

C.4.050 General Landscaping Standards

A. General.

- 1. ***Landscape Components.***
 - a. Required landscaped areas must be planted with a combination of ground covers, shrubs, vines, and trees.
 - b. Landscaped areas may also include incidental features including stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting.
 - c. Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
- 2. ***Mulch.*** Landscaped areas shall be top-dressed with a bark chip mulch or an approved alternative, such as those described in Subsection C.4.050.D (Ground Cover Materials), to avoid exposed bare soil.
- 3. ***Soil Depth.*** Planting in above grade courtyards shall have a minimum soil depth of 12 inches for ground cover, 20 inches for shrubs, and 36 inches for trees.

4. **Water Features.** Recirculating water must be used for all decorative water features. Where available, water features must use recycled water.
- B. **Drought-Tolerant Species.** A minimum of 75 percent of non-turf landscaped areas shall be planted with native or drought-tolerant planting (as identified in the Bay Friendly Landscape Plant Lists or East Bay Municipal Utility District Plants and Landscapes for Summer-Dry Climates guidebook).
- C. **Invasive Plants Prohibited.** Plant species that are listed by the California Invasive Plan Council (Cal-IPC) as invasive are prohibited. Existing invasive plants and noxious weeds must be removed prior to issuance of a Certificate of Occupancy for a new project.
- D. **Ground Cover Materials.**
1. Crushed rock, mulch, pebbles, stones, and similar non-plant materials, including paved or gravel surfaces, may comprise up to 50 percent of the total required landscaped area.
 2. Paved or graveled surfaces may not exceed 10 percent of the total required landscaped area.
- E. **Turf Allowance.**
1. **Natural Turf.** Natural turf areas must be limited to activity or recreation areas.
 2. **Synthetic Turf.** Synthetic turf may be used as a substitute for natural turf for the purposes of water conservation or in high activity or foot-traffic areas (e.g., sports fields, etc.). The following standards apply to synthetic turf.
 - a. Synthetic turf must consist of lifelike individual blades of grass that emulate real grass in look and color and have a minimum pile height of one and one-half inches, unless a lower pile height is required for turf functionality (e.g., athletic field, putting green, etc.).
 - b. A permeable base and drainage system approved by the City Engineer must be installed underneath the synthetic turf.
 - c. Synthetic turf must be installed in combination with natural plant materials (e.g., trees, shrubs, and groundcover) to enhance the overall landscaping design.
 3. **Turf Location.** Turf must be located a minimum of six feet from any tree and may not be installed on slopes greater than 25 percent.
- F. **Size and Spacing.** To achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurements) are as follows:
1. **Ground Covers.** Ground cover plants other than grass must have a minimum container size of four inches. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one ground cover plant per 12 inches on center or less, except this may be increased to 24 inches on center in the BPRD Zone.
 2. **Shrubs.**
 - a. All proposed shrubs except accent, color, or ground cover planting shall be a minimum five gallons in size, except this may be decreased to a one-gallon minimum size in the BPRD Zone. However, a 15-gallon minimum size shall be required for screening purposes.

- b. The minimum planter width for shrubs is three feet.

G. **Trees and Shade.**

1. ***Street Trees.***

- a. A minimum of one street tree per frontage must be provided, at a minimum average of one tree per 35 linear feet of sidewalk length or street frontage (i.e., 35 feet apart on center). If these are not provided in a landscaped parkway strip between the sidewalk and curb, they must be provided on private property along the street. Corner lots must provide a minimum of two trees (i.e., a minimum of one tree on each frontage).
- b. Trees must be planted and spaced to achieve a 50 percent canopy cover after 15 years. Trees must be drawn to scale representing the canopy size at 15 years of growth on the landscape plan.
- c. Street trees must comply with Milpitas Municipal Code Chapter X-2 (Tree Maintenance and Protection).

2. ***Shade Requirements.***

- a. *Shaded landscape areas.* Shade trees must be planted to provide shade that covers 30 percent of the landscape areas within 15 years.
- b. *Shaded hardscape areas.* Shade trees must be planted to provide shade that covers 50 percent of hardscape areas, not including parking areas (see Subsection C.6.080.J (Landscaping)), within 15 years.
- c. *Metro Specific Plan zones.* Shade trees within Metro Specific Plan zones shall be provided as follows:
 - (i) One tree per 5,000 square feet of residential building footprint; and
 - (ii) One tree per 10,000 square feet of developed lot area for nonresidential or mixed-use development.

- 3. ***R1 Zone.*** Projects in the R1 Zone must comply with the standard of this Chapter, and in no case shall fewer than two trees be required on any developed lot in the R1 Zone.

4. ***Tree Size and Spacing.***

- a. The minimum planting size for trees shall be 15-gallon with a one-inch diameter at breast height (DBH), and with 25 percent of all trees on a project site planted at a minimum 24-inch box size, except this may be decreased to a 15 percent in the BPRD Zone.
- b. Any tree that cannot be planted in the ground shall be planted in a planter box at least twice the width and depth of the root ball plus one additional foot in container diameter for every four feet of mature tree height. The minimum planter area for trees shall be five feet by five feet.
- c. Any tree planted along a lot line or adjacent to a structure must be no closer to the lot line or structure than one-half the diameter of the species' drip line at maturity, measured from the center of the tree.

5. **Cumulative Requirement.** Other trees required by this Title apply in addition to the requirements of this Subsection. When it is determined that it is not possible to place all required trees on the site, an applicant may request the Review Authority to allow planting in a nearby public facility or payment of an in-lieu fee to replace a portion of the total number of required trees.
6. **Tree Staking.** Newly planted trees must be staked with supporting metal, wood, or equivalent stakes as approved by the Director, firmly anchored into the ground, and set 12 inches away from the tree trunk on the prevailing wind side. Alternatively, newly planted trees may be supported with double stakes or guy wires and tree guards in accordance with International Society for Arboriculture (ISA) and American National Standards Institute (ANSI) standards. Nursery stakes must be removed when setting the support stakes. Stakes must be removed once trees can stand by themselves.

H. **Installation and Completion.**

1. **Consistency with Approved Plans.** All landscaping must be installed consistent with approved plans and specifications in a manner designed to encourage and maintain healthy plant growth.
2. **Timing of Installation.** Required landscaping must be installed prior to the issuance of a Certificate of Occupancy for the associated project. However, the Director may allow the required landscaping to be installed within 120 days after the issuance of a Certificate of Occupancy in special circumstances related to weather conditions or the availability of plants and other landscape materials. A surety in the amount equal to 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, shall be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit, irrevocable letter of credit, or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.
3. **Certification of Completion.** Upon completion of the installation of the landscaping and irrigation system, a field observation shall be completed by the licensed project contractor and a Certificate of Completion shall be submitted to the City by the licensed project contractor. The Certificate must specifically indicate that the plants were installed as specified and that the irrigation system was installed as designed, along with a list of any deficiencies.

I. **Maintenance.**

1. All required landscaping and structural landscape features such as water features, must be maintained in a healthy condition consistent with the approved landscape plans and to not create a nuisance consistent with Milpitas Municipal Code Chapter V-500 (Neighborhood Beautification). Maintenance includes watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating.
2. All landscape materials must be maintained free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and diseases. Dying, decayed, untrimmed, or plant materials showing such damage must be remedied, or replaced in kind consistent with an approved landscape plan.

3. At minimum, trees must be maintained in compliance with Section C.4.060 (Tree Preservation and Maintenance).
4. Prior to the re-occupancy of a building with existing landscaping, all portions of damaged or defective irrigation systems and dead, dying, or damaged ground cover, shrubs, and trees must be replaced.
5. All landscaped areas in a public street, sidewalk, or right-of-way that is abutting a property must be maintained by the adjoining property owner, unless it is maintained through another mechanism such as a homeowner's association or business improvement district.
6. Landscaping must not obstruct a public street, intersection, sidewalk, or right-of-way either physically or visually as determined by the Public Works Director.

C.4.060 Tree Preservation and Maintenance

- A. **Purpose.** This Section is intended to support the preservation and maintenance of trees to promote public health, safety, and general welfare.
- B. **Tree Maintenance and Protection.** Trees shall be maintained and protected consistent with Milpitas Municipal Code Chapter X-2 (Tree Maintenance and Protection).
- C. **Tree Removal Permit.** Prior to the removal of any protected tree, as defined in Milpitas Municipal Code Section X-2-7.01 (Existing Trees Protected), associated with a development project, a Tree Removal Permit shall be approved by the Public Works Department consistent with Milpitas Municipal Code Section X-2-4.02 (Permit Required for Removal).
- D. **Tree Protection During Construction.** Trees on a construction site must be protected from encroachment, damage, and destruction by construction activities.
 1. **Tree Removal and Protection Plan.** A tree removal and protection plan shall be required prior to construction on any property or site containing one or more trees. The tree removal and protection plan must clearly depict all trees and include tree protection measures that comply with this Section.
 2. **Tree Protection Measures.** Except as otherwise allowed by the Director, all required tree protection measures must be instituted prior to any construction site activities, including clearing, grading, excavation, or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.
 - a. Temporary fencing must be installed along the outer edge of the tree drip lines in compliance with the following:
 - (i) Fencing shall be flush with the initial (undisturbed) grade;
 - (ii) Temporary fencing must be polyethylene laminar safety fences or a similar material a minimum of four feet in height and supported on stakes that are securely embedded into the ground;
 - (iii) Temporary fencing must not be attached to trees;
 - (iv) No construction activity may occur within the temporary fencing area, and these areas must be kept free of construction materials, vehicles, equipment, and debris; and

- (v) Temporary fencing must be installed prior and maintained throughout all land disturbance activities and must not be removed until landscaping is installed or a financial assurance is posted for the required landscaping.
- b. When proposed buildings or improvements encroach into the drip line of any tree, special construction practices are required as determined by the Director and based upon recommendations of a certified arborist's or landscape professional's report.
- c. The existing ground surface within four feet (measured horizontally) of the base of any tree must not be cut, filled, or compacted. Tree wells may be used where advised and excavation adjacent to any tree shall not be permitted where damage to the root system will result, as determined by a certified arborist or landscape architect.
- d. No oil, gas, chemicals, heavy construction machinery or other construction materials must be stored within 10 feet of any tree trunk.
- e. No wires, unless those needed for the support of any tree, or signs other than small tree identification signs, must be attached to any tree.
- f. The Director shall be notified by any contractor, developer, or owner of any damage that occurs to a tree during construction so that the contractor may administer proper treatment.

Chapter C.6 Parking and Loading

Sections:

- C.6.010 Purpose
- C.6.020 Applicability
- C.6.030 General Requirements
- C.6.040 Types of Vehicle Parking Allowed
- C.6.050 Number of Parking Spaces Required
- C.6.060 Parking Reductions
- C.6.070 Transportation Demand Management
- C.6.080 Parking Area Development and Design Standards
- C.6.090 Electric Vehicle Charging Spaces
- C.6.100 Bicycle Parking
- C.6.110 Off-Street Loading Requirements

C.6.010 Purpose

The specific purposes of the parking and loading requirements are to:

- A. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;
- B. Minimize the negative environmental and urban design impacts of parking lots, driveways, and drive aisles within parking lots;
- C. Ensure the provision of adequate off-street bicycle parking;
- D. Establish standards and regulations for safe and well-designed parking, unloading and vehicle circulation areas;
- E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand;
- F. Encourage modal shift; and
- G. Reduce urban run-off and heat island effect.

C.6.020 Applicability

Off-street parking spaces shall be provided and improved consistent with this Chapter as follows:

- A. Whenever a building is constructed;
- B. Whenever a new use is established; or

- C. Whenever an existing building or use is altered, resulting in an increase in the number of required parking or loading facilities; however, Subsection C.18.060.A (Nonconforming Parking) may reduce the amount of additional parking required.

C.6.030 General Requirements

- A. **When Constructed.** Parking and loading facilities required by this Chapter shall be constructed or installed prior to final inspection or the issuance of a Certificate of Occupancy for the use that they serve.
- B. **Existing Parking and Loading to be Maintained.** No existing parking and loading area serving any use may be reduced in amount or changed in design or location below the requirements for such use, unless equivalent substitute facilities are provided.
- C. **Accessibility.** Parking and loading areas shall be accessible for their intended purpose during all hours of operation.
- D. **Vehicle Storage and Repairs Prohibited.** No required parking or loading facilities shall be used for the storage of inoperable vehicles for any period of time. Repair work and servicing of vehicles is prohibited within required parking or loading facilities.

C.6.040 Types of Vehicle Parking Allowed

- A. **General.** Parking spaces shall be designed consistent with Subsection C.6.080 (Parking Area Development and Design Standards) unless otherwise allowed by this Chapter.
- B. **Disabled Accessible Parking.**
 - 1. Parking for disabled persons shall be provided in compliance with the Building Code and the Americans with Disabilities Act (ADA).
 - 2. Parking spaces for disabled persons shall count toward the number of parking spaces required by this Chapter.
 - 3. A site shall not be considered to have nonconforming parking if the number of off-street spaces provided is reduced to less than required by this Chapter solely because the lot is restriped to comply with handicapped parking requirements.
- C. **Compact Parking Spaces.** For parking areas and garages containing 10 or more stalls serving nonresidential, mixed use, and multi-family uses, up to 40 percent of the total (i.e., required and non-required) stalls may be compact parking spaces.
- D. **Tandem Parking.** Tandem parking is allowed for residential uses when the tandem spaces are assigned to the same dwelling unit and where the tandem parking is a maximum of two cars in depth. Tandem parking may also be approved for nonresidential uses when the tandem spaces are assigned to employees of the same nonresidential establishment or if the applicant demonstrates that tandem parking will not interfere with orderly parking and movement of vehicles consistent with Subsection C.6.040.E (Stacked Parking).
- E. **Stacked Parking.** Stacked or valet parking is allowed if an attendant is present, or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present while the parking lot is in operation.

F. **Unbundled Parking from Residential Uses.** Unbundled parking is allowed with any dwelling unit other than a detached single-family dwelling and is required for attached single unit and multi-unit projects of 16 units or more:

1. All off-street spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.
2. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential owners or renters of three-bedroom or more units, second to owners or renters of two-bedroom units, and then to owners and renters of other units. Spaces shall be offered to tenants first. Non-tenants may lease with a provision for 30 days to terminate the lease.
3. Renters or buyers of on-site affordable units shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units. Parking rates shall be established based on the prevailing market rate and shall not be subsidized by property owners or employers; however, rates for affordable units shall be prorated in proportion to their rent discounts. For condominiums with non-deeded spaces, the homeowners' association (HOA) shall collect parking fees separate from the standard HOA fee.

G. **Commercial Vehicles and Trailers.**

1. **Commercial Vehicles.** Commercial vehicles, including any self-propelled vehicle over 8,500 pounds gross vehicle rating and/or having more than two axles and possessing a commercial license plate, shall not be parked or stored in any residential zone or any street adjoining a residential zone, except that commercial vehicles may be parked or stored in a residential zone if kept fully within a garage or other enclosed structure.
2. **Commercial Trailers.** Trailers or equipment used for commercial purposes shall be stored within an enclosed building.

C.6.050 Number of Parking Spaces Required

A. **Number of Spaces Required.**

1. Each land use is subject to the required number of parking spaces as listed in Table C.6.050-A (Required Number of Vehicle Parking Spaces) unless excepted under Subsection C.6.050.C (Exceptions) or otherwise provided in this Title.
2. The parking requirement for any use not listed in Table C.6.050-A (Required Number of Vehicle Parking Spaces) shall be determined by the Director based upon the requirements for the most similar comparable use, the characteristics of the proposed use, and any other relevant data regarding parking demand.

Table C.6.050-A: Required Number of Vehicle Parking Spaces

Land Use Classification ¹	Minimum # of Spaces ²
Commercial Uses	
All Commercial Uses	1 per 400 sf of floor area, except as specified below

Table C.6.050-A: Required Number of Vehicle Parking Spaces

Land Use Classification ¹	Minimum # of Spaces ²
Animal Care and Services	
Kennel	1 per employee plus 2 spaces
Commissary or Catering	1 per 300 sf
Eating and Drinking Establishments	
Bars/Nightclubs; Microbreweries	1 per 200 sf of floor area
Mobile Food Park	1 per 2.5 seats plus 1 per 60 sf of lot area dedicated to mobile food vending
Mobile Food Vending (Individual Vehicle)	None
Restaurant, Full Service	For all NCMU and TC Zones: 1 per 300 sf of floor area For all other zones: 1 per 200 sf of floor area; no parking is required for outdoor seating when seats provided equal 20% or less of total indoor seating
Restaurant, Limited Service	For all NCMU and TC Zones: 1 per 300 sf of floor area For all other zones: 1 per 250 sf of floor area
Entertainment and Recreation, Commercial	Determined by the Director
Financial Institution	1 per 300 sf
Home Occupation	None
Hospital	1 per every 3 beds
Lodging	
Bed and Breakfast	1 per guest room in addition to required spaces for non-transient residential use
Hotel	0.5 per guest room
Motel	0.7 per guest room
Short-Term Rental	See Section C.10.200 (Short-Term Rentals)
Maintenance and Repair Services	1 per 500 sf
Offices	1 per 300 sf
Retail Stores, General Merchandise	For all NCMU and TC Zones (ground floor retail): 1 per 300 sf For all other zones: 1 per 400 sf
Services	
Business Support Services	1 per 350 sf of floor area
Massage Establishment	See Section C.10.150 (Massage Establishments)
Personal Services	1 per 300 sf
Repair and Cleaning, Small Items	1 per 300 sf
Industrial and Research & Development Uses	

Table C.6.050-A: Required Number of Vehicle Parking Spaces

Land Use Classification ¹	Minimum # of Spaces ²
All Industrial and Research & Development Uses	1 per 2,000 sf of floor area plus 1 per 300 sf of office area, except as specified below
Advanced Manufacturing	1 per 500 sf
Custom and Artisan Manufacturing	1 per 500 sf
Data Center	1 per 1,500 sf
Mini-storage or Self-storage	1 per 5,000 sf of storage unit area plus 2 employee parking spaces
Parcel Hub	1 per 2,000 sf plus 1 truck parking space for each delivery vehicle on-site during peak time ³
Research and Development	1 per 500 sf
Public, Institutional, and Recreational Uses	
All Public, Institutional, and Recreational Uses	1 per 400 sf of floor area, except as specified below
Child Care	
Child Care Centers	1 per employee plus 1 per every 15 children
Large Family Child Care Home	Same as required for underlying residential use
Small Family Child Care Home	Same as required for underlying residential use
Community Assembly	1 space per 5 permanent seats and/or 1 space per 100 sf of assembly seating area
Community Garden	Determined by the Director
Correctional Facility	Determined by the Director
Educational Institutions	
College/University, Private	2 per classroom plus 1 space per 300 sf of assembly area
School, Private and Public	1 per classroom plus 1 per 240 sf of office
Trade/Vocational School	1 per 300 sf
Park/Playground	4 per acre of park space unless reduced or waived by the Director based on use, facilities, and/or location
Hospital	1 per 1.5 beds, plus 1 per 300 sf of area used for office, clinics, testing, research, administration, and similar activities associated with the principal use
Instruction Service	
Group	1 per 200 sf
Private	1 per instructional area or classroom, whichever is greater; no fewer than 3 spaces
Public Utility	1 for each employee plus 1 for each agency vehicle used in connection with the use
Residential Uses	

Table C.6.050-A: Required Number of Vehicle Parking Spaces

Land Use Classification ¹	Minimum # of Spaces ²	
Accessory Dwelling Unit and Junior Accessory Dwelling Unit	See Subsection C.10.030 (Accessory Dwelling Units and Junior Accessory Dwelling Units)	
Boarding House Group Living Accommodation	0.5 per each room rented	
Caretaker's Residence	1 per residence	
Elderly and Long-term Care; Residential Care Facility	1 per every 3 beds	
Emergency Shelter; Low Barrier Navigation Center	1 space per employee or agency vehicle used in connection with the use	
Live-work Unit	Single-family and two-family dwelling parking requirements for residential component plus 1.5 spaces for the commercial component	
Mobile Home Park	1 per unit	
Multi-Family Dwellings		
Studio and 1-bedroom (up to 1,100 sf)	1 per unit	At least one covered space per unit
2-bedroom (up to 1,100 sf)	1.5 per unit	A driveway space measuring a minimum of 8' x 18' shall count as an off-street parking space
3 or more bedrooms and/or 1,101 sf or larger	2 per unit	Additional guest parking (may be uncovered): - For all NCMU and TC Zones: 10% of total required spaces - For all other zones: 15% of the total required spaces
Senior Housing (deed restricted)	For all NCMU and TC Zones: 0.5 per unit plus 2 per manager's unit For all other zones: N/A (same parking requirement as for multi-family dwellings generally)	
Single-family Dwelling ⁴ ; Two-family Dwelling (Detached or Attached)		
Less than 900 sf and 2 bedrooms or fewer	1 per unit	At least one covered space per unit when at least two spaces are required
Less than 2,500 sf and 4 or fewer bedrooms	2 per unit	A driveway space measuring a minimum of 8' x 18' shall count as an off-street parking space
2,500 sf or more or 5 or more bedrooms	3 per unit	
Single-room Occupancy Residences	For all NCMU and TC Zones: None required For all other zones: 0.5 per unit	
Vehicle-Related Uses		
Auto Broker	1 per 400 sf	
Commercial Fueling Facility	1 per employee on the largest shift	

Table C.6.050-A: Required Number of Vehicle Parking Spaces

Land Use Classification ¹	Minimum # of Spaces ²
Fleet-based Service	1 per 400 sf plus 1 per company vehicle used in connection with the use
Mobile Fueling	None (n/a)
Parking Lots; Parking Structures	None (n/a)
Service Station	1.5 per bay if service bays are included on site; 1 per 250 sq ft of any retail and/or office on site
Vehicle Sales, Limited	1 per 400 sf
Vehicle Sales and Leasing	1 per 1,000 sf of showroom plus 1 per 400 sf of retail or office
Vehicle Rental	1 per 400 sf plus 1 per rental/company vehicle used in connection with the use
Vehicle Repair and Maintenance; Vehicle Washing	3 per service bay plus 1 per 400 sf of retail or office
Vehicle Storage	None (n/a)

Table Notes:

¹ See specific land uses within each land use classification in Part XIII-B (Zone Regulations).

² See exceptions in Subsection C.6.050.C (Exceptions).

³ The requirement for delivery truck parking is not intended to accommodate semi-trucks delivering products to the site.

⁴ Parking shall not be required for single-family dwelling additional consistent with California Government Code § 65863.3.

B. Calculation of Required Spaces.

1. **Parking Ratios.** The number of required parking spaces shall be calculated according to the following rules:
 - a. *Floor area.* Where a parking requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated. Any portion of floor area that is used for automobile parking shall not be counted in calculating the floor area for required parking.
 - b. *Employees.* Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the maximum number of employees that occurs in a typical week.
 - c. *Bedrooms.* Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom.
 - d. *Students, children, or clients.* Where a parking requirement is stated as a ratio of parking spaces to students, children, or clients, the number is assumed to be the number of students, children, or clients at the state-certified capacity or at Building Code Occupancy where no state certification is required.

- e. **Seats.** Where a parking requirement is stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat. For places of meeting or assembly that do not include fixed seating, seven square feet shall equal one seat.
2. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required parking and loading spaces shall be equal to the sum of the requirements calculated separately for each use, unless a lower amount of parking is required or allowed consistent with Section C.6.060.A (Shared Parking), this Chapter, or this Title.
3. **Parking Requirements for Ancillary Uses.** For accessory or ancillary uses, no additional parking may be required as determined by the Director. Examples of this case include a coffee or snack shop within an office or hotel development or a copy/package store within a business park.
4. **New Building Without Tenants.** If the type of tenant that will occupy a nonresidential building, or the nonresidential portion of a mixed-use building, is not known at the time the new building is being proposed, the number of parking spaces required for the nonresidential use shall be the parking generally required for the use classification (e.g., commercial uses) as identified in Table C.6.050-A (Required Number of Vehicle Parking Spaces) unless otherwise determined by the Review Authority.
5. **Queuing Area.** The number of parking spaces required by Table C.6.050-A (Required Number of Vehicle Parking Spaces) does not include queuing space that may be required for vehicles and customers waiting in vehicles for service, pump stations, auto service bays, or similar uses.

C. **Exceptions.**

1. **Major Transit Stop Proximity.** Parking requirements for all uses within a one-half mile of a major transit stop are listed in Table C.6.050-B (Vehicle Parking Requirements Near a Major Transit Stop).

Table C.6.050-B: Vehicle Parking Requirements Near a Major Transit Stop ¹		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Required ³
Residential and lodging uses	None ²	1.5 spaces per dwelling unit
Industrial uses		2 spaces per 1,000 sf
All other nonresidential uses		1 space per 1,000 sf

Table Notes:

¹ Within ½ mile of a major transit stop as defined in California Public Resources Code § 21155.

² Minimum automobile parking requirement is prohibited by California Government Code § 65863.2 unless specific findings are made or the project is exempt.

³ Valet, tandem spaces, and mechanical lift stalls are counted as individual spaces.

2. **Metro Specific Plan Area Parking Requirements.** Parking requirements for all uses in the Metro Specific Plan area are listed in Table C.6.050-C (Vehicle Parking Requirements in the Metro Specific Plan Area).

Table C.6.050-C: Vehicle Parking Requirements in the Metro Specific Plan Area

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Required ¹
Residential and lodging uses	None	1.5 spaces per dwelling unit
Industrial uses		2 spaces per 1,000 sf
All other nonresidential uses		1 space per 1,000 sf

Table Notes:

1 Valet, tandem spaces, and mechanical lift stalls are counted as individual spaces.

C.6.060 Parking Reductions

A. Shared Parking.

1. **Purpose.** Buildings or sites with multiple uses shall have reduced parking requirements reflecting different peak parking demands and/or the capture of trips within the building or site due to the mix of on-site uses.
2. **Parking Reductions For Sites With Two Uses.** The amount of the parking reduction is calculated by taking the sum of the minimum parking requirements for the two uses with the highest parking requirement based on Table C.6.050-A (Required Number of Vehicle Parking Spaces) and multiplying that sum by the percentage in Table C.6.060-A (Parking Reductions for Sites with Two Uses) for that combination of uses. The Review Authority may approve further reductions consistent with C.6.060.G (Other Parking Reductions).

Table C.6.060-A: Parking Reductions for Sites with Two Uses

First Use	Second Use					
	Multi-Family	Public, Institutional, or Civic	Food, Beverage, Lodging, Recreation, or Entertainment	Retail	Office	Other Commercial
Multi-Family	N/A					
Public, Institutional, or Civic	10%	N/A				
Food, Beverage, Lodging, Recreation, or Entertainment	10%	20%	N/A			
Retail	15%	25%	25%	N/A		
Office	30%	25%	30%	20%	N/A	
Other Commercial	20%	25%	25%	20%	20%	N/A

3. **Parking Use Analysis for Other Sites with Multiple Uses.** When three or more uses share parking or a use is not listed in Table C.6.060-A (Parking Reductions for Sites with Two Uses), the amount of required parking may be reduced if a parking use analysis is provided that demonstrates that the amount of proposed parking is adequate. The Review

Authority shall only allow the parking reduction consistent with C.6.060.G (Other Parking Reductions).

- B. **Off-Site Parking.** The required number of on-site parking spaces may be reduced through the provision of off-site parking in compliance with the following:
1. **Location.** Required parking must be located within one-half mile of the project site.
 2. **Access.** Access between the on-site use(s) or the subject site and the off-site parking area must be provided through pedestrian, bicycle, and/or transit facility connections (e.g., sidewalks, multi-use paths, bicycle lanes, transit stops). Adequate signage must be installed to direct users to off-site parking areas as determined necessary by the Director. Off-site parking may also be shared parking.
 3. **Agreement.** A parking agreement shall be provided in a form acceptable to the City Attorney which identifies the location of the off-site parking spaces, guarantees the continued availability of the off-site parking spaces, and sets forth the ongoing responsibilities of the parties involved. The parties to the agreement shall include the owners and lessees of the off-site parking spaces and the owners and lessees of the subject site, and a copy of any such agreement shall be provided to the City. The City shall not be required to be a party to any such agreement, but each agreement shall grant the City the right (but not the obligation) to enforce the agreement's terms and shall include a provision requiring that the City be notified immediately of any termination or default of the agreement. Any termination or default of the agreement between parties shall result in revocation of the on-site parking reduction approval by the City unless a new alternative parking arrangement is approved by the City within a reasonable timeframe, as determined by the Director.
- C. **Designated Car-Sharing Parking.** Required parking spaces may be substituted with designated car-share vehicle parking spaces, and the required number of parking spaces may be reduced, consistent with the following.
1. **Car-Share Parking Designation.** A maximum of 20 percent of the required parking spaces may be designated as car-share vehicle parking spaces.
 2. **Reduction Allowed.**
 - a. *Parking areas with 50 or fewer parking spaces.* A five percent reduction in the required parking shall be allowed where five percent of the required spaces are designated as car-share vehicle parking spaces.
 - b. *Parking areas with 51 or more parking spaces.* A 10 percent reduction in the required parking shall be allowed where 10 percent of the required spaces are designated as car-share vehicle parking spaces.
- D. **Electric Vehicle (EV) Charging Parking Spaces.** Each electric Vehicle (EV) charging parking space exceeding the minimum requirement in Section C.6.090 (Electric Vehicle Charging Spaces) shall count as two required parking spaces, for up to a maximum of five additional EV parking spaces corresponding to a parking requirement reduction of 10 spaces.
- E. **Bicycle Parking.** Bicycle parking exceeding the minimum requirements in this Chapter may reduce the number of required vehicle parking spaces by up to five percent, provided the bicycle parking complies with the following:

1. Three bicycle spaces may substitute for one vehicle space; and
 2. Bicycle spaces must comply with the standards in Section C.6.100 (Bicycle Parking).
- F. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of the required number of vehicle parking spaces. Each motorcycle space must be at least four feet wide and seven feet deep and be able to accommodate two-wheeled motorized vehicles, including scooters, mopeds, and similar vehicles.

- G. **Other Parking Reductions.** Required parking for any use or site may be reduced at the discretion of the Review Authority, if any of the following findings are met:
1. The site is developed, and it would be infeasible or impractical to provide additional parking;
 2. Special conditions including, but not limited to the nature of the proposed operation; proximity to transit service; transportation characteristics of the persons residing, working, or visiting the site; or other circumstances will reduce parking demand at the site;
 3. The use will be adequately served by proposed on-site parking or other approved off-site parking;
 4. A parking use analysis is provided to support the proposed parking arrangement; or
 5. Parking demand generated by the project will not exceed the capacity of the supply of on-street parking.

C.6.070 Transportation Demand Management

- A. **Applicability.** New construction of the following types of projects shall be subject to this Section:
1. **Residential.** Single-family and multi-family projects with 20 or more units (excluding elderly and long-term care, emergency shelters, residential care facilities and similar uses, and affordable housing projects with greater than 50 percent of units below market rate).
 2. **Lodging.** Hotels and motels with 40 or more rooms.
 3. **Commercial.** Commercial uses of more than 5,000 square feet.
 4. **Office and Employment-Generating Industrial Uses.** Office and employment-generating industrial uses (e.g., research and development uses) of more than 10,000 square feet.
 5. **Other.** Any other land use found to have a significant impact to vehicle miles traveled during environmental review.
- B. **TDM Plan Requirements.** The project applicant shall submit a Transportation Demand Management (TDM) Plan for review and approval by the Review Authority. The TDM Plan shall document and demonstrate consistency with the requirements in this Section. The TDM Plan shall include, but is not limited to, the following:
1. Identification of the applicable trip reduction measures to be implemented based on the size of the project and estimated number of trips generated.
 2. Implementation plan for each trip reduction measure, including timelines, responsibilities, and budget allocations.
 3. Monitoring and evaluation plan, submitted annually to the Department, to track the effectiveness of the trip reduction measures and adjust them as needed.
 - a. This shall be required for at least the first five years after building occupancy.
 - b. At their discretion, the Director may require modifications if anticipated results are not achieved.

C. **Trip Reduction Measures.**

1. ***Required Trip Reduction Measures.*** The following trip reduction measures must be incorporated into all TDM Plans.
 - a. Provide the following information to employees and/or residents on an annual basis:
 - (i) Carpooling/vanpooling information;
 - (ii) Transit schedules and route information;
 - (iii) Information on air pollution and alternatives to single-occupancy vehicle trips;
 - (iv) Bicycle route and facility information, including local bicycle maps, locations of nearest outdoor bicycle parking or enclosed bicycle storage, and bicycle safety information; and
 - (v) Information on walking and biking to work, pedestrian and bicycling safety, and all-weather walking shoes.
 - b. Identify a TDM coordinator or contact person to provide oversight and management of the TDM Plan's implementation. The individual must either be an employee, homeowners association representative, or contracted through a third-party provider. In addition, for sites leasing space to multiple employers or businesses, the TDM coordinator designated by the property owner shall be responsible for providing lists of mandatory and optional measures to all individual businesses. Commercial tenants should be obligated (via lease language) to provide a main point of contact for the designated TDM coordinator.
 - c. At least one measure from Subsection C.6.070.C.2 (Supplemental Trip Reduction Measures).
2. ***Supplemental Trip Reduction Measures.***
 - a. *All projects.* The following measures may be included in a TDM Plan for any project.
 - (i) *Bicycle repair station(s).* An on-site bicycle repair station above that required by Section C.6.100 (Bicycle Parking).
 - (ii) *Active transportation gap closure.* Constructing improvements that close gaps in the local active transportation system network (e.g., constructing segments of pedestrian paths or bicycle lanes to connect the project site to existing or planned pedestrian or bicycle infrastructure network).
 - (iii) *Funding for trip reduction projects.* Funding toward local transit, pedestrian, or bicycle facilities or infrastructure above that required through impact fees or mitigation requirements.
 - b. *Residential projects.* The following measures may be included in a TDM Plan for any residential project.
 - (i) *Transit pass subsidies.* Transit pass subsidies for residents.

- (ii) *On-site car share.* An on-site car-share program with at least one dedicated car-share vehicle.
 - (iii) *Bicycle share or micromobility program.* An on-site bicycle share or micromobility (e.g., bicycle, scooter, or other lightweight small/personal vehicle) program for use by residents.
- c. *Nonresidential projects.* The following measures may be included in a TDM Plan for any nonresidential project.
 - (i) *Transit pass subsidies for employees.* Subsidies shall be administered through a pre-tax transit benefit program allowing employees to fully fund their transit use with pre-tax dollars if they opt into the program.
 - (ii) *Carpooling and/or vanpooling to facilitate shared work trips.* Carpool and vanpool programs shall include subsidies or other monetary incentives from employers (e.g., gas card after carpooling for a given amount of time, or parking subsidies for carpools), as well as ride-matching services to help facilitate these shared trips.
 - (iii) *Cash reward incentives.* Offer a “cash-out” program to employees who do not drive to work. If the employer leases parking, the cash-out amount shall be equivalent to the cost per space for the employer to lease parking for employees. If the employer owns and manages its own parking facilities, the cash-out value shall be determined based on market-rate parking at nearby locations.
 - (iv) *Showers.* Showers, changing rooms, and lockers to accommodate employees arriving by bicycle or other active form of transportation.
 - (v) *Telecommuting and flexible work schedules.* Offer and encourage employees to work remotely at least one day per week to reduce overall vehicle trips. When employees commute to work, encourage flexible work schedules that encourage travel outside of peak hours.
 - (vi) *Enhanced shuttle commitment.* Providing a project-specific shuttle (e.g., a hotel funding or providing a free supplemental shuttle service to the airport, etc.).
 - (vii) *On-site amenities.* Providing on-site amenities to reduce employee vehicle trips (e.g., child care, cafeteria, etc.).
 - (viii) *On-site employee housing.* Providing on-site employee housing.

D. TDM Plan Submittal and Review.

1. **Submittal.** The applicant shall submit a TDM Plan for review and approval by the Review Authority. The TDM Plan shall document and demonstrate consistency with the requirements in this Section.
2. **Final TDM Plan.** The applicant shall submit the Final TDM Plan including any requirements imposed by the City as part of the Building Permit or Business License processes for compliance with this Section. The Department shall review and approve the Final TDM Plan to ensure all City requirements have been addressed.

3. **TDM Plan Agreement.** A TDM Plan agreement shall be provided in a form acceptable to the City Attorney and shall include the Final TDM Plan prior to Certification of Occupancy. The parties to the agreement shall include the owners and lessees of the project site. A copy of the agreement shall be provided to the City. The City shall not be required to be a party to any such agreement, but each agreement shall grant the City the right (but not the obligation) to enforce the agreement's terms and shall include a provision requiring that the City be notified immediately of any termination or default of the agreement. Any termination or default of the agreement between parties shall result in enforcement action by the City unless a new TDM Plan is approved by the City within a reasonable timeframe, as determined by the Director.
4. **Tenant Concurrence Letter.** Prior to approval of a permit for tenant improvements or a Business License, tenants shall submit a letter demonstrating concurrence with the Final TDM Plan. The letter shall acknowledge how applicable TDM requirements are identified in their lease and summarize how the tenant is implementing applicable trip reduction measures. The City shall receive and review this letter to confirm the implementation of the Final TDM Plan.
5. **Modifications.** The Department may approve modifications to the final TDM Plan that are consistent with the project overall and would result in achieving the performance targets.
6. **Changed Plans.** A change in an approved project that would add at least 100 daily trips shall be treated as a new application.

E. Monitoring and Enforcement.

1. **Initial Compliance Form.** When applying for a Certificate of Occupancy, all projects must submit an initial compliance form to the Department documenting that the Final TDM Plan will be implemented before the site reaches 50 percent occupancy.
2. **Annual Compliance Form.** All projects must submit an annual compliance form to the Department documenting the continued implementation of the Final TDM Plan for the time period established in this Section or in the Final TDM Plan, whichever is longer.
3. **Penalty for Noncompliance.** If the required performance targets are not being achieved, or if the participant fails to submit required monitoring documentation, the following penalties shall apply:
 - a. *First violation.* The City will direct the participant to modify its Final TDM Plan to achieve compliance. Modifications are likely to include adding or modifying trip reduction measures to increase mode shift.
 - b. *Second violation.* The City will direct the participant to retain an independent consultant to identify additional program modifications to achieve compliance. Modifications are likely to include adding or modifying trip reduction measures to increase mode shift.
 - c. *Third violation.* The City may assess a penalty per the approved fee schedule. Penalties shall be assessed for each additional violation in subsequent years. The Council shall, in a resolution adopted after a duly noticed public hearing, set forth the amount of the fine, describe the need for the fine, describe the reasonable relationship between the fine and the effect of noncompliance, and set forth time for calculation and payment of the fine.

4. **Appeal of Penalty.** The participant may appeal the decision to assess a penalty consistent with Chapter I-21 (Administrative Citations). In determining whether a financial penalty is appropriate, the City may consider whether the participant has made a good faith effort to implement the Final TDM Plan and achieve trip reduction.
5. **Program Costs.** Participants shall be required to reimburse the City for costs incurred in maintaining and enforcing the trip reduction program for the approved project.

C.6.080 Parking Area Development and Design Standards

- A. **Location of Parking.** Except as otherwise provided in this Chapter, all required parking spaces shall be located on the same site as the use they serve.
 1. **Residential Parking.** Vehicles on private property used for residential purposes shall be parked only in paved parking spaces or in driveways that comply with the following:
 - a. The driveway must provide access to required parking spaces; and
 - b. The required spaces must not block access to parking for other residential units.
 2. **Driveways on Residential Lots with One or Two Dwelling Units.** Only one driveway and one curb cut is allowed per residential lot with one or two dwelling units, except that a corner lot may have a second driveway and curb cut, not to exceed 12 feet in width, providing vehicular access to the side or rear yard area, subject to approval by the Director and the City Engineer.
 3. **MXD3 Zone.** No parking spaces area allowed within the front or street side setback areas, except for schools.
- B. **Limitations on Reversing.** Each automobile parking stall shall be so located that no automobile is required to back onto any public street or sidewalk to leave the parking stall, parking bay, or driveway except from a lot in the R1 or R2 zone.
- C. **Backing Space in Residential Projects.** A minimum unobstructed vehicular maneuvering distance of 25 feet measured from the opening of the garage or carport shall be provided, except as otherwise allowed in this Section.
- D. **Size and Dimensions of Parking Spaces and Maneuvering Aisles.** Parking spaces shall meet the minimum size and dimensions established in Table C.6.080-A (Parking Space Minimum Dimensions). Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces. Maneuvering aisles shall meet the minimum size and dimensions established in Table C.6.080-B (Maneuvering Aisle Minimum Dimensions).

Table C.6.080-A: Parking Space Minimum Dimensions

Type of Parking Space	Width (feet)	Length (feet)
Standard ¹	9	18
Compact	7.5	15
Parallel	10	22
Tandem	10	38
Motorcycle	4	8

Table C.6.080-A: Parking Space Minimum Dimensions

Type of Parking Space	Width (feet)	Length (feet)
Accessible	Compliant with California Building Code	

Table Notes:

¹ A min. width of 10 ft and a minimum length of 20 ft must be provided in a residential garage containing four or fewer parking spaces and where the individual garage does not include circulation elements, such as driveway aisles.

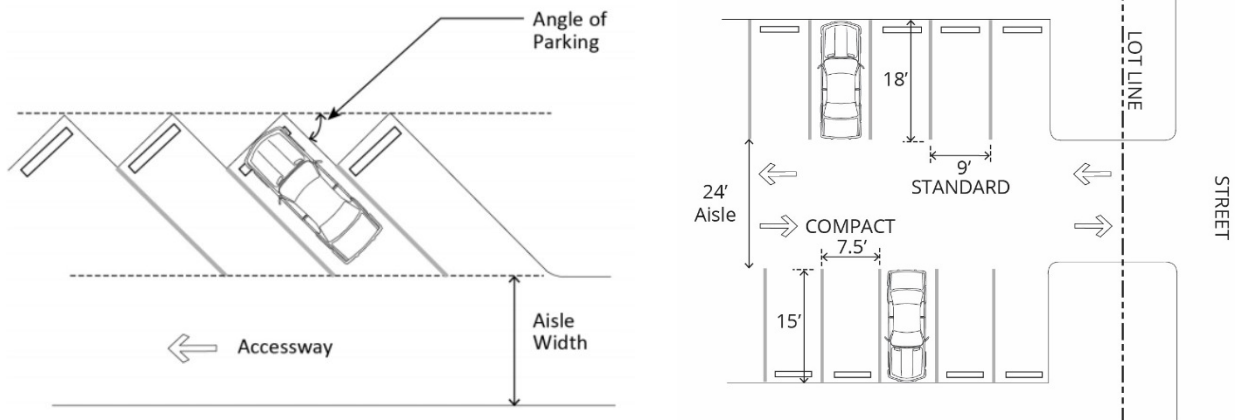
Table C.6.080-B: Maneuvering Aisle Minimum Dimensions

Angle of Parking	Width (feet) ¹	
	One-Way	Two-Way
Parallel	12	16
0-45 degrees	12	22
46-60 degrees	18	22
61-90 degrees	24	24

Table Notes:

¹ Modified standards may be approved by the City Engineer depending on the number of compact spaces present.

FIGURE C.6.080-1: SIZE AND DIMENSIONS OF PARKING SPACES AND MANEUVERING AISLES



- E. **Required Improvements.** All parking areas and access driveways shall have a smoothly graded, stabilized, and dustless surface with adequate drainage consistent with Engineering Division specifications.
- F. **Striping and Marking.**
 - 1. **Space Outline.** All parking spaces shall be clearly outlined with striping consistent with Engineering Division specifications.
 - 2. **Maneuvering Areas.** All aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe movement.

3. **Compact Spaces.** All compact spaces shall be clearly marked as such.
 4. **Assigned Parking.** Lots developed with multiple uses and a shared parking area shall not assign parking spaces to individual tenant spaces or uses, except that parking spaces for residential uses in a mixed-use project shall be assigned to the residential portion of the development.
- G. **Bumpers, Curbs, and Wheel Stops.** A permanent curb, bumper, wheel stop, or similar device at least six inches high and thick shall be installed along the front edge of each parking space to protect buildings and landscaping from vehicular damage. If such protection is provided by a wheel stop, the stopping edge shall be placed no closer than two feet from the edges of the required sidewalks, planter, or landscaped areas and from any building. The two feet beyond the wheel stop may be paved, landscaped with ground cover, or used as additional sidewalk width. No walkway used for a wheel stop may be less than six feet wide.
- H. **Circulation and Safety.**
1. **Visibility.** Visibility shall be ensured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
 2. **Public Service Vehicles.** Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements.
 3. **Pedestrian Circulation.** Parking areas for commercial uses that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from a commercial use to parking areas and public sidewalks, according to the following standards.
 - a. **Connection to public sidewalk.** An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
 - b. **Materials and width.** Walkways shall provide at least five feet of unobstructed width, be hard surfaced, and paved with permeable materials.
 - c. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces using a raised crosswalk, a different paving material, or similar method.
 - d. **Separation.** Where a pedestrian walkway is parallel and adjacent to a vehicle travel area, it must be raised and separated from the vehicle travel area by a raised curb at least four inches high, bollards, or other physical barriers.
- I. **Screening.** A solid masonry wall a minimum height of six feet shall be required on all common property lines when any parking area is established abutting a residentially-zoned property. The wall shall be consistent with Section C.2.040 (Fences, Walls, and Hedges).
- J. **Landscaping.** Parking area landscaping shall be provided consistent with Chapter C.4 (Landscaping Standards).
- K. **Lighting.** Parking area lighting shall comply with Section C.2.070 (Lighting and Illumination).

- L. **Alternative Parking Area Designs.** An applicant may submit an alternative parking area design to the Director. The City Engineer and Review Authority may approve the alternative design if the applicant demonstrates the alternative design achieves at least one of the following:
 - 1. Environmental design and green building objectives, including but not limited to achieving certification under the LEED Green Building Rating System or Green Globes building rating system;
 - 2. Reduces or eliminates a public safety hazard; or
 - 3. Brings substandard parking spaces into greater compliance with current City standards.
- M. **Transportation Research Board Manual and Guidelines.** Projects shall comply with the Transportation Research Board's Access Management Manual and Access Management Application Guidelines as appropriate as determined by the City Engineer.
- N. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall always be kept in good repair.

C.6.090 Electric Vehicle Charging Spaces

Electric vehicle (EV) charging stations and EV-capable parking spaces may be provided in any area designated for the parking or loading of vehicles. All such spaces shall count toward the number of parking spaces required by this Chapter.

- A. **Required EV Charging Stations.** The total number of required EV charging spaces shall be provided in compliance with the California Green Building Code.
- B. **Exceptions.** Exceptions to the total number of EV charging spaces may be made on a case-by-case basis where the Director and the Building Official determine that EV charging infrastructure is not feasible based upon one or more of the following conditions:
 - 1. There is insufficient electrical supply; or
 - 2. The project is for an accessory dwelling unit or junior accessory dwelling unit.
- C. **Size.** EV charging station parking spaces and EV-capable parking spaces shall be the same size and dimensions as specified in Section C.6.080.D (Size and Dimensions of Parking Spaces and Maneuvering Aisles). EV supply equipment shall not reduce the size of the parking space below the minimum required dimensions.
- D. **EV Charging Station Standards.** EV charging stations shall be allowed within any zone subject to all applicable requirements of the Milpitas Municipal Code and California Green Building Code in addition to the following:
 - 1. The EV charging station shall be protected to prevent damage by automobiles.
 - 2. Installation of mechanical equipment shall not conflict with existing infrastructure and shall not result in pedestrian or vehicular traffic hazards.
 - 3. The EV charging station shall have complete instructions and appropriate warnings posted in an unobstructed location next to each EV charging station.

4. **EV Stations for Public Use.** EV charging stations for public use must comply with the following standards.
 - a. The public EV charging station shall be visible from the right-of-way and illuminated during nighttime business hours. Lighting shall comply with Section C.2.070 (Lighting and Illumination).
 - b. The EV charging station may be on a timer that limits the use of the station to the normal business hours of the use(s) that it serves to preclude unauthorized use after business hours.
 - c. The following information shall be posted at a public EV charging station:
 - (i) Voltage and amperage levels;
 - (ii) Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;
 - (iii) Usage fee;
 - (iv) Safety information; and
 - (v) Contact information for reporting when the equipment is not operating or other problems.
5. Existing parking spaces that must be removed to accommodate required EV charging spaces shall not be required to be replaced.

C.6.100 Bicycle Parking

- A. **Required Bicycle Parking.** Bicycle parking must be provided consistent with this Section; however, if the California Green Building Code or other standards require additional bicycle parking or imposes more restrictive standards, the standard requiring the most bicycle parking and imposing the more restrictive standards shall control.
- B. **Number of Bicycle Spaces Required.**
 1. **General.** Bicycle parking shall be provided, consistent with this Table C.6.100-A (Required Number of Bicycle Parking Spaces), unless Subsection C.6.100.B.2 (Bicycle Parking Near a Major Transit Stop or Within the Metro Specific Plan Area) applies. Short-term parking spaces generally serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time. Long-term bicycle parking spaces generally serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

Table C.6.100-A: Required Number of Bicycle Parking Spaces¹

Use	Number of Bicycle Parking Spaces (min.)	Long-Term Spaces (min.)	Short-Term Spaces (min.)
Single-family residential uses	None		
Multi-family residential uses (all NCMU and TC Zones)	5% of total vehicle spaces required	N/A	100%

Table C.6.100-A: Required Number of Bicycle Parking Spaces ¹

Use	Number of Bicycle Parking Spaces (min.)	Long-Term Spaces (min.)	Short-Term Spaces (min.)
Multi-family residential uses (all other zones)	1 per 2 units	85%	15%
Restaurant uses (all NCMU and TC Zones)	5% of total vehicle spaces required	N/A	100%
Restaurant uses (all other zones)	1 per 1,500 sf of leasable floor area	25%	75%
Retail, services, office, financial institution uses (all NCMU and TC Zones)	5% of total vehicle spaces required	N/A	100%
Retail, services, office, financial institution uses (all other zones)	1 per 5,000 sf of leasable floor area	25%	75%
Industrial and research and development uses	1 per 20,000 sf	75%	25%
Lodging uses	1 per 10 guest rooms	50%	50%
Parking structures	1 per 25 vehicle parking spaces	To be determined by the Review Authority	
All other uses	To be determined by the Review Authority		

Table Notes:

¹ See separate standards for projects near major transit stops or within the Metro Specific Plan areas in accordance with Subsection C.6.100.B.2 (Bicycle Parking Near a Major Transit Stop or within the Metro Specific Plan Area).

2. ***Bicycle Parking Near a Major Transit Stop or Within the Metro Specific Plan Area.*** Bicycle parking requirements for all uses within a one-half mile of a major transit stop and within the Metro Specific Plan area shall be provided consistent with Table C.6.100-B (Bicycle Parking Requirements Near a Major Transit Stop or within the Metro Specific Plan Area).

Table C.6.100-B: Bicycle Parking Requirements Near a Major Transit Stop or within the Metro Specific Plan Area

Use	Long-Term Spaces (min.)	Short-Term Spaces (min.)
Multi-family residential uses	0.5 spaces per bedroom	0.1 spaces per bedroom
Retail uses	1 space per 10,000 sf	1 space per 5,000 sf
Offices, Business and Professional	1.5 spaces per 10,000 sf	1 space per 20,000 sf
All other uses	None	None

C. Bicycle Parking Standards.

1. ***Size and Accessibility.*** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of

clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

2. ***Standards for Short-Term Bicycle Parking.***

- a. *Location.* Short-term bicycle parking must be located outside of the public right-of-way and pedestrian walkways and within 50 feet of a main entrance to the building it serves. In the case of a commercial center, bicycle parking must be located within 50 feet of an entrance to each anchor store. Bicycle parking shall be visible from the street or from the main building entrance, or a sign must be posted at the main building entrance indicating the location of the parking.
- b. *Anchoring and security.* For each bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
- c. *Large bicycles.* Five percent of the short-term parking spaces shall be at least three feet by 10 feet per parking space to accommodate large bicycles such as cargo, recumbent, tandem, and electric bicycles, and bicycles with trailers.

3. ***Standards for Long-Term Bicycle Parking.***

- a. *Location.* Long-term bicycle parking must be located on the same lot as the use it serves.
 - (i) In parking garages, long-term bicycle parking must be located near an entrance to the facility.
 - (ii) If not located on the ground floor, long-term bicycle parking must be accessible by an elevator with interior dimensions of at least 80 inches by 54 inches.
- b. *Covered spaces.* 100 percent of the required long-term bicycle parking for multi-family residential uses shall be covered. At least 50 percent of the required long-term bicycle parking for other uses must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
- c. *Security.* Long-term bicycle parking must be in at least one of the following facilities:
 - (i) An enclosed bicycle locker;
 - (ii) A fenced, covered, locked or guarded bicycle storage area;
 - (iii) A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas, or within a secure/restricted bicycle storage room;
 - (iv) In a highly visible area that is monitored by a security camera; or
 - (v) Other secure area approved by the Director.
- d. *Electrical outlets.* Electrical outlets must be provided for electric bicycle charging.

- e. *Large bicycles.* Five percent of the long-term parking spaces shall be at least three feet by 10 feet per parking space to accommodate large bicycles such as cargo, recumbent, tandem, and electric bicycles, and bicycles with trailers.
- f. *Bike repair station.* When 10 or more long-term parking spaces are required, a bicycle repair station must also be provided. At minimum, the bicycle repair station must include tools to help fix minor maintenance issues, such as adding air to a tire, tightening a loose chain, or adjusting handlebars.

C.6.110 Off-Street Loading Requirements

All uses requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas to handle the volume of truck traffic and loading requirements. The loading space(s) shall be maintained during the existence of the building or use it is required to serve. No loading space which is provided for the purpose of complying with the provisions of this Section shall be eliminated, reduced, or converted in any manner below the requirements established in this Title, unless equivalent facilities are provided elsewhere, conforming to this Title.

- A. **Number of Loading Spaces Required for Commercial and Industrial Uses.** At a minimum, loading spaces shall be provided in compliance with Table C.6.110-A (Required Loading Spaces).
- 1. **Multi-Tenant Buildings.** The gross floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided with a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
 - 2. **Reduction to Number of Loading Spaces Required.** The Director may waive the loading space requirement upon finding that the applicant has satisfactorily demonstrated that, due to the specific nature of the use and building, such loading space will not be necessary.
 - 3. **Additional Loading Spaces Required.** Additional loading spaces may be required to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck deliveries.

Table C.6.110-A: Required Loading Spaces

Total Square Feet of Building Space (Gross Floor Area)	Loading Spaces Required
Commercial and Industrial Buildings	
Less than 6,000	0
6,000 – 15,000	1
15,001 – 40,000	2
40,001 and over	3
Over 100,000	Adequate number as determined by the Director
Hospitals and Institutions	
Less than 10,000	0

Table C.6.110-A: Required Loading Spaces	
Total Square Feet of Building Space (Gross Floor Area)	Loading Spaces Required
10,000 – 50,000	1
50,001 – 100,000	2
100,001 and over	3
Other Uses	
Hotels/Motels	1

- B. **Maneuvering Area.** Sufficient space shall be provided for turning and maneuvering vehicles such that vehicles may enter and exit the site in a forward direction.
- C. **Location and Orientation.**
1. Off-street loading facilities shall be located on the same site with the use for which the berths are required.
 2. Off-street loading facilities shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.
 3. No loading berths shall be closer than 30 feet to any property in a residential zone unless completely enclosed within a building, or a uniformly solid fence or wall, or any combination thereof, not less than eight feet in height.
 4. No permitted or required loading berth shall be located within 25 feet of the nearest point of any street intersection.
 5. Loading areas shall be located inside of buildings or on non-primary street frontages, alleys, parking areas, and/or at the rear or side of building.
 6. Buffer and additional standards for certain uses (e.g., some warehousing and distribution uses) are required in accordance with California Government Code section 65098.
 7. **Exceptions.** The location requirement may be modified or waived where the Review Authority finds that:
 - a. The intended use of the property or the location of or shape of the site and/or existing development warrant an adjustment to or waiver of these standards;
 - b. That street-facing loading areas will exhibit architectural treatment, or will be enhanced with landscaping, in such a way as to minimize visual and noise impacts; and
 - c. There are specific features of the site and design of the building such that strict application of the location requirement is impractical.
- D. **Size and Dimensions.** Each on-site loading space required by this Section shall not be less than 12 feet wide, 45 feet long, and 14 feet high, exclusive of driveways and areas for maneuvering. The minimum size requirement may be modified if the Director finds that the applicant has

satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.

- E. **Screening.** All loading zones and truck parking areas shall be screened from view by a minimum of an eight-foot-high hedge, vine-covered fence, or wall and landscaping.
- F. **Bumpers.** Bumper rails shall be provided in loading areas where needed for safety or to protect property.
- G. **Paving.** Loading areas, aisles, and access driveways shall be paved so as to provide a durable, dustless surface and shall be graded and drained to dispose of surface water.
- H. **Use of Required Loading Spaces.** Loading areas shall be accessible for their intended purpose during all hours of operation. No repair work or servicing of vehicles shall be conducted in a loading area. Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facility.

Chapter C.8 Signs

Sections:

- C.8.010 Purpose
- C.8.020 Applicability
- C.8.030 Permits and Administration
- C.8.040 General Standards for All Signs
- C.8.050 Standards for Permanent Signs
- C.8.060 Sign Design Standards
- C.8.070 Standards for Portable Signs and Temporary Signs
- C.8.080 Nonconforming Signs
- C.8.090 Sign Enforcement
- C.8.100 Severability

C.8.010 Purpose

The purpose of this Chapter is to provide regulation for all signs which are publicly displayed in the City. The regulations in this Chapter ensure that all signs installed in the City are compatible with the unique character and environment of the community and in compliance with the General Plan. The Chapter promotes public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

- A. Ensure that all signs are compatible with the character of Milpitas and with its adopted plans, and that they support the desired ambience and development patterns of the community;
- B. Protect and improve property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape;
- C. Provide clear and unambiguous sign design standards that enable the fair and consistent enforcement of these sign regulations; and
- D. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- E. Ensure pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
- F. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or maintained;
- G. Ensure that the constitutionally guaranteed right of free speech is protected.

C.8.020 Applicability

The regulations of this Chapter shall be applicable to all persons, businesses, and other enterprises seeking to erect or otherwise display a sign in Milpitas, and to all signs within Milpitas regardless of their nature or location, unless otherwise specifically exempted in Subsection C.8.020.G (Exempt Signs) or otherwise regulated through a Specific Plan.

- A. **Standards for Permanent Signs.** Standards for permanent signs are found in Section C.8.050 (Standards for Permanent Signs).
- B. **Standards for Portable Signs and Temporary Signs.** Standards for portable signs and temporary signs are found in Section C.8.070 (Standards for Portable Signs and Temporary Signs).
- C. **Content-Neutral Application.** The provisions of this Chapter shall be applied in a content-neutral manner. Noncommunicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. “Non-communicative aspects” include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.
- D. **Right-to-Picket.** Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.
- E. **Substitutions and Interpretations.**
 - 1. This Chapter is not intended to, and does not, restrict speech on the basis of a sign’s content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for any approval or permit, provided that the size of the sign is not altered and the sign otherwise complies with the provisions of this Chapter. To the extent any provision of this Chapter is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.
 - 2. When there is any question regarding the interpretation of a provision of this Chapter, or its application to any specific case or situation, the Director shall interpret the intent of this Chapter.
 - 3. An existing sign refinished for a use other than the original use shall be considered to be a new sign and is subject to the provisions of this Chapter.
 - 4. All regulations included in this Chapter shall apply unless a Sign Program is approved; see Subsection C.8.030.C (Sign Programs). Approval of a Sign Program by the City may result in the application of alternative sign standards that supersede the requirements of this Chapter, except for matters of public safety.
- F. **Conflicting Regulations.**
 - 1. Exceptions to this Chapter may be made for signs subject to federal or state government regulations that may be in conflict with this Chapter.

2. No sign shall be constructed, erected, installed, or maintained in any manner that conflicts with any rule, regulation, or order of the California Public Utilities Commission pertaining to the construction, operation, and maintenance of public utilities.
- G. **Exempt Signs.** The following are not regulated under this Chapter, do not count toward the maximum total sign area, and do not require a Sign Permit:
1. ***Non-structural Modifications and Maintenance.*** A Sign Permit is not required for the following:
 - a. Changes to the changeable copy of a changeable copy sign; and
 - b. The normal repair and maintenance of conforming or legal nonconforming signs, except as identified in Subsection C.8.040.G (Sign Maintenance).
 2. ***Government Signs.*** Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:
 - a. Numerals and letters identifying an address from the street to facilitate emergency response and when compliant with City requirements;
 - b. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;
 - c. Traffic signs erected and maintained by an authorized public agency;
 - d. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance;
 - e. Signs directing the public to points of interest; and
 - f. Signs showing the location of public facilities.
 3. ***Incidental Signs.*** Incidental signs located outside of public easements or right of way on private property no greater than a total of three square feet in sign area in all residential zones and six square feet in all other zones.
 4. ***Signs Not Readable from the Public Right-of-Way.*** Signs not readable from the public right-of-way that meet at least one of the following:
 - a. Signs or displays located entirely inside of a building, within a courtyard, open-air pedestrian space or similar open area and not visible from the building's exterior, except signs viewed from an alley.
 - b. Signs intended to be readable from within a parking area or public park but not readable beyond the boundaries of the lot or parcel upon which they are located or from a public right-of-way.
 5. ***Signs Identifying Historic Buildings, Historic Plaques, and Commemorative Signs.*** Historic plaques, memorial signs, or tablets that are no more than two square feet in area that are:
 - a. Erected by recognized historical agencies;
 - b. Names of buildings and the date the building was erected when cut into a masonry surface; or

- c. Constructed of bronze or other noncombustible letters and affixed flat against the wall of the building.

C.8.030 Permits and Administration

- A. **Relationship to Other Applicable Documents including Local and State Regulations.** In addition to the provisions provided in this Chapter, other City and state regulations may apply depending on the specific sign type and/or its location. These other regulations include, but are not limited to:
 - 1. California State Highway Code;
 - 2. California Business and Professions Code;
 - 3. California Civil Code;
 - 4. Any applicable Specific Plan that includes sign standards and regulations in addition to those provided in this Chapter. If the Specific Plan does not include sign standards, the regulations of this Chapter shall prevail;
 - 5. Uniform Building and National Electrical Codes when Building and Electrical Permits are required; and
 - 6. Any other requirements of the Milpitas Municipal Code.
- B. **Sign Permits.** The procedures and requirements for the preparation, filing, and processing of Sign Permits for permanent and temporary signs are provided in Section D.4.070 (Sign Permits).
- C. **Sign Programs.** The procedures and requirements for the preparation, filing, and processing of Sign Programs are provided in Section D.4.080 (Sign Programs).

C.8.040 General Standards for All Signs

- A. **Purpose.** The purpose of these general regulations is to define the parameters for design, size, height, and location of signs. The requirements related to the number, design, type and size of signs outlined in this Chapter are intended to be maximum standards which do not necessarily ensure compatibility with building architecture, the neighborhood and the community appearance.
- B. **Sign Message.** Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.
- C. **Prohibited Signs and General Restrictions for All Signs.** The following signs, or signs which contain the following elements, are prohibited:
 - 1. **Location Restrictions.** Signs may not be placed in the following locations, except where specifically authorized in this Chapter:
 - a. *Architectural features.* Locations where a sign would cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature.
 - b. *Accessory structures.* Tacked, painted, pasted, or otherwise affixed, to the walls of any accessory structure, barn or shed, or on trees, poles, posts, fences, ladders,

or other structures that are visible from or within a public way. Permanent signs may be attached to a fence or freestanding wall only when a monument or post sign is not present in the development and must be a maximum of three square feet in sign area.

- c. *Fuel tanks, storage containers, and solid waste receptacles.* Painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law.
- d. *Clearance from power lines.* Within the horizontal or vertical clearance standards from communications lines and energized electrical power lines prescribed by the laws of the State of California.
- e. *Exits and entrances.* Any sign which is placed in a manner that would prevent or inhibit free ingress to or egress from any door, window, vent, or any exit way required by the Building Code or Fire Code (currently in effect).
- f. *Conflict with traffic signs.* Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.
- g. *Intersections.* Any sign erected or maintained at or near any street intersection that will obstruct the free and clear vision of drivers and pedestrians.
- h. *Obstruction of pedestrian ways.* Any sign mounted or displayed in such a manner that impedes, obstructs, or creates hazards with respect to pedestrian traffic. A minimum unobstructed width of five feet must be maintained on sidewalks at all times.
- i. *Off-site.* Not on the site or premises to which the sign refers, unless the property or business has no street frontage, in which case signs may be located on the nearest property with street frontage that is in front of or adjacent to the subject property with the written permission of the property owner. Off-site billboards designed consistent with Subsection C.8.050.D.2 (Billboard Sign) may be permitted with approval of a Major Sign Permit in compliance with Subsection D.4.070.D.1.b.
- j. *Right-of-way and public property.* Signs located on public property and within the public right-of-way including any sign or handbill attached to a utility pole, street sign pole, or streetlight except those required or permitted by federal, state, or local law. Restrictions also apply to any sign attached to any public structure, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property. Exceptions include:
 - (i) Signs approved as part of a special event;
 - (ii) Banner signs permitted by the City on light poles within the right-of-way; and
 - (iii) Signs approved with an Encroachment Permit.

- k. *Easements.* Signs located in public utility easements or other easements that would prohibit signage.
- l. *Vehicles.* Signs mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises in a manner intended to attract attention of the public for the purpose of advertising or identifying the business premises. This provision excludes signs indicating the name of the owner or business that are permanently painted or wrapped on the surface of the vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of the business; however, vehicles must be operable, legally registered, and parked in a lawful or authorized manner within the confines of a striped parking space approved by the City, a residential driveway or residential street, or in a City street for more than 72 hours.

2. ***Display Restrictions.***

- a. *Blinking, flashing lights.* Any sign having blinking, flashing, or fluttering lights, or any other illuminating device which has a changing light intensity, brightness, or color is not allowed consistent with Subsection C.8.040.E (Sign Illumination), except for the following:
 - (i) Approved in accordance with Section C.8.050.D.2 (Billboard Sign); or
 - (ii) Approved in accordance with a Sign Program, in accordance with Section C.8.030.C (Sign Programs).
- b. *Devices affected by movement.* Any sign animated by any means, including fixed aerial displays, airborne balloons, feather banners, pennants, propellers, spinners, streamers, lights, string of flags, tubes or other devices affected by movement of the air or other atmospheric or mechanical means.
- c. *Exposed light source.* Any sign with an exposed light source, except for neon or LED strip lights incorporated into the design of the sign.
- d. *Fluorescent colors.* Any sign which uses fluorescent colors.
- e. *Reflective materials.* Any sign using colors or materials with reflective properties.
- f. *Rotating signs.* Any sign in which the sign body or any portion of the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction.
- g. *Sound, odors, visible matter, and motion picture projection.* Any sign which emits sound, odor, smoke, laser light display, hologram lights, or other visible matter, including any sign that uses motion picture projection.

3. ***Prohibited Sign Types.*** See definitions in Chapter E.6 (Definitions of Sign Terms). The following sign types are prohibited:

- a. Any sign which advertises a business that is a prohibited use or no longer in existence or a product or service no longer being sold, except for a cultural

resource designated in accordance with Milpitas Municipal Code Chapter XI-4 (Cultural Resources Preservation Program).

- b. Any advertising sign that is placed on public property or on private property without the consent of the property owner or as authorized in this Title. Includes temporary signs illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
- c. Any sign erected upon a roof or roof-mounted equipment structure and any sign extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.
- d. Sign walkers.
- e. Signs which bear or contain statements, words, or pictures of an obscene nature.
- f. Stuffed or inflated animals or characters used as signs.

4. ***Parking of Mobile Billboards Prohibited.*** No person shall park or convey any mobile billboard advertising display, as defined by California Vehicle Code section 395.5, upon any public street or public lands in the City.

- a. *Removal of mobile billboard advertising displays authorized.* In accordance with California Vehicle Code section 22651(v) and (w), a peace officer, or any regularly employed and salaried employee of the City, who is authorized to engage in directing traffic or enforcing parking laws and regulations may remove, or cause to be removed, the mobile billboard, or anything the mobile billboard is attached to including a motor vehicle, located within the City limits when the mobile billboard is found upon any public street or any public lands, if all of the following requirements are satisfied:
 - (i) When a mobile billboard either standing alone or attached to a vehicle, device, or bicycle is parked or left standing in violation of this Title, and the registered owner of the vehicle, device, bicycle, or display was previously issued a warning notice or citation for the same offense;
 - (ii) A warning notice or citation was issued to a first-time offender at least 24 hours prior to the removal of the vehicle, device, bicycle, or display. In accordance with California Vehicle Code section 22651(v)(2) and (w)(2), the City is not required to provide further notice for a subsequent violation prior to enforcement; and
 - (iii) The warning notice or citation advised the registered owner of the vehicle, device, bicycle or display that they may be subject to penalties upon a subsequent violation of the Title that may include removal of the vehicle, device, bicycle, or display.
- b. *Permanent advertising signs excepted.* In accordance with California Vehicle Code section 21100(o)(2) and (o)(3), this Section does not apply to advertising signs that are permanently affixed in a manner that is painted directly upon the body of a motor vehicle, applied to a decal on the body of a motor vehicle, or placed in a location on the body of a motor vehicle that was specifically designed by vehicle manufacturer for the express purpose of containing an advertising sign, such that they are an integral part of, or fixture of a motor vehicle for permanent

decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.

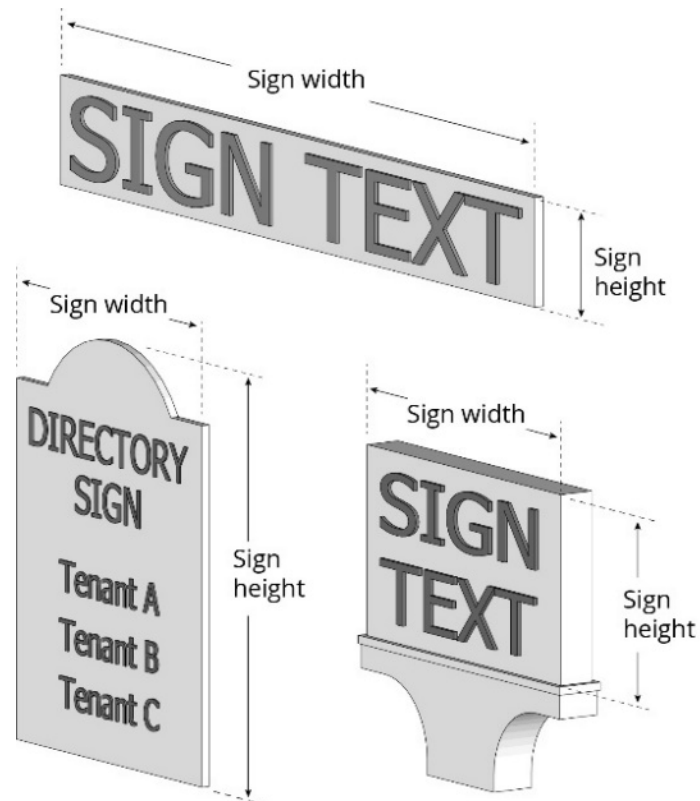
- c. *Post storage impound hearing.* California Vehicle Code section 22852 applies to this Section with respect to the removal of any mobile billboard advertising display vehicle. Section 22852 is incorporated by reference and provides, in summary, that whenever an authorized employee of the City shall direct the storage operator to provide the vehicle's registered and legal owner(s) of record, or their agent(s), with the opportunity to for a post-storage hearing to determine the validity of the storage. Notice of the storage shall be mailed or personally delivered to the registered and legal owner(s) of record, or their agent(s), with the opportunity for a post-storage hearing to determine the validity of the storage. Notice of the storage shall be mailed or personally delivered to the registered and legal owner(s) within 48 hours, excluding weekends, as specifically provided by under California Vehicle Code section 22852. To receive a post-storage hearing, the owner(s) of record, or their agent(s), must request a hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice. The City may authorize its own officer or employee to conduct the hearing as long as the hearing officer is not the same person who directed the storage of the vehicle.
- d. *Violation penalties.* A violation of this Section is a misdemeanor, punishable upon conviction by a fine of not less than \$250.00, no more than \$1,000.00, or by imprisonment in the Santa Clara County Jail for not more than six months, or by both fine and imprisonment. At the discretion of the Chief of Police to issue a citation for any violation of this Section, or the Milpitas City Attorney's Office, a violation of this Section may be an infraction enforced through the parking penalty process set forth in California Vehicle Code section 40200 et seq. or may be enforced as an administrative citation consistent with Milpitas Municipal Code Chapter I-21 (Administrative Citation).

D. **Rules of Measurement.**

1. **Sign Area Measurement.** Sign area is measured as follows:

- a. *Signs on background panel.* Where the sign copy is mounted, affixed, or painted on a background panel or distinctively painted, textured, or constructed surface, the sign area is measured as the sum of the smallest rectangle(s) that will enclose both the sign copy and the background, as shown in Figure C.8.040-1 (Signs on Background Panel).

FIGURE C.8.040-1: SIGNS ON BACKGROUND PANEL



- b. *Signs with individual letters or symbols.* Where the sign has individual letters or symbols mounted against a wall, fascia, mansard, parapet, or other building surface that has not been distinctively painted, textured, or constructed as a background panel, the sign area is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign except for the descending elements of lower case letters, as shown in Figure C.8.040.D-2 (Signs with Individual Letters). Where any individual type letters or symbols are separated by more than 36 inches from each other, those letters or symbols shall be calculated separately. The area of signs with individual letters or graphics shall be counted as 75 percent of the area enclosing the sign copy (i.e., sign area is determined as 75 percent of the total area enclosing all individual letters).

FIGURE C.8.040.D-2: SIGNS WITH INDIVIDUAL LETTERS



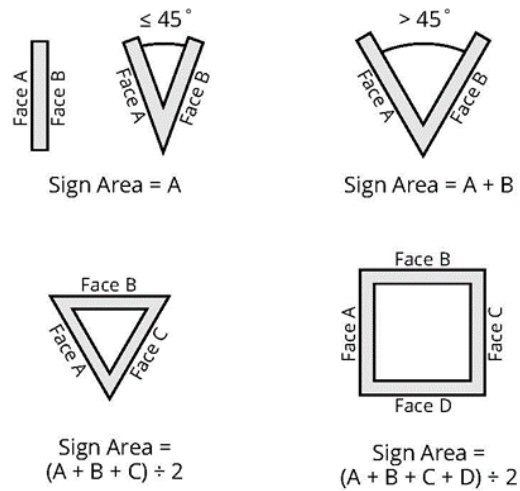
- c. *Irregular shaped signs.* Sign area for irregular shaped signs is determined by dividing the sign into squares, rectangles, triangles, circles, or arcs as shown in Figure C.8.040.D-3 (Irregular Shaped Signs).

FIGURE C.8.040.D-3: IRREGULAR SHAPED SIGNS



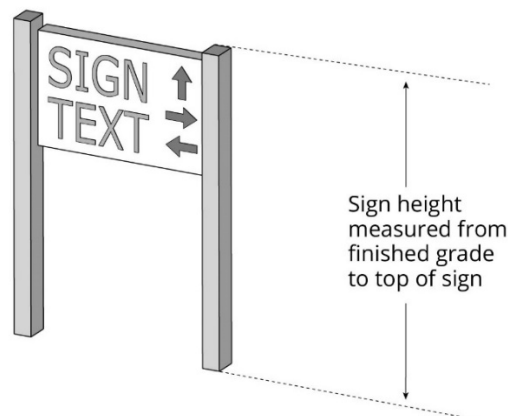
- d. *Multi-face signs.* The sign area for multi-face signs, as shown in Figure C.8.040.D-4 (Multi-Face Signs), are measured as follows:
- (i) *Two-face signs.* Where the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is measured as the area of one sign face only. Where the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
 - (ii) *Three- or four-face signs.* The allowable sign area is measured as 50 percent of the sum of the areas of all sign faces.

FIGURE C.8.040.D-4: MULTI-FACE SIGNS



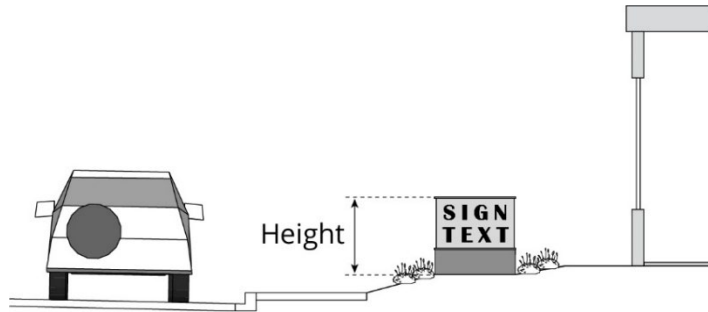
2. **Sign Height Measurement.** Sign height is measured as follows:
- a. *Freestanding signs.* Sign height for freestanding signs is measured as the vertical distance from the finished grade to the top of the sign, as shown in Figure C.8.040.D-5 (Freestanding Sign Height), except that height is measured from a warped plane parallel to natural grade in the "H" Hillside Combining District.

FIGURE C.8.040.D-5: FREESTANDING SIGN HEIGHT



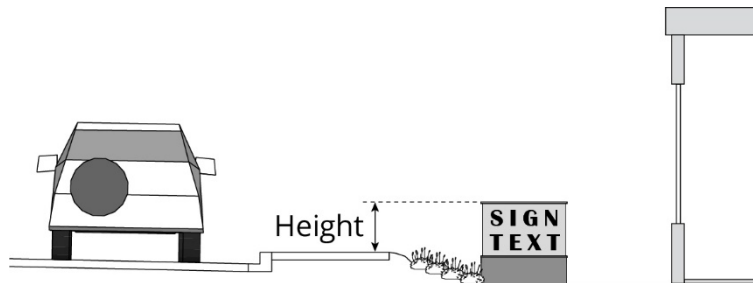
- (i) *Higher than adjacent grade.* Where the grade at the base of a sign is higher than the grade of the adjacent road right-of-way, sign height is measured from the base of the sign, as shown in Figure C.8.040.D-6 (Freestanding Sign, Higher than Adjacent Grade).

FIGURE C.8.040.D-6: FREESTANDING SIGN, HIGHER THAN ADJACENT GRADE



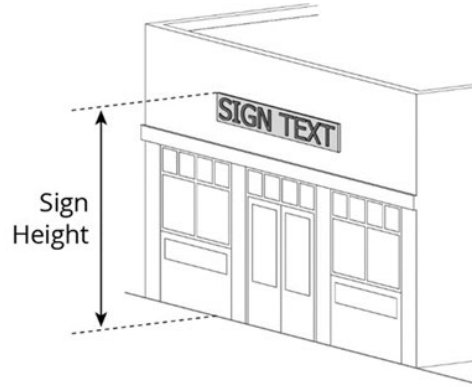
- (ii) *Lower than adjacent grade.* Where the grade at the base of a sign is lower than the grade of an adjacent road right-of-way, the height of the sign is measured from the top of curb elevation, as shown in Figure C.8.040.D-7 (Freestanding Sign, Lower than Adjacent Grade). The portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the sign's overall height.

FIGURE C.8.040.D-7: FREESTANDING SIGN, LOWER THAN ADJACENT GRADE



- b. *Wall Signs.* The height of building-mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign structure, as shown in Figure C.8.040.D-8 (Wall Sign Height).

FIGURE C.8.040.D-8: WALL SIGN HEIGHT



E. Sign Illumination.

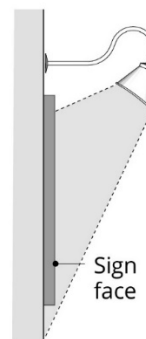
1. Internal Illumination.

- a. Internally illuminated signs include single- and multi-color LED signs, signs constructed with pan channel letters or reverse pan channel letters (i.e., indirect halo illuminated channel letters) on an unlit or otherwise indistinguishable background on a freestanding sign or wall.
- b. Internally illuminated signs must only be illuminated with steady, light sources that give no illusion of movement.

2. External Illumination.

- a. Externally illuminated signs must be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- b. The light source for externally illuminated signs must be arranged and shielded to substantially confine all direct light rays onto the sign face and away from streets and adjacent properties as illustrated in Figure C.8.040.E-1 (External Illumination).

FIGURE C.8.040.E-1: EXTERNAL ILLUMINATION



3. ***Single- or Multi-color LED Signs.***

- a. Single- or multi-color LED signs are only allowed in commercial, industrial, and mixed-use zones.
- b. Single- or multi-color LED signs are exempt from the sign area limitations for window signs.
- c. Single- or multi-color LED signs are included in the total sign area for wall and monument signs.
- d. Any individual single- or multi-color LED sign must not exceed two square feet in area and must be maximum four square feet in total.
- e. Single-color or two-color LED signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.

4. ***Neon.***

- a. Exposed neon sign lighting on permanent signs are only allowed in commercial, industrial, and mixed-use zones.
- b. Each business is only allowed one neon sign and it must be placed on the primary frontage of the building.
- c. Neon is allowed on no more than 25 percent of the total sign area of a permanent building mounted sign.
- d. Neon signs placed in a window are included in the total sign area limitations for all window signs.
- e. Neon signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.

5. ***Electronic Message Signs.***

- a. One electronic message sign may be allowed subject to approval of a Major Sign Permit as an integral component of a freestanding sign or wall sign per lot or site for mixed-use and non-residential uses in all commercial, mixed use, and industrial zones and in the Institutional (I) Zone.
- b. Electronic message signs must not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion).
- c. Electronic message signs may display changing messages provided that each message is displayed for no less than 15 seconds.

- d. *Night-time brightness.*
 - (i) *Automatic control.* Electronic message signs must be equipped with photocell technology to control and vary the intensity of light output depending on the amount of ambient light that is present to prevent overly bright luminance at night. Automatic controls must limit night luminance to a maximum of 100 nits when the display is set to show maximum brightness in 100 percent full white mode.
 - (ii) *Manufacturer certification.* The applicant shall include with the Building Permit application a written certification from the sign manufacturer that the night-time luminance has been factory pre-set not to exceed the standard in Subsection C.8.040.E.5.d.i (Automatic control), and that this setting is protected from end-user modification by password-protected software or another method as deemed appropriate by the Building Official.
- e. Electronic message signs must be set to a maximum lighting intensity of 0.6 foot-candles as measured using a foot-candle meter placed 100 feet from the sign. Each sign shall have a redundant system for controlling sign brightness, including an automatic light sensing device or photocell that will adjust the brightness as ambient light conditions change, and a backup system based on local sunrise and sunset times.
- f. Electronic message signs shall be located within five feet of the principal building wall.

F. Sign Structure and Installation.

- 1. The installation of signs shall be enforced and administered by the Building Official. All signs and sign structures must be designed to comply with the provisions of this Chapter; the provisions of the California Title 24 Building and Electrical Codes; and constructed to withstand wind loads, dead loads, and lateral forces.
- 2. Signs shall be designed so that the support frameworks for the sign are an integral part of the design of the sign or within the structure of the building to which it is attached in such a manner as to not be visible. Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be visible to the extent technically feasible.
- 3. Where electrical service is provided to freestanding signs, the electrical service shall be placed underground and concealed. Electrical service to building mounted signs, including conduit, transformers, housings, and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A Building Permit or Electrical Permit shall be issued prior to installation of any new signs requiring electrical service.
- 4. Raceway cabinets, as illustrated in Figure C.8.040.F-1 (Raceway), may only be used in building mounted signs when access to the wall behind the sign is not feasible, or when the Director determines that a benefit exists to preserve a historic or architectural feature of a building. In such cases, the raceway cabinet must not extend in width and height beyond the area of the sign and must match the color of the building to which it is attached. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the total allowable sign area allowed for the site or business.

FIGURE C.8.040.F-1: RACEWAY



5. All permanent signs allowed by this Chapter shall be constructed of durable, impact-resistant materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment, and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.

G. Sign Maintenance.

1. All signs must be maintained by the property owner, tenant, or permittee. In the event a sign becomes derelict for reasons of lack of maintenance the Sign Permit may be revoked and the sign subject to abatement.
2. Repainting or cleaning a sign does not require a Sign Permit unless a structural change is made, in which case a Minor Sign Permit application shall be completed and submitted to the Director in compliance with the provisions of Section D.4.070 (Sign Permits).
3. All signs, together with their supports and appurtenances, shall be maintained in good structural condition, in compliance with applicable building and electrical codes, and in conformance with this Chapter. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the Sign Permit issued for its installation and the provisions of this Chapter.
4. All signs and supporting structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Director is authorized to order the painting, cleaning, or repair of signs which become dilapidated and the cleaning of the immediate premises. The maintenance shall be completed within 30 days of receiving written notice.
5. Required landscaped areas around signs shall be maintained consistent with C.4.050.I (Maintenance).
6. The Building Official has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Chapter.

7. Failure to maintain a sign constitutes a violation of this Chapter and will be subject to enforcement action, in which case the Director may order the removal of any sign that is determined to be in disrepair or dangerous.

C.8.050 Standards for Permanent Signs

A. Applicability.

1. This Section establishes standards for permanent signs.
2. Table C.8.050-A (Allowed Permanent Sign Types by Zone) establishes which permanent sign types are allowed in each zone. Any combination of allowed sign types may be used within a given zone unless specifically prohibited.
3. Table C.8.050-B (Maximum Total Permanent Sign Area) establishes maximum allowed total sign area per lot based on zones. Subsection C.8.050.D (Standards for Specific Permanent Signs) provides the standards and supporting illustrations for allowed sign types.
4. A sign type not specifically included in this Section may be allowed by the Director provided the sign meets the intent of the zone in which it is proposed and all applicable sign standards.

- B. **Allowed Permanent Sign Types by Zone.** Table C.8.050-A (Allowed Permanent Sign Types by Zone) establishes which sign types are allowed in each zone category. Refer to Section B.2.020 (Zones Established) for specific zones within each zone category.

Table C.8.050-A: Allowed Permanent Sign Types by Zone						
• = permitted — = not permitted						
Sign Type	Residential Zones	Commercial Zones	Mixed Use Zones	Industrial Zones	Metro Zones	Other Zones
Awning Sign	—	•	•	•	•	•
Billboard Sign	—	•	—	•	—	—
Blade Sign	—	•	•	•	•	•
Canopy Sign	—	•	•	•	•	•
Directional Sign	—	•	•	•	•	•
Directory Sign	—	•	•	•	•	•
Monument Sign	•	•	•	•	•	•
Post Sign	•	•	•	•	•	•
Projecting Sign	—	•	•	•	•	•

Table C.8.050-A: Allowed Permanent Sign Types by Zone						
• = permitted — = not permitted						
Sign Type	Residential Zones	Commercial Zones	Mixed Use Zones	Industrial Zones	Metro Zones	Other Zones
Service Island Canopy Sign	—	•	•	•	—	—
Wall Sign	•	•	•	•	•	•
Window Sign, Permanent	—	•	•	•	•	•

- C. **Maximum Total Permanent Sign Area.** Table C.8.050-B (Maximum Total Permanent Sign Area) provides standards for total allowable permanent sign area per lot by zone. See Subsection C.8.050.D (Standards for Specific Permanent Signs) for additional standards.

Table C.8.050-B: Maximum Total Permanent Sign Area Per Lot	
sf = square feet lf = linear feet	
Zones	Sign Area ¹
R1 Zones	Conditional uses shall be allowed sign area not exceeding 1 sf of sign area for each 3 lf of public street frontage ² Max. area: 32 sf; 24 sf in the “H” Hillside Combining District
R2, R3, R4, and MHP Zones	Permitted uses, except for multi-family residential uses with 10 or more units, shall be allowed sign area not exceeding 10 sf Multi-family residential uses with 10 or more units shall be allowed sign area not exceeding 1 sf of sign area for each 3 lf of public street frontage and no more than 50 sf of signage per frontage ² In no case shall less than 10 sf of total sign area be allowed Conditional uses shall be allowed sign area not exceeding 1 sf of sign area for each 3 lf of public street frontage with a maximum total sign area of 32 sf ²
Nonresidential Zones (Commercial, Mixed Use, Industrial, Metro, Other) ³	Max. area: 1 sf of sign for each 2 lf of building perimeter on the subject parcel or not exceed 2 sf of sign for each 1 lf of public street frontage ^{2,3} For buildings or uses containing more than 1 business, the allowable sign area shall be: - Distributed to each business proportionately to the floor area of the subject business to the total floor area for all leasable structures on the parcel or site; or - Distributed to each business proportionately to the building façade of the subject business by 1 sf of sign area per 1 lf of adjacent building façade oriented towards a property line of a site or common parking area ⁴

Table Notes:

¹ See Section C.8.050.D (Standards for Specific Permanent Signs) for which signs are counted or not counted toward the total sign area.

² Public street frontage with non-access rights or no immediate direct access, such as flood control channels, but excluding landscaped planter areas, shall not be considered public street frontage for purposes of sign area calculations.

³ At the applicant's discretion.

⁴ For a 30-acre or larger commercial site with gross building area of at least 1,000,000 sf, private streets that delineate separate parcels within the site may be used instead of its public street frontage (or applicable building perimeter formula) for calculating total allowed sign area.

D. **Standards for Specific Permanent Signs.** In addition to the standards in Table C.8.050-B (Maximum Total Permanent Sign Area), permanent signs must comply with the specific standards provided in this Subsection as applicable to each sign type.

1. ***Awning Signs.*** Awning signs must comply with the standards provided in Table C.8.050-C (Standards for Awning Signs).

Table C.8.050-C: Standards for Awning Signs

sf = square feet | lf = linear feet

Standards	Requirements
Sign Area ¹	Max. 50% of the area of the end panel and max. 20% of the area of the street-facing panel of the awning or valance
Sign Height	Min. 8 ft from the bottom of the awning to the nearest grade or sidewalk Max. 20 ft
Sign Placement	Must only be placed above the doors and windows of the ground floor May project into public right-of-way with approval of an Encroachment Permit
Valance Height	Max. 9 in
Horizontal Distance from Back of Curb	Min. 2 ft
Illumination	Non-illuminated or illumination allowed under the awning consistent with Subsection C.2.070 (Lighting and Illumination)

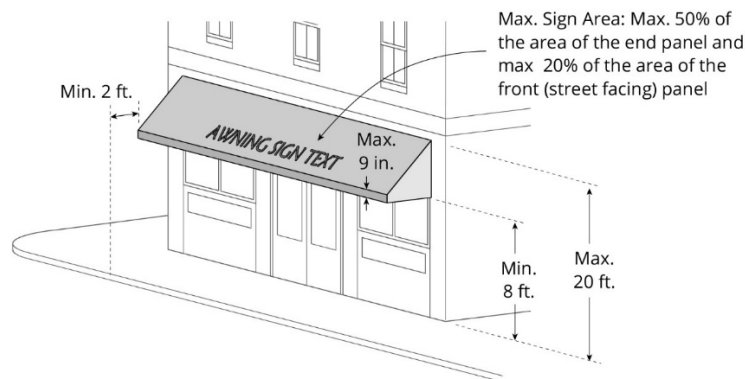


Table Notes:

¹ Included in the total allowable sign area for all permanent signs. See Table C.8.050-B (Maximum Total Permanent Sign Area).

2. **Billboard Signs.** Billboard signs must comply with the standards provided in Table C.8.050-D (Standards for Billboard Signs).

Table C.8.050-D: Standards for Billboard Signs	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ¹	Max. 1,200 sf ²
Sign Height	Max. 70 ft
Sign Placement	Must be placed adjacent to an interstate highway or state route Must be separated at least 1,000 ft from another billboard on the same side of the interstate or state route To the extent possible, must be located and oriented to avoid or minimize the direct exposure of the display to view from adjacent or nearby residential or lodging uses
Illumination	Non-illuminated, internal illumination, or external illumination (see C.8.040.E (Sign Illumination)) Lighting shall not impair the vision of travelers on any adjacent interstate or state route ³ The lamps/light sources of a static display must be designed and installed so that the angle of the light towards the freeway cannot be altered.
Digital Billboards	Digital billboards shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, lighting, or pictorial segment of the sign Each message must be displayed for a min. of 4 seconds Must not exceed a brightness level of 0.3 foot-candles over ambient light levels, as measured using a foot-candle meter at 250 ft from the sign face (unless a more restrictive standard is otherwise required)
Other Requirements	Must be located in a landscape area that extends min. 3 ft from the base of the sign and is defined by a vertical curb to protect the sign Must include the words "City of Milpitas" and/or the City logo on the structure Must obtain written permission of the property owner Must enter into a Development Agreement or other form acceptable to the City Attorney All advertising on the billboard must conform to California Business and Professions Code § 5200-5486 and other applicable state and federal rules and regulations

Table Notes:

¹ Not included in the total allowable sign area for all permanent signs.

² Ancillary fixed signs or logos may be permitted on the sign's supporting structure and are not counted towards the maximum sign area.

³ Illumination shall be considered vision impairing when its brilliance exceeds standards in California Vehicle Code § 21466, or any successor statute or California Department of Transportation regulations.

3. **Blade Signs.** Blade signs must comply with the standards provided in Table C.8.050-E (Standards for Blade Signs).

Table C.8.050-E: Standards for Blade Signs	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ¹	Max. 8 sf
Sign Height	Min. 8 ft from the bottom of the sign to the nearest grade or sidewalk Max. 15 ft
Sign Placement	Must only be placed on the ground floor May project into public right-of-way with approval of an Encroachment Permit
Number of Signs	Max. 1 per business frontage
Projection	May project a max. 4 ft from the wall of a building
Illumination	No internal illumination

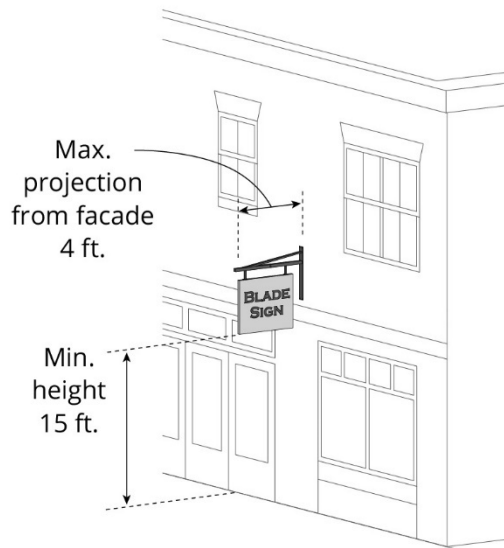


Table Notes:

¹ Included in the total allowable sign area for all permanent signs. See Table C.8.050-B (Maximum Total Permanent Sign Area).

4. **Canopy Signs.** Canopy signs must comply with the standards provided in Table C.8.050-F (Standards for Canopy Signs).

Table C.8.050-F: Standards for Canopy Signs

sf = square feet | lf = linear feet

Standards	Requirements
Sign Area ¹	Max. 1 sf per 1 lf of canopy width
Sign Height	Min. 8 ft from the bottom of the canopy to the nearest grade or sidewalk Max. 20 ft
Sign Placement	Must only be placed above the doors and windows of the ground floor May project into public right-of-way with approval of an Encroachment Permit
Horizontal Distance from Back of Curb	Min. 2 ft
Illumination	Non-illuminated or internal illumination
Other Requirements	Max. height of sign letters is 2 ft measured from the top of the canopy



Table Notes:

¹ Included in the total allowable sign area for all permanent signs. See Table C.8.050-B (Maximum Total Permanent Sign Area).

5. **Directional Signs.** Directional signs must comply with the standards provided in Table C.8.050-G (Standards for Directional Signs).

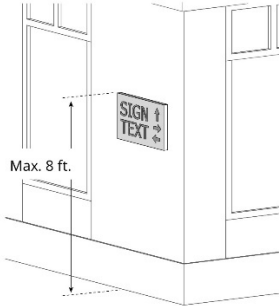
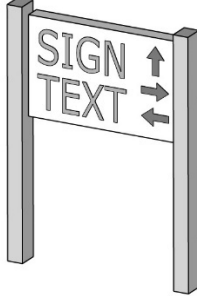
Table C.8.050-G: Standards for Directional Signs		
sf = square feet lf = linear feet		
Standards	Requirements	
	<i>Building-Mounted</i>	<i>Freestanding</i>
Sign Area ¹	Max. 12 sf	Max. 3 sf
Sign Height	Max. 8 ft	Max. 6 ft, except max.4 ft at driveway or drive-through lanes
Sign Placement	n/a	Max. 10 ft setback from the property line
Number of Signs	Max. 1 per driveway entrance Max. 6 signs per site or development	
Illumination	Non-illuminated or external illumination	
Other Requirements	n/a	Must be located in a landscape area that extends min. 3 ft from the base of the sign and is defined by a vertical curb to protect the sign.
		

Table Notes:

¹ Not included in the total allowable sign area for all permanent signs.

6. **Directory Signs.** Directory signs must comply with the standards provided in Table C.8.050-H (Standards for Directory Signs).

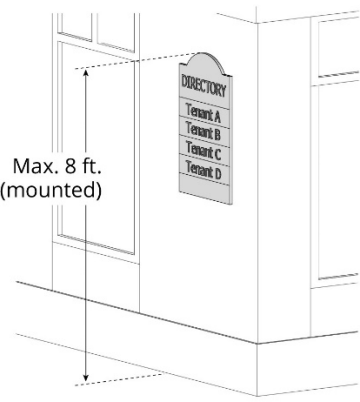
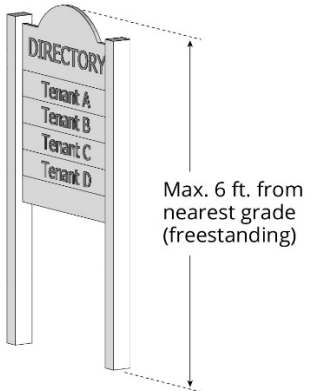
Table C.8.050-H: Standards for Directory Signs		
sf = square feet lf = linear feet		
Standards	Requirements	
	<i>Building-Mounted</i>	<i>Freestanding</i>
Sign Area ¹	Max. 2 sf per tenant space Max. 16 sf total sign area	Max. 1 sf per tenant space Max. 12 sf total sign area
Sign Height	Max. 8 ft from the top of the sign to nearest grade	Max. 6 ft from the top of the sign to nearest grade
Sign Placement	n/a	Max. 10 ft setback from the property line
Number of Signs	Max. 1 per primary building entrance	Max. 1 per building
Illumination	Non-illuminated, internal illumination, or external illumination	
Other	n/a	Must be located in a landscape area that extends min. 3 ft from the base of the sign and is defined by a vertical curb to protect the sign.
		

Table Notes:

¹ Not included in the total allowable sign area for all permanent signs.

7. **Monument Signs.** Monument signs must comply with the standards provided in Table C.8.050-I (Standards for Monument Signs).

Table C.8.050-I: Standards for Monument Signs		
sf = square feet lf = linear feet		
Standards	Requirements	
	All Other Zones	Residential Zones
Sign Area ^{1, 2}	As provided in Table C.8.050-B (Maximum Total Permanent Sign Area)	
Sign Height ²	1 ft of height per 8 lf of public street frontage Max. 25 ft For any second sign allowed, only the lf over 300 ft shall be used to determine height	1 ft of height per 25 lf of public street frontage Max. 10 ft; except 4 ft in the "H" Hillside Combining District
Number of Signs ²	Max. 1 per public street frontage; none allowed on the street frontage if a post sign is located on that street frontage 1 additional sign allowed for lots with more than 300 ft of street frontage	
Sign Placement	Only located along a property frontage facing a public street	
Illumination	Non-illuminated, internal illumination, or external illumination	Non-illuminated or external illumination
Other Requirements	The sign base must be at least 60% of the width of the sign. The sign base shall be min. 12 inches in height from finished grade. Must be located in a landscape area, consisting of shrubs and/or perennial ground cover plants, that extends min. 3 ft from the base of the sign in all directions and is defined by a vertical curb to protect the sign.	

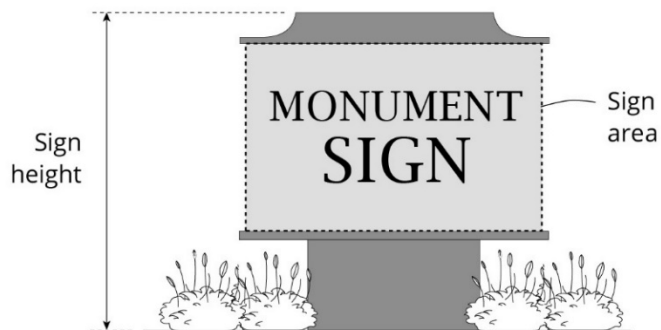


Table Notes:

¹ Included in the total allowable sign area for all permanent signs. See Table C.8.050-B (Maximum Total Permanent Sign Area).

² The following exceptions to these standards may be allowed with Planning Commission approval of a Sign Program:

- For a 5-acre or larger site with 5 or more businesses, an additional monument sign may be allowed that is up to 300 sf and 45 ft in height.

- For a 30-acre or larger commercial development site with gross building area of at least 200,000 sf, an additional monument sign may be allowed that is up to 450 sf and 60 ft in height. One off-site sign may also be allowed subject to issuance of an Encroachment Permit and/or private property owner approval.
- For a 30-acre or larger commercial site with gross building area of at least 1,000,000 sf, two off-site signs may be allowed subject to issuance of an Encroachment Permit and/or private property owner approval; electronic message signs may be allowed on the monument sign(s); and signs that have the illusion of movement may be allowed for tenants with at least 40,000 sf of leasable floor area.
- Additional monument signs in each of the following Town Center subareas: Beresford Square, Shapell Office Building, Main Town Center shopping area (east of Milpitas Boulevard to Hillview Drive), and hotel and offices east of Berryessa Creek.

8. **Post Signs.** Post signs must comply with the standards provided in Table C.8.050-J (Standards for Post Signs).

Table C.8.050-J: Standards for Post Signs	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ¹	16 sf
Sign Height	Max. 6 ft
Sign Placement	Max. 10 ft setback from the property line
Number of Signs	Max. 1 per public street frontage; none allowed on the street frontage if a monument sign is located on that street frontage 1 additional sign allowed for lots with more than 300 ft of street frontage
Illumination	Non-illuminated, internal illumination, or external illumination
Other Requirements	Must be located in a landscape area, consisting of shrubs and/or perennial ground cover plants, that extends min. 3 ft from the base of the sign in all directions and is defined by a vertical curb to protect the sign.

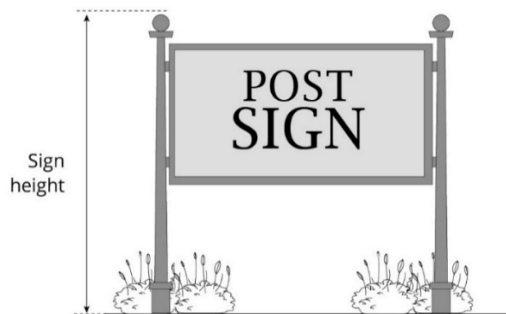


Table Notes:

¹ Included in the total allowable sign area for all permanent signs. See Table C.8.050-B (Maximum Total Permanent Sign Area).

9. **Projecting Signs.** Projecting signs must comply with the standards provided in Table C.8.050-K (Standards for Projecting Signs).

Table C.8.050-K: Standards for Projecting Signs	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ¹	Max. 36 sf
Sign Height	Min. 8 ft from the bottom of the sign to the nearest grade or sidewalk, except min. 14 ft above a driveway, alley, or other vehicular access way
Sign Placement	Projecting signs shall not be permitted closer than 20 feet from each other May not extend vertically above the second floor window sill; or when there is no second floor, may not extend above the parapet, eaves, or roof line Must be placed so that the sign causes no harm to street trees May project into public right-of-way with approval of an Encroachment Permit
Number of Signs	Max. 1 per business
Projection	May project a max. 5 ft from the wall of a building
Illumination	Non-illuminated, internal illumination, or external illumination

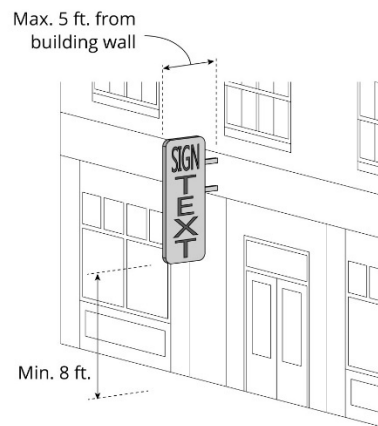


Table Notes:

¹ Included in the total allowable sign area for all permanent signs. See Table C.8.050-B (Maximum Total Permanent Sign Area).

10. **Service Station Island Canopy Signs.** Service station island canopy signs must comply with the standards provided in Table C.8.050-L (Standards for Service Station Island Canopy Signs).

Table C.8.050-L: Standards for Service Station Island Canopy Signs	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ¹	Max. 60 sf for the total area of all signs on the canopy
Number of Signs	Signs may only be displayed on max. 3 canopy facades
Illumination	Non-illuminated or internal illumination.

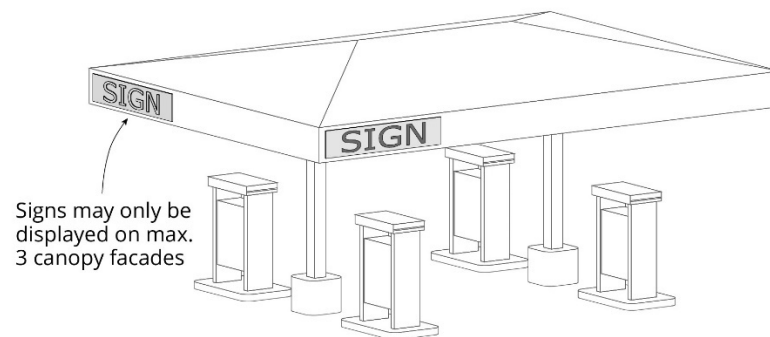


Table Notes:

¹ Included in the total allowable sign area for all permanent signs. See Table C.8.050-B (Maximum Total Permanent Sign Area).

11. **Wall Signs.** Wall signs must comply with the standards provided in Table C.8.050-M (Standards for Wall Signs).

Table C.8.050-M: Standards for Wall Signs	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ¹	As provided in Table C.8.050-B (Maximum Total Permanent Sign Area)
Sign Placement	The exposed face of a wall sign shall be installed in a plane parallel to the plane of the wall
Sign Depth	Max. depth 1 ft measured from the wall on which the sign is placed
Illumination	Non-illuminated, internal illumination, or external illumination

Table C.8.050-M: Standards for Wall Signs

sf = square feet lf = linear feet	
Standards	Requirements



Table Notes:
¹ Included in the total allowable sign area for all permanent signs. See Table C.8.050-B (Maximum Total Permanent Sign Area).

12. **Window Signs, Permanent.** Permanent window signs must comply with the standards provided in Table C.8.050-N (Standards for Window Signs, Permanent).

Table C.8.050-N: Standards for Window Signs, Permanent

sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ¹	Window signs shall not exceed 25% of contiguous window area; however, window signs shall not exceed 40% of contiguous window area in the C2 and HS zones.
Sign Placement	Must be mounted or displayed on the interior of the window Allowed on 1 st , 2 nd , and 3 rd story windows only Must be located on a floor that the business is operating (e.g., a business only operating on the first floor may only place a window sign in a first floor window)
Illumination	Non-illuminated, neon, or single- or two-color LED signs

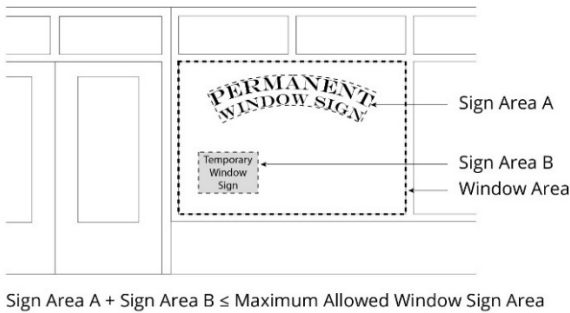


Table Notes:
1 Not included in the total allowable sign area for all permanent signs.

C.8.060 Sign Design Standards

- A. **Applicability.** The standards established in this Section apply to all permanent signs. These standards complement the mandatory sign regulations established in Section C.8.050 (Standards for Permanent Signs). These standards shall be utilized by the Review Authority when considering the appropriateness of the design of a proposed sign as provided in this Chapter.
- B. **General Sign Design Standards.** These general sign design standards will be utilized during the review of any application for a Sign Permit or Sign Program to ensure the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the sign designer.
1. **Use a Brief Message.** Signs must be designed with a brief message because the fewer words used, the more effective the sign. A sign with a brief message is quicker and easier to read, looks cleaner, is more effective in conveying its message, and is more attractive.
 2. **Avoid Overly Intricate or Unusual Fonts.** Simple, easy-to-read fonts must be utilized in signs to enhance their readability. Signs that include very intricate font styles are generally difficult to read and reduce a sign's ability to communicate effectively. Signs with unusual fonts may look good today, but soon go out of style, and the image conveyed may quickly become that of a dated and unfashionable business.

FIGURE C.8.060-1: EXAMPLES OF SIGNS WITH A BRIEF MESSAGE AND SIMPLE FONT STYLE



3. **Emphasize One Line of Text.** Signs with more than one line of text must emphasize one line over the others to enhance the message conveyed.
4. **Limit the Number of Fonts to Two.** The number of fonts used in a sign must be limited because the use of more than two font styles makes the sign harder to read. The primary purpose of a sign is to quickly convey information to motorists and pedestrians.
5. **Provide Contrast Between Background and Letters/Symbols.** Signs must be designed with high contrast between the sign's letter/symbol color and its background color to be most effective. Signs with little contrast in the hue (shade or tint) and/or intensity (brightness) between the background and letter/symbol colors are difficult to read.

FIGURE C.8.060-2: EXAMPLES OF SIGNS WITH A SIMPLE COLOR PALETTE, LIMITED FONTS, AND GOOD CONTRAST



6. **Graphic Relief.** Signs must utilize individual lettered business and logo design, or where appropriate, sign copy, logo, and/or decorative embellishments in relief on the face of the sign to enhance readability and project a positive image of the business or use. Signs must be designed to provide three-dimensional relief, i.e., be raised above, or set below the sign background.

FIGURE C.8.060-3: EXAMPLES OF RAISED LETTERS



7. **Proportion, Scale and Rhythm of Sign Placement.** Signs must be sized and placed in a manner consistent with the proportions and scale of building elements within a building's facade:
- a. A large sign may fit well on a large, plain wall area, but could overpower the finer scale and proportion of if placed above a small storefront.
 - b. Signs should establish rhythm, scale, and proportion on a facade where these elements are weak in the building design. On buildings with a plain facade, signs should establish or continue appropriate design rhythm, proportion, and scale.
 - c. The proportion of letter area to sign background area must be carefully considered. Letters must not appear to occupy more than 70 percent of the sign's background area. Signs where the letters take up too much of the background area are harder to read. Generally, large letters are not necessarily more legible than smaller ones.

FIGURE C.8.060-4: EXAMPLES OF SIGNS WITH GOOD PROPORTION, SCALE, AND RHYTHM



8. **Complementary Sign Design.** Where there is more than one sign for a business (e.g., single tenant buildings) or group of businesses (e.g., multiple tenant buildings, commercial centers, or business or industrial parks), all signs must be designed to ensure consistency of sign design and be complementary to one another in the following ways:
- a. Type of construction materials used in the sign body, sign copy, sign base, supports, etc.);
 - b. Letter size and style of copy;
 - c. Method and design of sign support (wall mounting or monument base);
 - d. Configuration of sign area; and
 - e. Proportion of sign copy area to background.
9. **Artistry and Innovation.** The use of artistry and innovation in sign design will make the sign stand out and draw attention to the use or activity it is advertising. It can also improve the overall appearance of a building or neighborhood.
10. **Sign Scale.** Signs must be designed and placed relative to the typical position and distance from which the sign is viewed. Signs intended to be read by pedestrians (i.e., usually read

from a distance of 15 to 20 feet) must be smaller in scale than a vehicle-oriented sign which is designed to be viewed from a much greater distance. In general, the closer the sign's viewing distance, the smaller the sign needs to be.

11. **Freestanding Signs.** Freestanding signs must incorporate the materials and architectural features used in the building(s) they serve. Freestanding signs are most effective when placed perpendicular to approaching vehicular traffic.

C.8.070 Standards for Portable Signs and Temporary Signs

- A. **Purpose.** The Council finds that the proliferation of portable signs and temporary signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public's health, safety, and welfare. In addition to the purpose provisions of Section C.8.040 (General Standards for All Signs), these regulations ensure that portable signs and temporary signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by these signs.
- B. **Allowed Portable Sign and Temporary Sign Types by Zone.** Table C.8.070-A (Allowed Portable Signs and Temporary Sign Types by Zone) establishes which sign types are allowed in each zone category. Refer to Section B.2.020 (Zones Established) for specific zones within each zone category.

Table C.8.070-A: Allowed Portable Sign and Temporary Sign Types by Zone						
• = permitted — = not permitted						
Sign Type	Residential Zones	Commercial Zones	Mixed Use Zones	Industrial Zones	Metro Zones	Other Zones
Portable Signs						
A-Frame or Upright Sign	•	•	•	•	•	•
Window Sign, Temporary	•	•	•	•	•	•
Yard Sign, Type I	•	•	•	•	•	•
Temporary Signs						
Balloon Sign	—	•	•	•	•	—
Banner Sign	—	•	•	•	•	•
Yard Sign, Type II	•	•	•	•	•	•
Yard Sign, Type III	•	•	•	•	•	•

- C. **General to All Portable Signs and Temporary Signs.** Portable signs and temporary signs are allowed only in compliance with the provisions of this Section.
1. **Information Required for Display.** All portable signs and temporary signs are required to display the name and address of the entity placing the sign and the date the sign was erected.
 2. **Permits.**
 - a. *Portable signs.* No permits are required to place or display portable signs.
 - b. *Temporary signs.* A Temporary Sign Permit is required for all temporary signs. See Section D.4.090 (Temporary Sign Permits).
 3. **General Time, Place, and Manner Restrictions.**
 - a. *Time restrictions.*
 - (i) *Portable signs.* Refer to Table C.8.070-B (Standards for All Portable Signs) for the time restrictions for portable signs.
 - (ii) *Temporary signs.* Refer to Table C.8.070-F (Standards for All Temporary Signs) for the time restrictions for temporary signs.
 - b. *Location restrictions.* Portable signs and temporary signs must be placed in compliance with Subsection C.8.070.B (Allowed Portable Sign and Temporary Sign Types by Zone) and C.8.040.C.1 (Location Restrictions) unless otherwise exempted by this Section.
 - c. *Prohibited elements.*
 - (i) *Illumination.* Any form of illumination, including flashing, blinking, or rotating lights; animation; reflective materials;
 - (ii) *Movement.* Any form of rotation, movement, or moving elements of the sign except for the limited movement from the hanging sign on a Yard Sign, Type II; and
 - (iii) *Attachments.* Attachments including but not limited to balloons, flags, ribbons, loudspeakers, etc.
 - d. *Design and construction.* Portable signs and temporary signs must be of sufficient weight and durability to withstand rain, wind gusts, storms, etc. and must be professionally crafted.
 - e. *Removal.*
 - (i) *Portable signs.* All portable signs must be removed within 14 calendar days after the conclusion of the purpose served by the sign.
 - (ii) *Temporary signs.* All temporary signs must be removed within 14 calendar days after the conclusion of the purpose served by the sign or within 45 calendar days after they are placed, erected, or installed, whichever comes first. In no case shall a temporary sign be allowed more than twice per year.

- D. **Standards for All Portable Signs.** Portable signs are allowed in compliance with the provisions in Table C.8.070-B (Standards for All Portable Signs).

Table C.8.070-B: Standards for All Portable Signs		
sf = square feet lf = linear feet		
Standards	Requirements	
	<i>Residential Only Zones or Residential Uses in Nonresidential Zones</i>	<i>All Other Zones</i>
Total Area of all Portable Signs at Any One Time	Max. 6 sf per lot or parcel	Max. 9 sf per business Excludes the area of window signs
Number of Signs	Unlimited except that the total sign area must not be exceeded	
Time Limitations	No limitation on the length of time they may be displayed	

- E. **Standards for Specific Portable Signs.** Portable signs must comply with the following provisions.

1. **A-Frame or Upright Signs.** A-Frame or Upright signs must comply with the standards provided in Table C.8.070-C (Standards for A-Frame or Upright Signs).

Table C.8.070-C: Standards for A-Frame or Upright Signs	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ¹	Max. 6 ft (each side)
Sign Height	Max. 4 ft
Sign Width	Max. 3 ft
Sign Placement	Must be located within 15 ft of the building in which the business is located May be located on a sidewalk or walkway provided a minimum width of at least 5 ft allows for unimpeded pedestrian movement
Number of Signs	Max. 1 per business
Illumination	Non-illuminated
Other	Only permitted during regular business hours Must be professionally crafted and not constructed of molded vinyl or plastic

Table C.8.070-C: Standards for A-Frame or Upright Signs

sf = square feet lf = linear feet	
Standards	Requirements

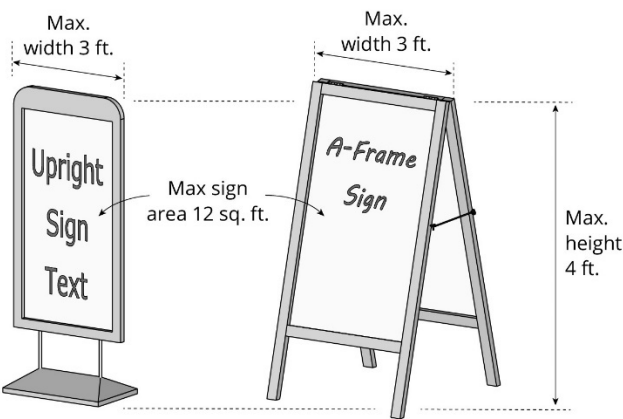


Table Notes:

¹ Included in the total allowable sign area for all portable signs. See Table C.8.070-B (Standards for All Portable Signs).

2. **Political Signs.** Political signs are a necessary part of our political life before an election. After the election is over, political signs become litter, create a health and safety problem, and encourage blight. The City finds and determines that because of the unique nature of political signs, including the frequently short-term nature of the campaigns, committees, and other groups and organizations responsible for these signs, it is necessary and proper to enact regulations to ensure that responsible parties orderly and timely remove these signs after they have served their useful purpose. It is the purpose of these regulations to provide for the prompt removal of these signs after an election.
- a. *Application.* A “political sign” to which these regulations apply means a portable sign that is designed or designated to influence the action of voters in an upcoming election, including the election or defeat of a candidate for nomination or election to any public office or a recall, referendum, initiative, proposition, measure, or other item appearing on the ballot at any national, state, district, or local election.
 - b. *Regulations.* Except as otherwise specifically exempted in Subsection C.8.020.G (Exempt Signs), political signs and persons or groups erecting or distributing political signs for erection shall meet the following requirements:
 - (i) *Scope of regulations.* Nothing contained in these regulations shall be construed to regulate the content of any political sign.
 - (ii) *Application of other regulations.* Political signs shall be permitted in any zone on private property without a permit. Political signs shall not be included in the maximum sign area or number of signs permitted for any

site or use. Otherwise, political signs must comply with all the provisions of this Chapter and all other applicable laws, including:

- (a) *Location.* Political signs must be located in conformity with Subsection C.8.040.C.1 (Location Restrictions), including by being located off public property, outside the public right-of-way, and unattached to a utility pole, street sign pole, or streetlight or any public structure, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property.
 - (b) *Required information.* As with all portable signs, political signs must display the name and address of the entity placing the sign and the date the sign was erected. See Subsection C.8.070.C.1 (Information Required for Display).
 - (c) *Sign standards.* Political signs must comply with all standards applicable to portable signs, including sign size, location, placement, and any prohibition applicable by sign type. See Section C.8.070 (Standards for Portable Signs and Temporary Signs).
- (iii) *Notification procedures.* Any person or group erecting political signs or distributing political signs for erecting shall provide the Milpitas City Clerk a notice in writing, either by registered mail or in person, including the name, mailing address, e-mail address and telephone number of the person or group responsible for erecting, distributing, and removing the political sign. The notice shall be provided prior to erecting or distributing any political signs. Failure to provide this notice shall not relieve the person or group from their other responsibilities under these regulations. Notifications from the City as required under these regulations may be sent to the responsible person or group by regular or electronic mail to any address so provided or, if no notice was provided, to any current address as is known to the City Manager through the records of any City department.
 - (iv) *Removal.* All political signs shall be removed within 14 days following the election or elections to which the political sign pertains. Any political sign that is not removed within this time period is declared a public nuisance. No notice need be given by the City to remove or otherwise summarily abate a political sign that is not removed within this time period, including notice to the responsible person or group who erected or distribute the sign.
 - (v) *Responsibility for failure to remove.* The responsibility for timely removal of political signs in the first instance shall be that of the person or group that erected the political sign and/or distributed the political sign for erecting, including at a minimum the person or group identified in the notice given pursuant to Subsection C.8.070.E.2.b.iii (Notification Procedures). If the responsible person or group fails to remove any political sign, the owner of the land shall be additionally responsible for

its removal provided the owner shall be given 14 days' prior notice in writing by the City to remove said sign. Notice hereunder shall be given personally, by regular mail addressed to the owner of the land as shown on the last equalized assessment roll of the County of Santa Clara, or by conspicuous posting on the premises on or near the political sign. In the exercise of the remedies provided by law or by this Chapter or Title, City shall not be required to proceed against the property owner before proceeding against the responsible person or group nor shall it be required to proceed against the person or group as a condition to proceeding against the landowner. Nor shall the City be required to proceed against either the property owner or the responsible person or group prior to summarily abating the nuisance.

- c. *Remedies.* Without limitation to the remedies authorized by law or by this Title or Code for the enforcement of this Chapter, City may exercise one or more of the following remedies for violation of these regulations, which shall be cumulative to all other remedies:
 - (i) Immediately enter on vacant or public property and summarily abate the nuisance.
 - (ii) Immediately enter on occupied property with the consent of the owner or any occupant thereof and summarily abate the nuisance.
 - (iii) After sending a landowner or a person or group erecting political signs or distributing political signs a 14-day prior notice through regular or electronic mail, the City may remove any sign in violation of these regulations, including Subsection C.8.070.E.2.b.iv (Removal), and shall charge a fee of \$25.00 per sign for the reasonable cost of abatement. The \$25.00 fee shall also be assessed against a person or group erecting political signs or distributing political signs for all signs removed by City staff which are installed or posted contrary to the provisions set forth in Subsection C.8.040.C.1 (Location Restrictions) or Section C.8.070 (Standards for Portable Signs and Temporary Signs). The City shall demand payment for the cost of abatement from the responsible person or group or the owner of land or both and institute legal proceedings for the collection thereof.
 - (iv) Abate the nuisance pursuant to Section D.18.080 (Abatement Procedure) and impose a charge therefore on the land for the actual cost of abatement pursuant to Section D.18.100 (Lien Procedure).
 - (v) Institute a civil action for abatement of the nuisance, including collection of the actual cost of abatement, fees, and reasonable costs.
 - (vi) Institute a criminal proceeding against candidate or landowner, or both, for violation of the provisions of this Chapter, including restitution for the actual cost of abatement, fees, and reasonable costs.
- d. *Abated sign materials.* Materials from signs abated under this Chapter shall be disposed of as rubbish by the official abating said signs.

3. **Window Signs, Temporary.** Temporary window signs must comply with the standards provided in Table C.8.070-D (Standards for Window Signs, Temporary).

Table C.8.070-D: Standards for Window Signs, Temporary

sf = square feet | lf = linear feet

Standards	Requirements
Sign Area ¹	See Table C.8.050-N (Standards for Window Signs, Permanent)
Sign Placement	See Table C.8.050-N (Standards for Window Signs, Permanent)
Illumination	Non-illuminated

See graphic in Table C.8.050-N (Standards for Window Signs, Permanent)

Table Notes:

¹ Not included in the total allowable sign area for all portable signs.

4. **Yard Signs, Type I.** Type I yard signs must comply with the standards provided in Table C.8.070-E (Standards for Yard Signs, Type I).

Table C.8.070-E: Standards for Yard Signs, Type I

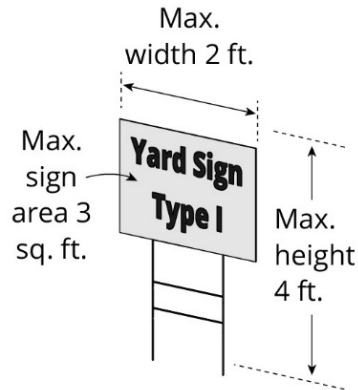
sf = square feet | lf = linear feet

Standards	Requirements
Sign Area ¹	Max. 3 sf
Sign Height	Max. 4 ft
Sign Width	Max. 2 ft
Sign Placement	Shall be at least 2 ft from any driveway or curb-cut access ramp and at least 4 ft from any disabled parking zone Shall not be placed on any median strip or in any bus or light rail stop zone
Illumination	Non-illuminated
Other	Must be installed securely in the ground

Table C.8.070-E: Standards for Yard Signs, Type I

sf = square feet | lf = linear feet

Standards	Requirements
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**Table Notes:**

¹ Included in the total allowable sign area for all portable signs. See Table C.8.070-B (Standards for All Portable Signs).

- F. **Standards for All Temporary Signs.** Temporary signs are allowed in compliance with the provisions in Table C.8.070-F (Standards for All Temporary Signs).

Table C.8.070-F: Standards for All Temporary Signs

sf = square feet | lf = linear feet

Standard	Requirement
Residential and Other Zones	
Total Area of all Temporary Signs at Any One Time	Max. 16 sf
Number of Signs	1 per street frontage
Mixed-Use and Metro Zones	
Total Area of All Temporary Signs at Any One Time	Max. 40 sf per business, with a total of max. 64 sf per lot
Number of Signs	Unlimited except that the total sign area must not be exceeded
Commercial and Industrial Zones	
Total Area of All Temporary Signs at Any One Time	Max. 60 sf per business and max. 72 sf per lot
Number of Signs	Unlimited except that the total sign area must not be exceeded

G. **Standards for Specific Temporary Signs.** Temporary signs must comply with the following provisions.

1. **Balloon Signs.** Balloon signs must comply with the standards provided in Table C.8.070-G (Standards for Balloon Signs).

Table C.8.070-G: Standards for Balloon Signs ¹	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ²	n/a
Sign Height	Max. 50 ft above grade
Sign Placement	The balloon shall be securely mounted to the ground or a roof
Number of Signs	Max. 1 per event and max. one per lot
Illumination	Non-illuminated
Duration	Up to 4 times per year Max. 30 days per event, 15 days for subsequent displays during the year Min. 30 days between display occurrences
Other	1 sign may be attached to the balloon (e.g., to identify the name of the shopping center, business, activity, or event) No other smaller balloons shall be attached to the balloon or its supporting or secure lines The balloon shall not move by any other means than normal wind current

Table Notes:

¹ Not permitted in residential zones. These regulations do not apply to balloons used in residential areas for noncommercial purposes.

² Not included in the total allowable sign area for all temporary signs.

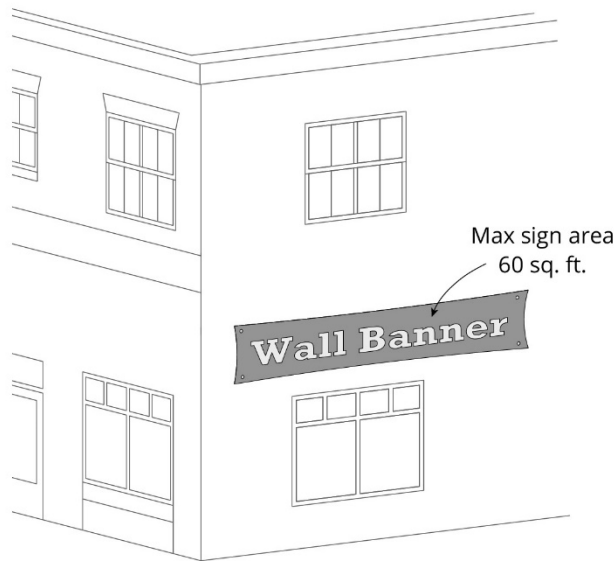
2. **Banner Signs.** Banner signs must comply with the standards provided in Table C.8.070-H (Standards for Banner Signs).

Table C.8.070-H: Standards for Banner Signs ¹	
sf = square feet lf = linear feet	
Standards	Requirements
Sign Area ²	Max. 60 sf
Sign Height	Must not extend above the height of the building to which it is attached
Sign Width	n/a
Sign Placement	Must be securely attached flush to a building and located on the premise of the business or use it advertises May be wrapped around a permitted permanent freestanding sign or wall sign when used to announce a change of business name
Number of Signs	Max. 1 per elevation

Table C.8.070-H: Standards for Banner Signs ¹

sf = square feet | lf = linear feet

Standards	Requirements
	1 additional banner may be allowed when wrapped around a permitted permanent freestanding sign to announce a change of business name.
Illumination	Non-illuminated
Duration	Max. 30 consecutive days for first event; max. 15 consecutive days for subsequent event Displays shall be interrupted by 30 days Max. 4 permits per calendar year If associated with a remodel, the interruption period may be waived

**Table Notes:**¹ Not permitted in residential zones.² Included in the total allowable sign area for all temporary signs. See Table C.8.070-F (Standards for All Temporary Signs).

3. **Yard Signs, Type II.** Type II yard signs must comply with the standards provided in Table C.8.070-I (Standards for Yard Signs, Type II).

Table C.8.070-I: Standards for Yard Sign, Type II

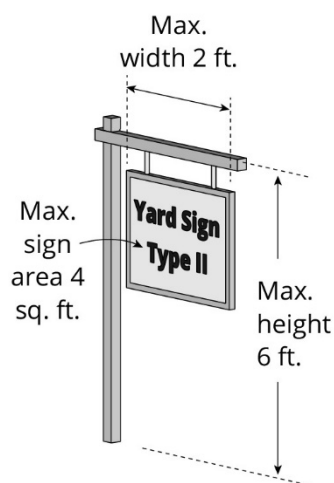
sf = square feet | lf = linear feet

Standards	Requirements
Sign Area ¹	Max. 4 sf
Sign Height	Max. 6 ft
Sign Width	Max. 2 ft
Number of Signs	Max. 1 per street frontage; none allowed on the street frontage if a yard sign, type III is located on that street frontage

Table C.8.070-I: Standards for Yard Sign, Type II

sf = square feet | lf = linear feet

Standards	Requirements
Illumination	Non-illuminated
Other	Must be installed securely in the ground

**Table Notes:**

¹ Included in the total allowable sign area for all temporary signs. See Table C.8.070-F (Standards for All Temporary Signs).

4. **Yard Signs, Type III.** Type III yard signs must comply with the standards provided in Table C.8.070-J (Standards for Yard Signs, Type III).

Table C.8.070-J Standards for Yard Sign, Type III

sf = square feet | lf = linear feet

Standards	Requirements
Sign Area ¹	Max. 32 sf
Sign Height	Max. 6 ft
Sign Width	Max. 8 ft
Number of Signs	Max. 1 per street frontage; none allowed on the street frontage if a yard sign, type II is located on that street frontage 1 additional sign allowed for lots with more than 300 ft of street frontage
Illumination	Non-illuminated
Other	Must be installed securely in the ground

Table C.8.070-J Standards for Yard Sign, Type III

sf = square feet | lf = linear feet

Standards	Requirements
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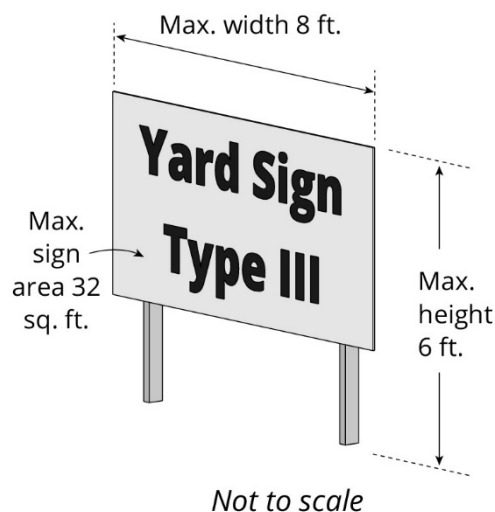


Table Notes:

¹ Included in the total allowable sign area for all temporary signs. See Table C.8.070-F (Standards for All Temporary Signs).

C.8.080 Nonconforming Signs

The following provisions shall apply to all nonconforming building mounted or freestanding permanent signs:

- A. **Abandonment, Destruction, or Discontinuance.** Any nonconforming sign that is abandoned, destroyed to less than one-half of the value as determined by the Building Official, or discontinued for a period of six months or more shall be removed by the owner of the property on which the sign is located. A designated cultural resource consistent with Milpitas Municipal Code Chapter XI-4 (Cultural Resources Preservation Program) is exempt.
- B. **Enlargement, Alteration, Reconstruction, or Replacement.**
 - 1. No nonconforming sign or billboard shall be enlarged, altered, reconstructed, or replaced except for reasonable repair or maintenance, including structural alterations required by law to ensure the public's health, welfare, and safety.
 - 2. A nonconforming sign may be enlarged, altered, reconstructed, replaced, or moved only in compliance with all the requirements of this Chapter.

C.8.090 Sign Enforcement

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, display, maintain, or use a sign within the City contrary to, or in violation of, any provision of this Chapter. The

requirements of this Chapter shall be enforced in compliance with the enforcement provisions of Chapter D.18 (Enforcement and Penalty).

C.8.100 Severability

If any section, sentence, clause, phrase, word, portion, or provision of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid provision. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

Chapter C.10 Specific to Uses

Sections:

- C.10.010 Purpose
- C.10.020 Applicability
- C.10.030 Accessory Dwelling Units and Junior Accessory Dwelling Units
- C.10.040 Adult-Oriented Businesses
- C.10.050 Alcoholic Beverage Sales
- C.10.060 Animal Husbandry
- C.10.070 Auto Broker
- C.10.080 Cannabis Uses
- C.10.090 Drive-Through Facilities
- C.10.100 Eating and Drinking Establishments
- C.10.110 Emergency Shelters
- C.10.120 Farmers' Markets
- C.10.130 Home Occupations
- C.10.140 Large Family Child Care and Child Care Centers
- C.10.150 Live-Work Units
- C.10.160 Massage Establishments
- C.10.170 Mobile Food Vending
- C.10.180 Mobile Home Parks
- C.10.190 Service Stations and Car Washes
- C.10.200 Short-Term Rentals
- C.10.210 Single-Family Dwelling
- C.10.220 Single Room Occupancy Residences
- C.10.230 Temporary Uses and Structures
- C.10.240 Wireless Telecommunication Facilities

C.10.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zones. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the public.

C.10.020 Applicability

Each land use and activity covered by this Chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this Title requires in the zone where the use or activity is proposed and all other applicable provisions of this Title.

- A. The uses that are subject to the standards in this Chapter shall be located only where allowed by the zone, specific plan, and/or overlay zone use regulations.
- B. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by zone regulations (Part B) except where this Chapter establishes a different planning permit requirement for a specific use.

C.10.030 Accessory Dwelling Units and Junior Accessory Dwelling Units

- A. **Purpose.** The purpose of this Section is to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Government Code section 66310 et seq.
- B. **Applicability.**
 - 1. This Section establishes standards for ADUs and JADUs where allowed by Part XIII-B (Zone Regulations) unless superseded by state law.
 - 2. Where this Chapter does not contain a particular standard or procedure, applicable standards and procedures in this Title shall apply unless otherwise stated.
 - 3. An ADU or JADU that conforms to the development standards in this Section is deemed to be an accessory use and shall not count towards the overall density for the lot on which it is located.
- C. **Number of Unit Types Allowed.**
 - 1. **Single-Family Dwellings.** On lots with an existing or proposed single-family dwelling, up to one attached ADU, one detached ADU, and one JADU shall be allowed.
 - 2. **Multi-family Dwellings.** On lots with existing or proposed attached multi-family dwellings, the following shall be allowed:
 - a. On a lot with an existing multi-family dwelling, up to eight detached ADUs, provided the total number of ADUs do not exceed the number of existing units on the lot; or
 - b. On a lot with a proposed multi-family dwelling, up to two detached ADUs; and
 - c. Livable space, as defined by California Government Code section 66313(e), within the existing main structure may be converted to one or more ADUs provided that the maximum number of such ADUs shall not exceed 25 percent of the number of multi-family units, and each ADU complies with Building Code standards.
- D. **Permit Process, Timing, and Fees.**
 - 1. **Permits Required.** ADUs and JADUs require a Building Permit only, except an ADU that does not comply with the standards of this Subsection may be allowed with the approval of a Minor Site Development Permit approval subject to the finding that the ADU complies

with Subsection C.10.030.H (Minimum Standards for ADUs Requiring Minor Site Development Permit Approval).

2. **Ministerial Review Required.** When an ADU or JADU only requires a Building Permit consistent with Subsection C.10.030.D.1 (Permits Required), the following ministerial review shall apply.
 - a. The City shall act on an application to create an ADU or JADU, either by approving the application or sending a notice of deficiency, within 60 days of receipt of a complete application or 30 days of receipt of a complete application using a pre-approved ADU plan. Such applications resubmitted in response to a notice of deficiency shall be approved or a notice of deficiency sent within 60 days or 30 days of receipt of a complete application using a pre-approved ADU plan.
 - b. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered ministerially without discretionary review or a hearing.
3. **Impact and Utility Fees.** Prior to issuance of a Building Permit for an ADU or JADU, the applicant shall pay all applicable fees.
 - a. No impact fees shall be imposed on a JADU or an ADU less than 750 square feet in size.
 - b. Impact fees charged for ADUs greater than or equal to 750 square feet shall be charged proportionately in relation to the square footage of the primary unit (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling).
 - c. For the purposes of this Section, “impact fee” means a “fee” as defined in Government Code section 66000(b) and a fee specified in Government Code section 66477. Impact fees do not include any connection fee or capacity charge for water or sewer service.
 - d. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling shall be required.
 - e. Installation of a separate direct connection between an ADU or JADU contained within an existing structure and the utility shall not be required. ADUs not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the ADU on the water or sewer system based upon either its size or number of plumbing fixtures as determined by the City.

E. **General ADU and JADU Requirements.**

1. **No Separate Conveyance.** An ADU or JADU may be rented, but no ADU and JADU may be sold or otherwise conveyed separately from the primary dwelling unit, nor shall the lot containing the ADU or JADU be subdivided, unless the property was built or developed by

a qualified nonprofit corporation and all provisions of California Government Code section 66341 are met.

2. **Short-Term Rental Use Prohibited.** No ADU or JADU may be rented for a term that is shorter than 30 days.
3. **No Minimum Parcel Size.** No minimum parcel size shall be required to establish an ADU or JADU.
4. **Minimum Unit Size.** The minimum size of an ADU or JADU is 150 square feet ("efficiency unit" per Health and Safety Code section 17958.1).
5. **Other Standards.** An ADU or JADU that is accessory to a single-family dwelling must comply with the objective design standards applicable to single-family homes in Section C.10.210 (Single-Family Dwelling), unless those standards are precluded by state law.
6. **Fire Sprinkler Requirements.** ADUs and JADUs shall not be required to include fire sprinklers if they are not required for the primary residence.
7. **Existing Nonconforming Conditions.** An ADU or JADU shall not be required to correct a nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
8. **Rental Data.** The owner of the lot on which an ADU or JADU is located will be requested to participate in the City's monitoring program to determine rent levels of ADUs and JADUs for the City's Regional Housing Needs Allocation reporting.
9. **Deed Restriction.** A deed restriction shall be recorded against the lot containing the ADU or JADU with the Santa Clara County recorder's office prior to issuance of any certificate of occupancy for the ADU or JADU. The deed restriction shall state that the ADU and JADU must comply with this Section as applicable. Among other requirements, the deed restriction shall state that the ADU or JADU may not be transferred or sold separately from the primary dwelling. The form of the deed restriction shall be provided by the City.
10. **ADU Removal.** If an ADU or JADU is removed or converted to another use after a certificate of occupancy has been issued for the ADU or JADU, any deviations from development standards (e.g., setbacks, parking) or exemptions granted specific to the ADU or JADU use (e.g., reduced or exempt fees) shall be brought into compliance with the standards and regulations in effect at the time. Upon approval of the reversion request by the City, the deed restriction applicable to the ADU or JADU shall be rescinded from title.

F. **Additional ADU Standards.**

1. **Maximum Size.**
 - a. *Detached ADUs.* The total floor area of a detached ADU shall not exceed 1,200 square feet.
 - b. *Attached ADUs.* The total floor area of an attached ADU shall not exceed 50 percent of the existing primary dwelling; however, this standard shall not prevent an attached ADU from being less than 800 square feet.
 - c. *Conversions of existing space to ADUs.*

- (i) ADUs created from the conversion of existing space may exceed these size limits.
- (ii) An addition of up to 150 square feet to accommodate ingress and egress for an ADU created from the conversion of an existing accessory structure shall be exempt from the maximize size standard.

2. ***Setbacks.***

- a. Front setbacks shall be a minimum of eight feet unless exempt consistent with C.10.030.F.6 (Other Standards).
- b. Minimum side and rear setbacks shall be four feet or the setback for the applicable zone, whichever is less.
- c. If a detached ADU would be constructed in the same location and to the same dimensions as an existing structure, the ADU may maintain the same setbacks as the existing structure.

3. ***Maximum Allowed Height.***

- a. *Generally.* 16 feet.
- b. *Within ½ mile walking distance of a major transit stop or high-quality transit corridor as defined in California Public Resources Code section 21155.* 18 feet.
- c. *Attached to the primary dwelling.* 25 feet or the height limitation of the zone, whichever is lower.
- d. *Accessory to an existing or proposed multi-story multi-family dwelling.* 18 feet.
- e. *Roof pitch.* In addition to the maximum allowed height, an additional two feet in height is allowed to accommodate a roof pitch that is aligned with that of the primary dwelling unit.

4. ***Parking.***

- a. One off-street parking space must be provided for each ADU. The parking space may be provided as tandem parking and may be located in setbacks, but not in the front yard unless on the driveway. See Subsection B.4.040.A (R1 Zone Front Yard Coverage) for R1 Zone Front Yard Coverage standards.
- b. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with construction of an ADU or is converted to an ADU, those off-street parking spaces shall not be required to be replaced.
- c. Parking for an ADU shall not be required in the following situations:
 - (i) The ADU is located within one-half mile walking distance of public transit.
 - (ii) The ADU is located within an architecturally and historically significant historic district.
 - (iii) The ADU is part of (i.e., within the space of) the proposed or existing primary residence or an existing accessory structure.
 - (iv) When on-street parking permits are required but not offered to the occupant of the ADU.

- (v) When there is an established car-share vehicle stop located within one block of the ADU.
 - (vi) When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multi-family dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this subdivision.
- 5. **Design.** The following standards may only apply to the extent allowed by state law.
 - a. *Location.* A newly constructed detached ADU shall be located behind the street-facing façade of the primary unit.
 - b. *Garage conversions.* When a garage is converted to an ADU, the garage door shall be removed and replaced with either windows or a door, provided the door does not face the street if it is an attached ADU. Windows and doors shall be of the same size, proportion, and spacing as the primary dwelling unit.
 - c. *Fencing and screening.* A solid fence six feet in height or vegetative screening/plantings of species with a mature height of at least 10 feet shall be located or constructed along interior side and rear property lines adjacent to the ADU if the ADU is located less than 10 feet from respective property lines.
 - d. *Colors and materials.* The exterior materials and colors of an ADU shall match the colors and materials of the primary dwelling unit (i.e., use of the same wall and trim material or wall and trim material that visually appears the same as the primary dwelling unit, including color and texture).
- 6. **Other Standards.** Lot coverage, open space, front setbacks, floor area ratio limitations, and design standards, where applicable, shall not preclude the development of an ADU of up to 800 square feet and complies with the maximum height allowed in Subsection C.10.030.F.3 (Maximum Allowed Height) with a minimum of four-foot side and rear setbacks.
- 7. **Owner Occupancy.** ADUs shall not be subject to owner occupancy requirements.
- 8. **Internal Connection.** Internal connections (i.e., interior connection) to the primary residence shall not be allowed for an attached ADU.
- G. **Additional JADU Standards.**
 - 1. JADUs shall be subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property shall reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, this owner-occupancy requirement does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
 - 2. JADUs shall have an entrance that is separate from the main entrance to the single-family dwelling unit. If the JADU does not have a separate bathroom, the JADU shall have an interior entry to the main living area of the single-family dwelling unit.
 - 3. Parking shall not be required for a JADU.

- H. **Minimum Standards for ADUs Requiring a Minor Site Development Permit.** As allowed in Subsection C.10.030.D.1 (Permits Required), ADUs requiring a Minor Site Development Permit must comply with the following minimum standards.
1. **General Standards.**
 - a. Must comply with Subsection C.10.030.E (General ADU and JADU Requirements).
 - b. Must comply with ADU design standards in Subsection C.10.030.F.5 (Design).
 - c. Must provide a minimum 25-foot front setback and minimum four-foot side and rear setbacks; however, no setback is required for an ADU constructed in the same location and to the same dimensions as an existing structure.
 - d. A detached ADU must provide a six-foot separation from the rear wall of the primary dwelling unit.
 - e. Lot coverage must not exceed 50 percent, allowing 50 percent of the lot to remain as open space.
 2. **Architectural Design Standards.**
 - a. The materials and colors of the exterior walls, roof, and windows and doors shall match the appearance of the existing or proposed primary dwelling.
 - b. The roof slope shall match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope of the largest portion of the roof.
 - c. Exterior lighting must comply with Section C.2.070 (Lighting and Illumination).
 - d. The interior horizontal dimensions shall be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
 - e. Windows and doors shall not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
 - f. The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the Milpitas Fire Department.
 3. **Landscape Design Standards.** Evergreen landscape screening shall be planted and maintained between the ADU and abutting parcels as follows:
 - a. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every 10 linear feet of exterior wall.
 - b. Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed.
 - c. All landscaping shall be drought tolerant.

C.10.040 Adult-Oriented Businesses

- A. **Purpose.** The purpose of this Section is to establish reasonable and uniform regulations regarding the location of adult-oriented businesses, which will permit the location of adult-oriented

businesses in certain areas but which will also reduce or prevent neighborhood blight, maintain property values, and reduce the incidence of unlawful activity by preventing the concentration of adult-oriented businesses or their close proximity to incompatible uses.

B. **Definitions.** Terms used in this Section are defined Chapter E.2 (Definitions of Terms).

C. **Location and Distance Regulations.**

1. No adult-oriented business shall be allowed:
 - a. Within 1,000 feet of any school, public park or recreation area, residential zone, or religious institution; or
 - b. Within 500 feet of any other adult business premises.
2. Any adult-oriented business lawfully established and lawfully operating under the Milpitas Municipal Code is not in violation of these regulations by the subsequent establishment of a school, public park or recreation area, residential zone, or church or religious institution within the respective distances specified above for each type of use. This provision applies only to the renewal of an Adult Business Permit consistent with Milpitas Municipal Code Chapter III-4 (Adult Businesses) and does not apply when an application for an Adult Business Permit is submitted after such permit has been revoked.
3. Distance between any two adult-oriented business premises shall be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of an adult-oriented business premises to the nearest entrance of the second adult-oriented business premises. The distance between any adult-oriented business premises and any school, public park or recreation area, residential zone, or religious institution shall also be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of the adult business premises to the nearest property line of a school, public park or recreation area, residential zone, or religious institution.

C.10.050 Alcoholic Beverage Sales

A. **Purpose.** The purpose of this Section is to establish regulations for standalone establishments that sell alcoholic beverages, such as liquor stores. These standards are designed to provide for the appropriate development of alcoholic beverage sales and to protect the health, safety, and welfare of residents.

B. **Separation of Sensitive Uses.**

1. **Sensitive Uses.** For the purposes of this Section, the following uses are considered sensitive:
 - a. Parks;
 - b. Child care centers;
 - c. Large and small family child care homes;
 - d. Schools, public;
 - e. Schools, private;
 - f. Elderly and long-term care uses;

- g. Residential care facilities;
 - h. Supportive housing; and
 - i. Transitional housing.
2. **Separation Standards.** Table C.10.050-A (Separation Standards for Alcoholic Beverage Sales Uses) identifies the separation from sensitive uses required for all alcoholic beverage sales uses.

Table C.10.050-A: Separation Standards for Alcoholic Beverage Sales Uses

Alcoholic Beverage Sales Use	Separation From Sensitive Use ¹
Convenience Store ²	n/a
Grocery Store, Small; Grocery Store, Large ²	n/a
Liquor Store	500 ft
Wine Shop	500 ft

Table Notes:

¹ Minimum horizontal distance measured between the building, or portion of the building, occupied by the alcoholic beverage sales use, and the closest property line of the sensitive use.

² Does not apply to uses not selling alcoholic beverages.

C.10.060 Animal Husbandry

- A. **Minimum Lot Size.** A minimum lot size of one acre is required for the keeping of large livestock. For horses, a minimum lot area of one acre is required per horse.
- B. **Separation of Animal Husbandry Uses.** Any building or enclosure in which large livestock, except domestic pets in household numbers as allowed by Milpitas Municipal Code Section V-210-7 (Maximum Number of Animals), are contained must be a minimum of 200 feet from any residential, mixed-use, or commercial zoned lot, or from any school or institution for human care.

C.10.070 Auto Broker

In zones where auto brokers are allowed, auto brokers may be permitted by right if, in order to assist the City in its efforts to receive direct distribution of the local tax on materials associated with the project, the California Sales and Use Tax (the "Local Tax") is allocated to the project site, to the extent reasonably possible. Evidence of tax allocation or cause as to why such allocation cannot be made shall be submitted at the time of Business License submittal.

C.10.080 Cannabis Uses

- A. **Purpose.** The purpose of this Subsection is to prohibit to the fullest extent allowed by State Law the establishment and operation of all commercial cannabis uses within the City, including all cannabis dispensaries, cannabis retailers, cannabis manufacturers, cannabis microbusinesses,

cannabis testing laboratories, cannabis distribution, cannabis cultivation, and delivery of cannabis. It is also the intent of this Subsection to regulate indoor cannabis cultivation, and to prohibit all outdoor cultivation, for personal use, including by qualified patients and primary caregivers. It is also the intent of this Subsection to entirely prohibit the delivery of non-medical cannabis and only allow the delivery of medicinal cannabis directly to medicinal cannabis patients or their primary caregivers to the minimum extent required by state law, subject to all laws and the additional regulations adopted here.

- B. **Definitions.** Terms used in this Section are defined Chapter E.2 (Definitions of Terms).
- C. **Finding and Declaration.** The City finds and declares that this local regulatory scheme will not prevent medicinal cannabis patients or their primary caregivers from obtaining medicinal cannabis in a timely and readily accessible manner and in types and quantities that are sufficient to meet demand within the City's jurisdiction.
- D. **Personal Cultivation of Cannabis.**
 - 1. **Indoor Personal Cultivation.** The indoor personal cultivation of cannabis is prohibited except in compliance with the following:
 - a. Cannabis cultivation shall only occur indoors at a private residence, or inside an accessory structure located upon the grounds of a private residence.
 - b. Cannabis cultivation shall be limited to six plants total per residence, whether immature or mature, regardless of how many residents reside at the private residence.
 - c. Persons engaging in indoor cultivation must comply with all state and local laws regarding fire safety, water use, electrical wiring, buildings, and indoor cultivation, and with Health and Safety Code section 11362.1 and 11362.2.
 - d. The use of gas products (carbon dioxide, butane, propane, natural gas, etc.) or generators for cultivation of cannabis is prohibited. Use of gas products shall be limited to those allowed by the California Building, Electrical, and Fire Codes as adopted and amended by the City.
 - e. The residence shall maintain fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident(s), and the premises shall not be used primarily or exclusively for cannabis cultivation.
 - f. All areas used for cannabis cultivation shall be located within a fully enclosed and secure structure, meaning a space within a building, greenhouse or other legal structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.
 - 2. **Outdoor Personal Cultivation Prohibited.** Outdoor personal cultivation of cannabis is prohibited in all zones within Milpitas.
- E. **Commercial Cannabis Uses Prohibited.** All medical and adult-use commercial cannabis uses as defined herein are prohibited from establishing or operating within Milpitas. No Use Permit, Variance, Building Permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of a commercial

cannabis use in any zone, and no person shall otherwise establish such businesses or operations in any zone.

F. **Cannabis Deliveries.**

1. ***Deliveries Generally Prohibited.*** Except as set forth in Subsection C.10.080.F.2 (Direct Deliveries to Medicinal Cannabis Patients or Primary Caregivers Excepted), the ban on commercial cannabis uses also prohibits the operation of a cannabis delivery service to customers in Milpitas, including those deliveries originating from a physical location outside of Milpitas. A cannabis delivery service may not deliver, attempt to deliver, or offer to deliver cannabis or cannabis products in violation of this Subsection. Nothing in this Subsection is intended to, nor shall it be construed to, permit and/or legalize any delivery operation, use, and/or activity that is otherwise prohibited under this Subsection and/or any other law. Rather, this Subsection is intended to prohibit the delivery of commercial cannabis to the fullest extent allowed by state law, including by entirely prohibiting the delivery of non-medicinal cannabis.
2. ***Direct Deliveries to Medicinal Cannabis Patients or Primary Caregivers Excepted.*** The direct delivery of medicinal cannabis to a specifically identified medicinal cannabis patient or the primary caregiver for a specifically identified medicinal cannabis patient within the City's jurisdictional limits from a location outside the City's jurisdictional limits is not prohibited by this Subsection only if such deliveries fully comply with each and every one of the following operating conditions:
 - a. All deliveries must be made directly to a specifically identified medicinal cannabis patient or the primary caregiver for a specifically identified medicinal cannabis patient by a duly licensed cannabis delivery service. Prior to delivery, the delivery service must obtain a copy of written documentation for the identified medicinal cannabis patient proving the patient possess a physician's recommendation for medicinal cannabis that is valid at the time of delivery.
 - (i) For deliveries to a medicinal cannabis patient, that written documentation must include either a currently valid copy of a physician's recommendation that complies with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2 of the Business and Professions Code or a currently valid identification card issued in compliance with Article 2.5 (commencing with Section 11362.7) of Chapter 6 of Division 10 of the Health and Safety Code.
 - (ii) For deliveries to a primary caregiver for a medicinal cannabis patient, that written documentation must include either a currently valid identification card for the identified patient issued to the primary caregiver in compliance with Article 2.5 (commencing with Section 11362.7) of Chapter 6 of Division 10 of the Health and Safety Code or both a currently valid copy of a physician's recommendation that complies with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2 of the Business and Professions Code and proof that primary caregiver has consistently assumed responsibility for the housing, health, or safety of the identified patient.

- (iii) Written documentation received by a delivery service for this purpose shall be maintained confidentially and only disclosed in compliance with all applicable laws.
 - b. All deliveries must be to a fixed address for a specifically identified medicinal cannabis patient.
 - (i) For deliveries to a medicinal cannabis patient, that fixed address must be the patient's private residence.
 - (ii) For deliveries to a primary caregiver for a medicinal cannabis patient, that fixed address must be the primary caregiver's primary business address.
 - (iii) Deliveries cannot be to a post office box, any other form of mail, package, or parcel pickup location or locker, or to a mail, package, or parcel receiving agency or business.
 - (iv) Delivery must be to a person 18 years of age or older. The delivery service must record the name of the person receiving the delivery.
 - (v) Upon delivery, and prior to completing delivery, the delivery must be signed for by the identified medicinal cannabis patient or the primary caregiver for the identified medicinal cannabis patient.
 - c. All deliveries must occur between the hours of 6:00 A.M. Pacific Time and 10:00 P.M. Pacific Time. Deliveries may not occur in a manner that would tend to disturb the peace, quiet, and/or enjoyment of a reasonable person of normal sensitivity residing nearby.
 - d. The cannabis delivery service must maintain a log or other record stating the date, time, quantities, and products for each delivery as well as the name of the identified medicinal cannabis patient and the name of any primary caregiver for the delivery.
 - e. The cannabis delivery service must retain for a period of at least two years copies of all records, documentation, signatures, permits, and licenses required by this Subsection and present them to a law enforcement officer upon demand.
 - f. The cannabis delivery service must fully comply with all applicable laws, including this Subsection and Division 10 of the Business and Professions Code, all rules and regulations promulgated by the Department of Cannabis Control, including in Title 4, Division 19 of the California Code of Regulations, and all guidelines, procedures, and regulations promulgated pursuant to this Section by the City Manager.
 - g. Deliveries of medicinal cannabis may not include anything other than medicinal cannabis and medicinal cannabis products. Specifically, deliveries of medicinal cannabis may not include delivery of cannabis accessories or promotional materials, as defined by Section 15000 of Title 4, Division 19, Chapter 1, Article 1 of the California Code of Regulations, or branded merchandise of any kind.
- 3. ***Business Tax and License.*** A cannabis delivery service must obtain a business tax license from the City pursuant to Title III, Chapter 1 (Business Licenses) of this Code prior to commencing any delivery service within the City's jurisdiction or offering or attempting

to deliver within the City's jurisdiction, even if delivering from a physical location outside of the City. A cannabis delivery service must pay all state and local taxes or fees for delivery services occurring within the City's jurisdiction, including taxes or fees imposed by or owed to the City.

4. **Registration.** A cannabis delivery service must register with the Milpitas Police Department in a form acceptable to the Chief of Police prior to commencing any delivery service within the City's jurisdiction or offering or attempting to deliver within the City's jurisdiction, even if delivering from a physical location outside of the City. That registration must be signed by the registrant averring the truth and accuracy of the information contained therein and include all of the following information:
 - a. The name, address, and telephone number of the registrant and the delivery service. If the registrant or the delivery service has done business under any other name, including a fictitious name, the registrant must provide each name and all dates and jurisdictions of use.
 - b. The name, address, and telephone number of the person(s) who will manage and operate the delivery service.
 - c. The name, address, and telephone number for the person(s) authorized to accept service of process and legal notices for the delivery service.
 - d. The business name, license number, license type, license designation, license status, and expiration date for any applicable license issued by the Department of Cannabis Control.
 - e. Any other information required by the Chief of Police.

The delivery service must update its registration annually and within 72 hours of any change to the information contained in its registration or its cessation or suspension of medicinal cannabis delivery services within the City's jurisdiction. Registration may be conditioned, suspended, refused, or revoked under the procedure specified in Subsection C.10.080.F.7 (Suspension or Prohibition). A cannabis delivery service may not re-register, and no registration will be accepted, within one year after its registration is revoked. Where a cannabis delivery service is sold, transferred, merged, acquired, or any person or entity otherwise succeeds in whole or in part to any of the assets, liabilities, facilities, employees, managers, or officers of a cannabis delivery service, the registration of the successor business may be condition, suspended, refused, or revoked upon the same or similar terms as the previous business as the interests of justice require.

5. **Administrative and Criminal Violations.** In addition to all other remedies and actions allowed by law, any violation of this Subsection may be enforced by administrative citation, pursuant to Title I, Chapter 21 (Administrative Citations) of the Milpitas Municipal Code, or criminal prosecution, pursuant to Section I-1-4.09 (Penalty Provisions) of the Milpitas Municipal Code. At the Enforcement Authority's sole discretion, violations of this Subsection may be charged as a misdemeanor, punished by a fine not to exceed the sum of five hundred dollars (\$500) or by imprisonment in the County Jail not to exceed six (6) months or by both such fine and imprisonment, or an infraction, punished by a fine not exceeding one hundred dollars (\$100) for a first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year, or a fine not exceeding five

hundred dollars (\$500) for each additional violation within one year. Each day such a violation continues shall be a new and separate violation.

6. **Rebuttable Presumption.** If a cannabis delivery service reports or otherwise discloses to a state, local, or federal governmental entity that it has delivered cannabis or cannabis products, whether for taxation, licensing, tracking, or other purposes, that report or disclosure shall create a rebuttable presumption for the facts and circumstances of each delivery referenced, including a prima facie case for any violation of this Section evidenced thereby.
7. **Suspension or Prohibition.** In addition to all other remedies and actions allowed by law, the Enforcement Authority may immediately suspend, revoke, or otherwise prohibit or condition any delivery service from delivering medicinal cannabis within the City's jurisdictions, or impose additional terms and conditions upon that delivery service, if it fails or has failed to fully comply with all laws, including this Subsection, fails or has failed to register with the Milpitas Police Department prior to delivering, attempting to deliver, or offering to deliver within the City's jurisdiction, fails or has failed to maintain its business license, or fails or has failed to remit any applicable state or local taxes or fees for delivery services occurring within the City's jurisdiction. Pursuant to Title I, Chapter 20, Section 2 (Notices) of the Milpitas Municipal Code, notice of this suspension, revocation, or imposition of additional terms and conditions may be served by mail to the address provided in the delivery service's registration or, if there is no current registration, any other address listed for the delivery service. Within 15 calendar days of that mailing, the delivery service may appeal that determination to a hearing officer appointed by the City Manager pursuant to the procedure provided in Title I, Chapter 20, Section 3 (Hearings) of the Milpitas Municipal Code by filing with the City Clerk a written notice of appeal containing all factual and legal grounds for the appeals as well as all records or other evidence supporting that appeal. Within twelve (12) calendar days of being mailed notice of the hearing officer's decision pursuant to the same notice procedure, the delivery service may appeal the hearing officer's decision to the City Council pursuant to the procedure provided in Title I, Chapter 20, Section 5 (Appeals to Council) of the Milpitas Municipal Code.
8. **Transportation Through City.** This section shall not be construed to prohibit use of the public roads to pass through the City's jurisdiction without making a delivery within the City's jurisdiction pursuant to Business and Professions Code section 26090 or those activities allowed by section 26054, subdivisions (c), (d), or (e).
9. **Implementing Regulations.** The City Manager with due consultation with the Chief of Police, shall have the authority to adopt all necessary guidelines, procedures, and regulations to implement the requirements and fulfill the policies and purposes of this Subsection related to the delivery of medicinal cannabis.

G. **Public Nuisance; Effect of State Law.**

1. It is hereby declared to be a public nuisance for any person owning, leasing, occupying, or having charge or possession of any real property in the City to cause or allow such real property to be used for a commercial cannabis use or for the cultivation of cannabis except in strict compliance with this Section. Any condition caused or permitted to exist in violation of any of the provisions of this Section may be abated as a public nuisance as provided in this Code and/or under state law.

2. In the event of any conflict between the penalties enumerated under the Milpitas Municipal Code and any penalties set forth in state law, the maximum penalties allowable under state law shall govern. The City Attorney or prosecuting attorney has the authority to declare and prosecute the violation as the maximum penalty permitted by state law, including but not limited to, those penalties prescribed by Health & Safety Code section 11362.4. To the extent certain conduct is immune from arrest and criminal liability in compliance with state law, including the Compassionate Use Act of 1996 (Health and Safety Code section 11362.5) or the Medical Marijuana Program (Health and Safety Code section 11362.7 et seq.), criminal penalties shall not apply.

C.10.090 Drive-Through Facilities

- A. **Purpose.** The purpose of this Section is to establish reasonable and uniform regulations regarding the location, development, and design of drive-through facilities.
- B. **Circulation Plan.** A pedestrian and vehicular circulation plan shall be submitted for approval by the Review Authority. The circulation plan shall indicate how drive-through, pedestrian, and vehicular circulation will be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas and provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-up facilities in manner that will not impede traffic flow on any public right-of-way.
- C. **Standards.** Drive-through facilities shall be located, developed, and operated in accordance with the following standards:
 1. **Drive-Through Aisles.** Drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas.
 - a. Drive aisles are prohibited between the building and street unless no alternative exists.
 - b. A minimum 15-foot interior radius at curves and a minimum 12-foot width is required.
 - c. Each drive-through entrance and exit shall be at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the nearest curb cut on an adjacent property.
 - d. Each entrance to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.
 2. **Landscaping.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a height of 20 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
 3. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

C.10.100 Eating and Drinking Establishments

- A. **Purpose.** The purpose of this Section is to provide regulations for eating and drinking establishments, including regulations for establishments to expand dining area into outdoor spaces in a safe, well designed, and attractive manner.
- B. **General Standards.** The following standards shall apply to all eating and drinking establishments.
1. Restaurants shall incorporate measures to reduce odors to acceptable levels, including, but not limited to, installation of a scrubber, carbon filter or similar equipment, on the roof vent to control odors.
 2. All the facility's floor drains, trash compactors and indoor mat and equipment washing areas shall be drained to the sanitary sewer.
 3. Where applicable, a restaurant shall maintain an active account with a tallow hauling company.
 4. Restaurants shall prepare and implement a program assigning restaurant staff responsibility for complying with the following guidelines which shall be adhered to while the restaurant is in operation:
 - a. Wash all containers and equipment in the kitchen areas so that wash water may drain into the sanitary sewer.
 - b. Keep garbage dumpsters clean inside and out; replace very dirty dumpsters with new, clean ones.
 - c. Double bag waste to prevent leaking.
 - d. Place, do not drop or throw, waste-filled bags, to prevent leaking.
 - e. Keep the ground under and around the garbage dumpsters swept.
 - f. Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.
 - g. Hold training sessions to instruct employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all state and local health and sanitation standards. A record of such training must be kept documenting compliance with this requirement.
 - h. Post signs (in English and multi-lingual) inside the premises for all employees identifying procedures for food delivery and garbage disposal.
 - i. All garbage bins shall be stored in the garbage enclosure except for the 12 hours immediately before and after garbage collection.
- C. **Alcohol Service in Conjunction with Restaurants.**
1. A full service restaurant may offer ancillary beer and wine service as a permitted use, provided there is no separate bar area.
 2. A full service restaurant may provide liquor service for on-site consumption, and/or may have a separate bar area, subject to approval of a Minor Conditional Use Permit (Zoning Administrator review) pursuant to Subsection D.4.030.D (Use Permits – Authority).

3. A limited service restaurant may provide service for on-site consumption of beer and wine, and/or may have a separate bar area, subject to approval of a Minor Conditional Use Permit (Zoning Administrator review) pursuant to Subsection D.4.030.D (Use Permits – Authority).
 4. Liquor service for on-site consumption shall not be permitted in conjunction with limited service restaurants.
- D. **Outdoor Music in C1, C2, and Mixed Use Zones.** Outdoor music in the C1, C2, MXD, MXD3, NCMU, and TC zones shall comply with the following standards.
1. Outdoor music as an accessory use in conjunction with a restaurant or bar shall be permitted for the entertainment and enjoyment of customers at the restaurant or bar during regular operating hours. Outdoor music as an accessory use shall be limited to the hours of 9:00 a.m. to 11:00 p.m.
 2. Noise levels for outdoor music, when permitted as an accessory use to a restaurant or bar, shall not exceed a maximum range of 70 to 90 decibels (dB). See also Milpitas Municipal Code Title V (Public Health, Safety and Welfare), Subsection V-213-2 (Definitions), and Subsection V-213-3 (Unlawful to Create or Permit Disturbing Noise) for additional regulations.
- E. **Outdoor Dining.**
1. ***Review and Approval Procedures.***
 - a. New or modified outdoor dining areas on private property may be approved with a Minor Site Development Permit in accordance with Subsection D.4.020 (Site Development Permits).
 - b. In cases where a Conditional Use Permit is required for an eating and drinking establishment, an existing establishment with an approved Conditional Use Permit may add or modify an outdoor dining area with approval of a Minor Site Development Permit. No amendment to the approved Conditional Use Permit shall be required.
 - c. Written permission from the owner of record of the subject property shall be required as part of the application for outdoor dining.
 - d. Applications for new or modified outdoor dining areas are also subject to review and approval by the Fire Department.
 2. ***Location and Siting Requirements.*** Outdoor dining and seating may be conducted as part of a legally established eating and drinking establishment that is located on the same lot subject to the following standards.
 - a. Dining areas may be located within outdoor areas adjacent to an enclosed restaurant, such as existing private sidewalks and walkways, patios, etc.
 - b. A minimum five-foot wide path of travel shall be maintained along all pedestrian walkways from parking areas and public sidewalks to all public building entrances.
 - c. A minimum two-foot setback shall be required between an outdoor dining area barrier and any adjacent parking space(s).

- d. An outdoor dining area shall not be separated from the restaurant by any vehicular drive aisle.
 - e. Outdoor dining areas may be located within, and may replace, existing off-street parking spaces on privately owned parcels; however, no existing accessible parking spaces required per Title 24 of the California Building Standards Code and the Americans with Disabilities Act may be removed to accommodate outdoor dining areas. Parking spaces to be converted to outdoor dining areas must be immediately adjacent to the restaurant establishment.
 - f. Outdoor dining areas shall not be located within required loading zones or stormwater treatment areas and shall not obstruct access to utilities.
 - g. Outdoor dining areas, including permanent canopies, pergolas, or similar shade structures are subject to the setback standards of the applicable zone, with encroachments allowed consistent with Subsection C.2.130 (Setbacks and Encroachments into Required Setbacks).
 - h. Outdoor dining areas shall be subject to all emergency access regulations of the California Fire Code.
3. ***Allowed Reductions to Required Parking Spaces.*** The required number of parking spaces may be reduced by up to 15 percent to accommodate new or expanded outdoor dining areas in existing parking areas, provided that the size of the outdoor dining area is 800 square feet or less. Exceptions include:
- a. *Mixed use zones and commercial zones.* The total required parking as specified in Subsection C.6.050 (Number of Parking Spaces Required) may be reduced by up to 30 percent to accommodate new or expanded outdoor dining areas in existing parking areas.
 - b. *Multi-tenant commercial properties with shared parking.* Allowed reductions to required parking to accommodate outdoor dining shall be based on the total parking requirement for all uses and establishments on the subject property, not solely on the parking requirement for the restaurant(s) proposing to add or expand outdoor dining areas.
4. ***Design Standards.***
- a. ***Barriers.*** Outdoor dining areas shall be delineated by a substantial and durable barrier that separates the dining area from vehicular drive aisles and parking spaces. The following standards apply:
 - (i) ***Materials.*** Barriers should be made from high-quality materials such as wood or iron railings and fencing, planter boxes, and decorative concrete barriers.
 - (a) Materials and design of barriers and associated amenities should be consistent with the design and appearance of the restaurant and complementary to the character and design of the surrounding district.
 - (b) Barrier materials must be painted or covered in siding or other finished materials approved by the Department.

- (c) Chain link fencing, corrugated metal, unfinished wood materials, stanchions, retractable belts, screens, and small landscape planters are prohibited.
 - (ii) *Barrier height.* Solid portions of barriers for outdoor dining areas shall be no more than three feet in height.
 - (a) Transparent, shatterproof glass (e.g., plexiglass) may be placed above a three-foot solid barrier, up to a total maximum height of six feet.
 - (b) If the outdoor dining area has a permanent shade or roof structure, plexiglass or other transparent materials may extend to the height of the ceiling.
 - (iii) If barriers are movable, they must be well secured and designed to support weight leaning against them.
 - (iv) Barriers must have one opening for emergency access, with a minimum width of 36 inches, for every 20 linear feet of barrier.
 - (v) Barriers adjacent to parking spaces shall be marked with reflective material, such as tape or plastic reflective strips.
- b. *Shade structures, tables, chairs, and other amenities.* Permanent overhead shade structures may be allowed for outdoor dining areas. The design and location of any permanent overhead shade structure shall complement the main restaurant and shall be subject to review and approval by the Department. All permanent overhead shade structures require a Building Permit and comply with the following standards.
- (i) *Materials.* Permanent overhead shade structures shall be durable and made from high-quality materials such as wood or metal. Plywood, corrugated metal, and corrugated polycarbonate are prohibited as materials for roofing or shade structures. Tables and chairs should be of a high-quality and visually appealing material such as wood or metal. Inexpensive plastic or vinyl tables and chairs are not permitted.
 - (ii) *Height.* The maximum height for all overhead shade structures for outdoor dining areas shall be 12 feet.
 - (iii) *Non-permanent shade equipment.*
 - (a) Non-permanent shade equipment, such as umbrellas, fabric canopies, or retractable awnings, are permitted provided they are made from high-quality materials and removed or stored when the outdoor dining area is not in use.
 - (b) For retractable awnings projecting from buildings, the minimum vertical clearance shall be eight feet and the maximum extension from the face of a building shall be seven feet.
 - (iv) *Landscaping.* The layout of outdoor dining areas should incorporate spaces for landscape planters with decorative plants and flowers.
- c. *Accessibility Requirements.*

- (i) *Surfaces.* Outdoor dining areas shall have hard, non-slip surfaces, such as concrete, tile, stone, or wood/composite decking. Soft surfaces such as dirt, gravel, and lawn are not permitted.
 - (ii) *Ramps.* If an outdoor dining area is located on a raised platform or in a sunken area, a ramp that meets the requirements of the California Building Code and the Americans with Disabilities Act must be provided.
 - (iii) *Accessible seats.* A minimum of five percent of the seats provided in an outdoor dining area shall be wheelchair accessible. Minimum dimensions for wheelchair accessible seating spaces shall be 30 inches wide by 48 inches deep. Access to all such seating spaces shall be provided via a path with a minimum unobstructed width of 36 inches.
- 5. **Lighting.** No electrical wires for lighting elements shall cross the required clear path of travel along a public sidewalk or private pedestrian walkway. Solar lighting is encouraged for outdoor dining areas.
- 6. **Signage.** All restaurant signage shall comply with Chapter C.8 (Signs). No additional signage shall be permitted in outdoor dining areas.
- 7. **Operational Standards.**
 - a. *Hours of operation.* The hours of operation for outdoor dining areas shall be limited to the hours of operation of the associated eating and drinking establishment. In no case shall outdoor dining be permitted before 7:00 A.M., and not after 10:00 P.M. Sunday through Thursday and after 11:00 P.M. Friday and Saturday.
 - b. *Alcoholic beverages.* All necessary California Department of Alcoholic Beverage Control permits shall be obtained by the eating and drinking establishment operator.
 - c. *Smoking and vaping.* No smoking or vaping shall be permitted within outdoor dining areas.
 - d. *Other outdoor uses.* Outdoor preparation and/or storage of food is not permitted within outdoor dining areas.
 - e. *Performance standards.* All performance standards in Section C.2.110 (Performance Standards) shall be complied with.
- 8. **Maintenance Requirements.**
 - a. Outdoor dining areas shall be kept clean and free of litter and debris at all times.
 - b. All plants and landscaping shall be maintained in good health.
 - c. All plexiglass or other transparent materials used as part of an outdoor seating barrier shall be regularly cleaned and provide a clear view from the outdoor seating area. Cracked, broken, or discolored materials are prohibited and shall be replaced immediately.

C.10.110 Emergency Shelters

- A. **Purpose.** The purpose of this Section is to establish objective standards specific to emergency shelters in compliance with California Government Code section 65583(a)(4).
- B. **Applicability.** The standards for emergency shelters in this Section apply to all emergency shelters as allowed by Part XIII-B (Zone Regulations).
- C. **Minimum Standards.**
 - 1. **Management Plan.** A management plan, identifying compliance with this Title, shall be submitted to the Department for review and approval prior to issuance of an occupancy permit. Management plans shall be resubmitted to the Department on an annual basis for review and approval.
 - 2. **Maximum Number of Beds per Emergency Shelter.** 30.
 - 3. **Outdoor Waiting Areas.** The size of outdoor waiting areas on private property shall accommodate the expected number of clients without encroaching upon the public right-of-way.
 - 4. **On-site Management.** On-site management shall be provided during the hours that the emergency shelter is in operation.
 - 5. **Proximity.** An emergency shelter shall not be located within 300 feet of other emergency shelters. Emergency shelters shall not be required to be more than 300 feet apart.
 - 6. **Length of Stay.** The length of stay for each individual at any emergency shelter shall not exceed 90 days, unless the management plan approved by City provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.
 - 7. **Lighting.** Exterior lighting of the property shall be designed to provide a minimum maintained horizontal illumination of at least one foot candle of light on parking surfaces and walkways that serve the facility. Exterior lighting must otherwise comply with Section C.2.070 (Lighting and Illumination).
 - 8. **Security.** Security shall be provided during the hours that the emergency shelter is in operation. Security plans shall be submitted to the City for review and approval prior to issuance of an occupancy permit. Security plans shall be resubmitted to the City on an annual basis for review and approval.

C.10.120 Farmers' Markets

- A. **Purpose.** The purpose of this Subsection is to establish reasonable and uniform regulations for the operation of farmers' markets. The standards that follow are minimum performance standards to ensure compatibility with surrounding uses and to promote public health, safety and general welfare.
- B. **Required Permits.** The market operator and vendors shall obtain any permits required in compliance with this Title and secure all necessary licenses, certificates, and health permits; this includes a master business license with the City for participating farmers and other vendors. All

permits shall be in the possession of the farmers' market manager or the vendor, as applicable, on site during all market hours of operation.

- C. **Application.** An application for a farmers' market shall be submitted to the Director on a prescribed City application form and shall include all the information that is necessary for review of the application, such as a site plan, traffic handling plan, market layout plan, and a management plan.
- D. **Management Plan.** A management plan shall be prepared and provided to the Director. The management plan shall include the following:
 - 1. Identification of a market manager or managers, who shall be present during all hours of operation.
 - 2. A set of operating rules addressing the governance structure of the market, the method of assigning booths and registering vendors, hours of operation, maintenance, security, refuse collection, and parking.
- E. **Hours of Operation.** Market activities may be conducted between the hours of 7:00 A.M. and 10:00 P.M. with specific hours and duration to be approved by the City. Set up of market operations may not begin more than two hours prior to the operational hours of the market and take down shall be completed within two hours of the close of the market.
- F. **Waste Management.** Adequate composting, recycling, and trash containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.
- G. **Music and Events.** Music, performances, or special event activities conducted as part of the farmers' market (e.g., cooking show, recipe contests, face painter) shall not be allowed within 200 feet of any residentially zoned property unless specifically approved by the Director.
- H. **Indemnification.** The market operator shall enter into an indemnification agreement by which it agrees to defend, indemnify, and hold harmless the City, its officers, agents, and employees from any and all claims, damages, cost, and other expense, including attorney fees, arising out of the City's approval or as a result of any actions by the market operator in compliance with the City's approval.

C.10.130 Home Occupations

- A. **Purpose.** The purpose of this Section is to provide residents with the ability to conduct business at home yet ensure that the business does not interfere with, detract from, or otherwise adversely affect the character of the neighborhood.
- B. **Home Occupation Permit.** All persons operating a home occupation must obtain a Home Occupation Permit prior to commencing any business.
- C. **General Standards.**
 - 1. **Residents Only.** Only the residents of the dwelling may operate the home occupation. No employees associated with the home occupation shall report to work on the premises.
 - 2. **Client Visitation and Client Vehicle Limit.** A maximum of two clients is allowed on the premises at any time. Only one vehicle at a time for client(s) visiting a home occupation may be parked on a public street.

3. **Inside Only.** The home occupation must be conducted entirely within the dwelling except for those types of occupations which are conducted entirely off-site and away from the dwelling.
4. **Storage.** The storage of materials, supplies, or equipment outdoors in a manner which is visible from adjacent properties or public ways is prohibited.
5. **Exterior Modifications Prohibited.** Modification or exterior alterations directly related to a home occupation use and not consistent with the use of the home as a residential dwelling is prohibited.
6. **Signs and Advertising.** No signs are permitted either on or off the premises in connection with the home occupation, including signs affixed to or painted on vehicles associated with the home occupation and stored at the dwelling. Products or equipment produced or used by home occupation must not be displayed in a manner which is visible from the exterior of the dwelling.
7. **Vehicles.** The business shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than a vehicle not to exceed 8,500 pounds gross vehicle weight, owned by the business owner, which must be stored on the property where the home occupation is conducted, in a driveway or an enclosed garage.
8. **Nuisances.** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a detached single-unit dwelling.
9. **Prohibited Uses.** The following uses are prohibited as home occupations:
 - a. Adult-oriented businesses;
 - b. Animal care and services, including pet day care for more than four household pets and/or when any of the pets are kept outdoors;
 - c. All vehicle-related uses;
 - d. Commercial cannabis uses;
 - e. Eating and drinking establishments;
 - f. Food and beverage processing and preparation;
 - g. Hotels and motels;
 - h. Maintenance and repair services;
 - i. Massage establishments;
 - j. Medical offices/clinics;
 - k. Personal services;
 - l. Retail uses, excluding retail sales in which all products are sold over the phone or internet and shipped to the customer; and

- m. Rentals of residential pools or yards separate from a short-term rental as allowed consistent with Section C.10.200 (Short-Term Rentals).
- 10. **Cottage Food Operations.** Cottage food operations are allowed as home occupations consistent with California Government Code section 51035 and California Health and Safety Code section 114365 et seq.

C.10.140 Large Family Child Care and Child Care Centers

- A. **Purpose.** The purpose of this Section is to establish standards specific to child care facilities in compliance with state law.
- B. **Applicability.** The standards for large family child care and child care centers in this Section apply to all large family child care centers and child care centers as allowed by Part XIII-B (Zone Regulations).

C. **Development Standards.**

1. ***Separation for Large Family Child Care Homes.***
 - a. Large family child care homes shall be spaced at least 300 feet apart from each other.
 - b. The Planning Commission may allow large family child care homes closer than 300 feet from each other through the approval of a Conditional Use Permit in accordance with Subsection D.4.030 (Use Permits) of this Title.
2. ***Parking Requirements.*** Off-street parking spaces shall be provided and improved consistent with the requirements of Chapter C.6 (Parking and Loading).
3. ***Hours of Operation.*** Large family childcare homes may not operate before 6:30 a.m. or after 7:30 p.m.

C.10.150 Live-Work Units

- A. **Purpose.** The purpose of this Section is to control and regulate land use activities for live-work units. The intent of a live-work unit is to allow small-scale business activities with residential unit, beyond those activities allowed in home occupations, which meet certain standards.
- B. **Applicability.** The provisions of this Subsection apply to the design, development, and operation of live-work units, including new live-work units, conversions of existing residential and nonresidential buildings to live-work buildings, and any change of use or occupancy in a live-work unit.
- C. **Establishment.**
 1. Live-work units may be established through the conversion of existing commercial, industrial, or other buildings or by new construction.
 2. Uses permitted or conditionally permitted within the zone are allowed as the nonresidential use, unless prohibited in Subsection C.10.150.G (Prohibited Uses).
 3. Uses that may, depending on how they are operated, have the potential to generate impacts or would constitute a change in occupancy under the Building Code shall not be approved as a nonresidential use within a live-work unit unless the Review Authority finds that as proposed to be conducted, or as modified by conditions of approval, they would not conflict with or adversely affect others living or working in or nearby the live-work development.
- D. **Minimum Standards.** All live-work units must meet the following standards:
 1. ***Commercial Component.***
 - a. ***First floor and street entry.*** The commercial component of a live-work unit shall be located on the first floor with the main entry facing the street or common pedestrian space. The main commercial entry facing the street shall have a commercial, storefront appearance.
 - b. ***Restricted to the unit.*** The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage, or any accessory structure. Commercial outdoor storage is not allowed.

2. ***Residential Component.***
 - a. *Living space.* Living space must occupy a minimum of 60 percent of the total gross floor area of the unit.
 - b. *Interior access.* The residential component shall have direct interior access to the commercial unit.
 - c. *Exterior access.* The residential component shall have exterior access that is not through the commercial component.
3. ***Parking and Loading.***
 - a. *Required parking spaces.* Live-work units must comply with Chapter C.6 (Parking) for required parking spaces.
 - b. *Required loading spaces.* Each live-work unit shall have at least one off-street loading area for every 50,000 gross square feet of space occupied by live-work units. No additional loading areas are required if the loading requirements for industrial or commercial occupants of a live-work building exceed the loading requirements for the live-work use.
 - c. *Exceptions and modifications.* Requirements for parking and loading spaces may be waived or modified through the Conditional Use Permit if the Review Authority finds:
 - (i) That the proposed parking will be adequate to meet the demand created by the project given the character of the proposed uses; and
 - (ii) That a waiver or modification of parking requirements will not, under the circumstances of the particular project, either conflict with nor adversely affect commercial or industrial uses or residential zones in the area where the project is proposed.
4. ***Signs.*** Sign size, location, illumination and materials, shall be consistent with the architectural building design and approved through a Sign Program.
5. ***Hazardous Materials.*** Business shall not involve the use of hazardous materials or produce medical or hazardous waste, except those that are below permitted amounts in accordance with the California Fire Code and as amended by the Milpitas Municipal Code V-300-2.10.
6. ***Food Operations.*** All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with the County of Santa Clara Department of Environmental Health standards.
7. ***Nuisance.*** The live-work unit shall not create external noise, odor, glare, vibration, or electrical interference detectable to the normal sensory perception by adjacent neighbors.
8. ***Nonresident Employees.*** Up to two persons who do not reside in the live-work unit may work in the unit. The employment of three or more persons who do not reside in the live-work unit may be permitted subject to a Conditional Use Permit based on additional findings that such employment will not adversely affect traffic, parking, or other conditions in the area where the live-work unit is located.

9. **Notice to Occupants Required.** The owner or developer of any building containing live-work units shall provide written notice to all live-work occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the zone where the project is located. For purposes of noise control, live-work units shall be classified as commercial property.
10. **On-Premise Sales.** On-premises sales of goods is limited to those produced within the live-work unit. Sales of goods produced within the live-work unit shall be incidental to the primary work use in any building used exclusively for live-work occupancy. These provisions shall permit participation in occasional open studio programs and gallery shows.
- E. **Business License.** A Business License shall be obtained for every commercial space within the live-work units.
- F. **No Separate Sale or Rental of Portions of Unit.** No portion of a live-work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same unit.
- G. **Prohibited Uses.** Any use not permitted within the underlying zone is prohibited along with the following:
 1. Adult-oriented businesses;
 2. Massage establishments;
 3. Retail stores, general merchandise;
 4. Smoke/tobacco shops;
 5. Animal care and services;
 6. All vehicle-related uses;
 7. Community assembly;
 8. Group instruction uses;
 9. Educational institutions;
 10. Indoor entertainment uses; and
 11. Eating and drinking establishments.

C.10.160 Massage Establishments

- A. **Purpose.** The purpose of this Section, in conjunction with Chapter III-6 (Massage Establishments and Practitioners) of the Milpitas Municipal Code, is to regulate the establishment, location, and operation of massage establishments and accessory massage establishments in compliance with state law.
- B. **Definitions.** Terms used in this Section are defined Chapter E.2 (Definitions of Terms).

C. **Applicability.**

1. This Section applies to massage establishments as defined in Milpitas Municipal Code Chapter III-6 (Massage Establishments and Practitioners) and Chapter E.4 (Definitions of Uses). This Section also applies to accessory massage establishments as defined in Chapter E.4 (Definitions of Uses).
2. ***Preexisting Massage Establishments.*** Any legally established massage establishments must comply with the provisions of this Section and the provisions of Milpitas Municipal Code Chapter III-6 (Massage Establishments and Practitioners).
3. ***Exemptions.*** The requirements of this Section do not apply to the following establishments or classes of individuals who perform massage while employed in their professional capacities:
 - a. Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists, or acupuncturists, who are duly licensed to practice their respective professions in California and persons working directly under the supervision of such licensed persons. "Working directly under the supervision" means that the person is an employee of the licensed person, is working at the same location as the licensed person, has his or her work supervised by the licensed person, and that the licensed person is present when the employee is performing massage. This exemption shall not apply if the business performs massage on persons for whom the licensed person does not provide professional services.
 - b. Barbers, beauticians, cosmetologists, manicurists, and other persons licensed to practice any healing art under the provisions of Division 2 (commencing with Section 500) of the California Business and Professions Code while engaging in practices within the scope of their licenses, and who perform massage only on the neck, face, scalp, hands, arms, or lower limbs up to the knee of their customers.
 - c. Personal fitness training centers, gymnasiums, athletic facilities or health clubs, when the giving of massage for compensation is not a principal function of such businesses.
 - d. Hospitals, nursing homes, sanitariums, or any other healthcare facilities duly licensed by the State.
 - e. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.
 - f. Trainers of amateur, semi-professional or professional athletes or athletic teams, while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event such as an outdoor road or bike race.
 - g. Sole providers, including sole providers operating an off-premise massage service, who have a valid certificate issued by the CAMTC in accordance with the Act, either as a certified massage practitioner or a certified massage therapist, and who are practicing consistent with the qualifications established by such certificate.

D. **General Requirements.**

1. ***Required Permits.***

- a. Prior to the operation of a massage or an accessory massage establishment, the owner or managing officer/employee must obtain a Massage Establishment Permit in accordance with Milpitas Municipal Code Chapter III-6 (Massage Establishments and Practitioners), a Minor Conditional Use Permit in accordance with Section D.4.030 (Use Permits), and a Business License in accordance with Milpitas Municipal Code Chapter III-1 (Business Licenses).
- b. A Massage Establishment Permit, and any renewal thereof, shall be filed with the Chief of Police, in accordance with Milpitas Municipal Code Chapter III-6 (Massage Establishments and Practitioners). The Minor Conditional Use Permit shall not be granted until a Massage Establishment Permit is issued by the Chief of Police.

2. ***Compliance with Codes.*** Prior to the operation of a massage establishment or accessory massage establishment, the massage establishment must comply with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.

3. ***Operational Standards.*** In addition to the restrictions specifically required in the Massage Establishment Permit issued by the Chief of Police and in accordance with Milpitas Municipal Code Title III, Chapter 6 (Massage Establishments and Practitioners), all massage establishments must comply with the regulations applicable to the zone in which it is located. Operating hours must comply with the following:

- a. Massage establishments may operate between the hours of 7:00 a.m. and 10:00 p.m.;
- b. Massage services begun before 10:00 p.m. must terminate at 10:00 p.m.; and
- c. No customer shall be in any massage establishment between the hours of 10:00 p.m. and 7:00 a.m.

4. ***Off-Street Parking Requirement.*** Two off-street parking spaces per treatment room must be provided. If there are no treatment rooms, then one space for every two massage chairs or two massage tables must be provided. The parking spaces must comply with all development standards set forth in Chapter C.6 (Parking and Loading).

5. ***Commercial Purposes Only.*** A massage establishment must be used for commercial purposes only. Use of the massage establishments for residential or lodging purposes is prohibited.

6. ***Off-Premises Massage Businesses.*** No off-premises massage business shall conduct massage in a hotel or motel room, vehicle, or in any private residence other than that of the client receiving the massage. No off-premises massage service may be provided in a private residence or business between the hours of 10:00 p.m. and 7:00 a.m.

7. ***Recreational or Special Events.*** Persons administering massages to other persons who are participating in a recreational or special event that has been approved in accordance with Section C.10.230 (Temporary Uses and Structures) and the Chief of Police shall be California Massage Therapy Council certified but will not be required to hold a Massage Establishment Permit provided the following conditions are met:

- a. The massage technician shall be registered with the City of Milpitas Police Department;
 - b. Massage services are equally available to all participants in the event;
 - c. The massage services are provided during the event in an open area at the site of the event;
 - d. The sponsors of the event have approved the provision of massage services at the event;
 - e. Massage services were included in the project description in the application for a Special Event Permit in accordance with Section D.4.120 (Special Event Permit).
 - 8. **Signs.** A recognizable and legible sign complying with the requirements of Chapter C.8 (Signs) must be posted at the main entrance of the massage establishment identifying the location as a licensed massage establishment.
- E. **Application Procedure.**
- 1. **Minor Conditional Use Permit.** The owner of a massage or accessory massage establishment must apply for and obtain a Minor Conditional Use Permit before operating massage establishment. The Minor Conditional Use Permit is subject to the provisions of and issued in accordance with the Minor Conditional Use Permit process in Section D.4.030 (Use Permits).
 - 2. **Compliance Review.** The Director will conduct a compliance review on an annual basis concurrent with review of the Massage Establishment Permit and renewal of the Business License for each use. Any failure to conduct a review does not waive any noncompliance or the City's right to conduct a review in the future.
 - 3. **Change in Ownership.** If there is a change of property ownership, change of owner's agent or representative, or any other change in material facts pertaining to the information contained in the Minor Conditional Use Permit application, the new owner or new owner's authorized agent or representative shall notify the City prior to continuing to operate the massage establishment.
- F. **Violation of Regulations.** Violation of any provision of this Title may result in the revocation of the City's approval of the massage or accessory massage establishment in accordance with Chapter D.16 (Enforcement and Penalty).

C.10.170 Mobile Food Vending

- A. **Purpose.** The purpose of this Section is to allow mobile food vendors to operate in appropriate areas of Milpitas and to protect and maintain public safety, health, and welfare while providing opportunities for small businesses, adding vibrancy and activity to streetscapes and neighborhoods, and expanding food access in areas underserved by brick-and-mortar restaurants.
- B. **Mobile Food Vending Review Procedures.**
 - 1. **On Private Property.**
 - a. One mobile food vehicle operating on a parcel, when permitted in Part B (Zone Regulations), may be approved subject to Minor Site Development Permit approval in accordance with Section D.4.020 (Site Development Permits).

- b. A mobile food park operating for more than seven consecutive days may be approved subject to Minor Conditional Use Permit approval in accordance with Section D.4.030 (Use Permits).
- c. Two or more mobile food vehicles operating on a parcel for a period of seven consecutive days or less shall require a Special Event Permit in accordance with Section D.4.120 (Special Event Permit).

2. *In Public Parks and Open Space.*

- a. One mobile food vehicle operating within a public park or open space may be approved subject to approval of a Minor Site Development Permit in accordance with Section D.4.020 (Site Development Permits).
- b. Two or more mobile food vehicles operating together within a public park or open space for a period of seven consecutive days or less shall require a Special Event Permit in accordance with Section D.4.120 (Special Event Permit).
- c. Mobile food parks shall not be permitted within public parks and open spaces.

3. *In Public Right-Of-Way.*

- a. Mobile food vending in the public right-of-way is permitted subject to the review and approval of the Department, as follows:
 - (i) *In R1, R2, and R3 zones.* Mobile food vending in the public right-of-way may be permitted as part of a one-time or recurring special event for which a Special Event Permit has been issued in accordance with Subsection D.4.120 (Special Event Permit), or as part of another official event authorized by the City (e.g., National Night Out).
 - (ii) *In R4, commercial, industrial, mixed use, Metro Specific Plan, and institutional zones.* Mobile food vending in the public right-of-way is permitted upon issuance of all required City and County permits per Subsection C.10.170.G (Other Permits and Licenses Required).

4. *Ice Cream Trucks.*

- a. Ice cream trucks may operate on public rights-of-way in all zones, including residential zones, and in public parks with no City zoning permits required (i.e., permits administered under this Title). Ice cream trucks shall be required to obtain a Business License.
- b. An operator of an ice cream truck proposing to vend in a stationary location on private property shall be subject to all requirements, standards, and permitting procedures in this Section that apply to mobile food vehicles.

C. *Location and Siting Requirements.*

1. *On Private Property.*

- a. The operator of a mobile food vehicle operating on a privately owned parcel shall obtain prior written permission from the property owner and shall have an original signed copy of such permission available at all times while the mobile food vehicle is in operation on the property.

- b. A mobile food vehicle shall be parked outside any designated fire lane and outside any parking or loading space that is required for the primary use on the property.
 - (i) *Mobile food vending operations shall not reduce the available parking on the property below the minimum number of parking spaces required to serve the existing use(s) on the lot.*
 - (ii) *For a property that is nonconforming with respect to parking, mobile food vending operations shall not reduce the total existing amount of parking on the lot.*
- c. Unless otherwise approved in accordance with Subsection C.10.160.F (Exceptions to standards and requirements), a mobile food vehicle shall be parked a minimum of 15 feet from a driveway curb cut while in operation.

2. ***In Public Right-Of-Way.***

- a. A mobile food vehicle operating in the public right-of-way shall be parked in a legal parking space and shall comply with all City parking regulations at all times while in operation.
- b. A mobile food vehicle may only serve customers from an adjacent sidewalk or the side of the vehicle closest to the curb and shall not serve customers from the side of the vehicle closest to the motorized travel lanes of the street.

3. ***In Public Parks and Open Spaces.***

- a. The location and siting of mobile food vending operations within a public park or open space shall be subject to the approval of the Recreation and Community Services Department, through the Minor Site Development Permit or Special Event Permit process as required per Chapter D.4 (Permits and Approvals)
- b. A mobile food vehicle operating within a public park shall be parked in a legal parking space on a paved surface outside any designated fire lane.

4. ***Separation from Other Uses.***

- a. A mobile food vehicle in operation shall be located a minimum of 150 feet from any existing restaurant.
- b. A mobile food vehicle in operation shall be located a minimum of 150 feet from a freeway on- or off-ramp.

D. **Site Design Standards.**

1. ***Parking.***

- a. For one mobile food vehicle operating on private property or in a public park, no parking shall be required to serve the mobile food vending use. The mobile food vehicle shall comply with Chapter C.6 (Parking) with respect to parking for other existing uses on a lot.
- b. For mobile food parks, parking must comply with Table C.6.050-A (Required Number of Vehicle Parking Spaces). Such parking shall be provided in addition to any required parking serving other existing uses on the lot.

2. ***Access and Circulation.***

- a. All mobile food vending operations shall be located so as not to impede safe movement of vehicular, bicycle or pedestrian traffic, and to maintain a clear line of sight for vehicles, bicycles and pedestrians.
- b. No mobile food vehicle shall obstruct access to or circulation through any parking lot, or access to any public sidewalk or alley.

3. ***Seating Areas.***

- a. For mobile food vehicles operating in the public right-of-way, on-site seating (including tables, chairs, canopies, umbrellas, or similar amenities) are prohibited.
- b. For one mobile food vehicle operating on private property, the site plan submitted for Minor Site Development Permit review per Subsection D.4.020 (Site Development Permits) shall show all proposed temporary amenities and structures for on-site seating and dining. For mobile food parks, the site plan submitted for Minor Conditional Use Permit review per Subsection D.4.030 (Use Permits) shall show all proposed temporary and permanent amenities and structures for on-site seating and dining.
- c. Mobile food vending operations requiring a Special Event Permit shall be subject to the requirements and procedures in Section D.4.120 (Special Event Permit) for seating, dining areas and similar amenities.

4. ***Restrooms.***

- a. For one mobile food vehicle operating on private property or for mobile food vehicles operating in the public right-of-way:
 - (i) If the vehicle operates in the same location on an ongoing basis, for at least one day per week and for more than one hour on each day of operation, the operator must have access to a restroom facility within 200 feet in accordance with California Health and Safety Code section 114315. If the vehicle operates in the same location on an ongoing basis, for at least one day per week and for more than three consecutive hours on each day of operation, the operator must arrange and secure access to a restroom within 200 feet of the site that is available to customers and employees of the mobile food vehicle.
 - (ii) A mobile food vehicle operator to whom Subsection C.10.170.D.4.a.i, above, applies shall submit to the City, concurrently with the permit application, a signed letter from the owner of the property on which the restroom is located to verify that the mobile food vending operation has access to the restroom for use by employees and customers (if required) during its hours of operation.
- b. For mobile food parks, one single-stall, gender-neutral restroom shall be provided for every five mobile food vehicles operating on the site. In calculating the restroom requirement, fractional numbers shall be rounded down to the nearest whole number.
- c. Mobile food vending operations requiring a Special Event Permit shall be subject to the requirements and procedures in Section D.4.120 (Special Event Permit) for restrooms.

E. **Operational Standards and Requirements.**

1. ***Mobility of Operations.*** Mobile food vehicles shall not connect to temporary or permanent on-site water, gas, electricity, telephone or cable sources.
2. ***Hours of Operation.*** Unless otherwise approved in accordance with Section C.10.170.F (Exceptions to Standards and Requirements), hours of operation for mobile food vending shall be between the hours of 7:00 a.m. and 10:00 p.m.
3. ***Parking and Storage of Mobile Food Vehicles.*** Outside of hours of active operations mobile food vehicles shall be removed from the operating site, whether on private property or in the public right-of-way. Mobile food vehicles shall not be parked overnight at the location of operation.
4. ***Noise.*** Mobile food vending operations shall comply with the provisions of Milpitas Municipal Code Chapter V-213 (Noise Abatement).
5. ***Signage.*** A mobile food vehicle may display signage permanently attached to or painted on the vehicle advertising its products and services. A mobile food vehicle may also place one A-frame or upright sign within 10 feet of the vehicle that displays information such as the menu, prices, and specials of the day. Any A-frame or upright sign shall be subject to the provisions of Chapter C.8 (Signs). No other signs or banners that are separate from the mobile food vehicle shall be placed at the operating site or within the public right-of-way.
6. ***Trash Management and Disposal.***
 - a. For one mobile food vehicle operating on private property or in the public right-of-way, and for mobile food parks:
 - (i) All mobile food vending operations shall provide separate and clearly marked receptacles for trash, recycling and/or compost (minimum size for each 32 gallons), according to the collection services available, at the operating site. Operators of mobile food vehicles shall properly dispose of all trash, recycling and/or compost generated by their operations daily.
 - (ii) The operator of a mobile food vehicle shall keep the area within a 25-foot radius of the vehicle, including private property, sidewalks, and roadways, clean and free of paper, food waste and other refuse generated by the operation.
 - b. Mobile food vending operations requiring a Special Event Permit shall be subject to the requirements and procedures in Section D.4.120 (Special Event Permit) for trash management and disposal.
 - c. Mobile food vending operations, if using disposable food service ware for packaging and serving, shall use products that are recyclable or compostable. Use of polystyrene foam food service ware is prohibited per Milpitas Municipal Code Chapter III-8 (Prohibition of Expanded Polystyrene (EPS) Foam Food Service Ware).

F. **Exceptions to Standards and Requirements.** Exceptions or reductions to the location and siting requirements, site design standards, and operational and standards in this Section may be granted

at the discretion of the Director and the Fire Marshal based on site-specific conditions and subject to the following findings:

1. The proposed number, configuration, and operation of mobile food vehicles is generally consistent with the overall intent of these regulations;
2. The proposed mobile food vending activity will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

G. Other Permits and Licenses Required.

1. All mobile food vehicles operating within Milpitas must obtain a permit for mobile food facilities from the Santa Clara County Department of Environmental Health. The valid County health permit shall be displayed on the vehicle in a location visible to the public at all times.
2. All mobile food vehicles operating within the boundaries of Milpitas shall obtain a current City Business License prior to establishing a vending location on public or private property or setting up operations. The license shall at all times be displayed on the vehicle in a location visible to the public.
3. All mobile food vehicles must have current and valid vehicle registration clearly displayed on their license plates while vending at the operating site or in the public right-of-way.

C.10.180 Mobile Home Parks

- A. Purpose.** The purpose of this Section is to establish standards for mobile home parks.
- B. Site Location.** A mobile home park must abut a major street.
- C. Community Center.** A community recreation center with a floor area of 25 square feet per mobile home unit, but in no case less than a minimum of 3,750 square feet, shall be provided and be centrally located within the mobile home park. Administrative offices, laundry facilities, or other nonrecreational uses may be developed in conjunction with the community center but shall be in addition to the minimum community center floor area.
- D. Circulation.**
1. The main entrance of a mobile home park shall consist of two 10-foot travel lanes for ingress and an additional two lanes for egress, separated by a landscaped median, a minimum of 10 feet in width and 100 feet in length.
 2. An illuminated directory map shall be provided at all entrances to the mobile home park in such a manner as to be read by the driver of an entering vehicle without leaving the vehicle and consistent with Chapter C.8 (Signs).
 3. All private roadways within the mobile home park shall include a minimum 25 feet travel lane width plus a 10-foot parking lane on each side of the roadway.
 4. All private roadways shall be structurally designed consistent with Public Works Standards and shall include concrete curbs and gutters.
- E. Parking.** Vehicle parking must be provided consistent with Chapter C.6 (Parking and Loading), and at least one parking space must be provided contiguous to each individual mobile home site.

- F. **Other Regulations.** Mobile home parks must comply with all applicable federal and state regulations.
1. For the state law that governs manufactured home parks (i.e., Mobilehome Parks Act), see California Health and Safety Code section 17910 et seq. and section 65580 et seq.
 2. For the state law that regulates mobile home park, see California Code of Regulations, Title 25, Division 1, Chapters 2 and 2.2.

C.10.190 Service Stations and Car Washes

- A. **Purpose.** The purpose of this Section is to establish reasonable and uniform regulations regarding the location, development, and design of service stations and car washes.
- B. **Minimum Standards.**
1. **Landscaping.** At least 10 percent of the site shall be landscaped. All landscaped areas shall be maintained in compliance with Chapter C.4 (Landscaping Standards), and the following standards:
 - a. A minimum six-foot wide inside dimension and a six-inch high curbed landscaped planter area shall be provided along the front and street property lines, except for vehicular circulation openings. A three-foot wide landscaping buffer shall be provided along all other property lines.
 - b. A 600-square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets unless a building is located at the corner.
 - c. Additional landscaping may be required where necessary to prevent visual impacts on adjacent properties.
 2. **Lighting.** In addition to the lighting standards required in Section C.2.070 (Lighting and Illumination), all exterior light sources, including canopy, perimeter, and flood, shall be energy-efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties.
 3. **Pump Islands.** Pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
 4. **Car Wash Facilities.** No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior lot line of a residential use or residential zone. Car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.
 5. **Hours of Operation.** Car washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week unless additional hours are allowed subject to Minor Use Permit approval. When abutting a residential zone, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.
- C. **Application Review and Findings for Approval.** In reviewing proposals, emphasis shall be placed on quality design of building materials and landscape features. The Review Authority shall only

approve a service station or car wash facility if all required findings in Chapter D.4 (Permits and Approvals) are made in addition to the following findings:

1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood;
 2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation;
 3. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties;
 4. Lighting is designed to be low-profile, indirect or diffused, and avoid adverse impacts on surrounding uses; and
 5. The washing facility will comply with all applicable water quality standards and protocols.
- D. **Abandonment.** In the case of abandonment or non-operation of the primary use, a service station must be dismantled and the site cleared and remediated as required by state and federal law within 12 months subsequent to the close of the last business day.

C.10.200 Short-Term Rentals

- A. **Purpose.** The purpose of this Section is to regulate the establishment and operation of short-term rental units (STRs). As such, the City intends to preserve the residential character of neighborhoods, prevent long-term residential uses from being replaced with STRs, and protect all neighborhoods from potential adverse impacts caused by the operation of STRs.
- B. **Applicability.** This Section applies to short-term rental units as defined in Chapter E.4 (Definitions of Uses).
1. **Permitted Zones.** STRs are permitted in dwelling units in the R1, R2, R3, R4, MXD, MXD3, NCMU, and TC zones, subject to the requirements of this Section.
 2. **Nonconforming Dwelling Units.** STRs are prohibited within all nonconforming dwelling units, except those that are legal nonconforming with respect to the parking standards of Chapter C.6 (Parking and Loading). If a dwelling is legal and nonconforming only because it does not meet the parking standards of Chapter C.6 (Parking and Loading), an STR may be established when parking for the dwelling unit is provided to meet the applicable requirements of Chapter C.6 (Parking and Loading).
 3. **Permitted in Primary Dwelling Units Only.** STRs are permitted in primary dwelling units only. STRs are not permitted within accessory structures and buildings, ADUs, or recreational vehicles.

C. **General Requirements.**

1. **Required Permits.** Prior to the operation of a dwelling unit, or a portion thereof, as an STR, the operator must obtain a Short-Term Rental Permit in accordance with this Section and a Business License in accordance with Milpitas Municipal Code Chapter III-1 (Business Licenses). A Short-Term Rental Permit may be terminated or revoked if the standards of this Title are not met.
2. **Compliance.** Occupants of the STR must comply with all applicable federal, state, and local laws. The operator must ensure compliance with this provision.
3. **Rentals per Dwelling Unit.** A maximum of one short-term rental is permitted per dwelling unit at any given time.
4. **Off-Street Parking Requirement.** One off-street parking space must be provided for the STR. Any parking space in excess of the required number of parking spaces for the primary dwelling unit in accordance with Chapter C.6 (Parking and Loading) may be used for the STR. The parking space must comply with all development standards set forth in Chapter C.6 (Parking and Loading).
5. **Exterior Alterations.** The exterior of the dwelling unit must not be altered such that the structure appears to serve a nonresidential use either by color, materials, construction, lighting, signage, landscaping, or by other similar effects.
6. **Hosted Rentals Only.** An operator may only conduct a hosted rental, where an owner or operator is living and present in the dwelling unit during the short-term rental period. Un-hosted rentals, where an owner or operator is not living and present in the primary dwelling unit during the short-term rental period, are prohibited in STRs.
7. **Maximum Occupancy.** The daytime (7:00 a.m. to 9:00 p.m.) and overnight (9:00 p.m. to 7:00 a.m.) occupancy of the STR is limited to a maximum of two persons per bedroom plus one additional person. The operator shall not allow the STR to be used for any gathering where the number of persons will exceed the permitted maximum occupancy limits.
8. **Alternative Contact Person.** The owner must identify and designate an alternative contact person who must be available 24 hours per day, seven days per week, to respond to complaints regarding the condition, operation or conduct of occupants of the STR. The alternative contact person may be the owner, local property manager, or agent of the owner, and must respond in-person to complaints within 60 minutes.
9. **Trash and Refuse.** Trash and refuse must be stored outside of public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days.
10. **Signage.** Signs that advertise the availability of the short-term rental unit are prohibited.
11. **Liability Insurance.** Liability insurance is required of the operator, or hosting platform on behalf of the operator, in the amount of no less than \$500,000. Proof of liability insurance is not required if hosting activity is only handled by a hosting platform that already extends similar liability coverage.

12. **Commercial and Assembly Uses Prohibited.** STRs are limited to dwelling, lodging, and sleeping purposes only. Use of the STR for any other commercial uses or assembly uses such as weddings, corporate events, or parties, is prohibited.
13. **Transient Occupancy Tax (TOT).** Either the operator or hosting platform must collect and remit the transient occupancy tax in accordance with Milpitas Municipal Code Chapter III-13 (Transient Occupancy Tax). The operator must maintain records of TOT paid, even if paid by a hosting platform, for three years.
14. **Good Neighbor Manual Required.** The operator must sign a manual provided by the City that summarizes general rules of conduct and all rules and regulations applicable to the use of the STR in this Section and the Milpitas Municipal Code. The operator must post the manual on the inside of the front door and door to the backyard or a in a conspicuous location near each door.
15. **Indemnification.** To the fullest extent permitted by law, the owner of an STR must defend, indemnify, and hold the City, its officials, officers, and employees free and harmless from any and all claims, demands, causes of action, damage or injury to persons or property arising out of any alleged acts, omissions, or willful conduct of the owner, its employees, or its agents.
16. **Health and Safety.** It is the operator's responsibility to assure that the STR is and remains in compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.

D. **Application Procedure.**

1. **Short-Term Rental Permit.** STRs are subject to a Short-Term Rental Permit, in accordance with this Section. An owner or operator must apply for and obtain a Short-Term Rental Permit before operating an STR.
2. The Director makes the determination on the Short-Term Rental Permit application, based on compliance with provisions in this Subsection.
3. The application must contain the following information and documentation:
 - a. The name, address, and telephone number of the owner of the subject short-term rental unit;
 - b. If the applicant is not the owner, the applicant must demonstrate written consent of the owner to operate a short-term rental unit on the property;
 - c. The name, address, and telephone number of the owner's authorized agent or representative, if any;
 - d. The name, address, and 24-hour telephone number of the Alternative Contact Person;
 - e. Verification that the Alternative Contact Person can respond in person to the site of the short-term rental unit within 60 minutes of notification of a complaint;
 - f. The address of the proposed STR;
 - g. The number of bedrooms in the STR;
 - h. The location and dimensions of the off-street parking space designated for the STR;

- i. For STRs located in any area governed by a homeowners' association or community association (association) and subject to CC&Rs, the applicant must additionally submit a copy of a letter to the association's governing board stating the applicant's intent to operate a short-term rental unit and inviting the association to submit a letter to the City stating one of the following: (1) that short-term rentals are not prohibited at the proposed unit by the CC&Rs; or (2) that a short-term rental is allowed at the proposed unit under the CC&Rs, but only under certain conditions, and a statement of whether or not the conditions here are met; or (3) that the CC&Rs do not allow short-term rentals as defined herein. The association's response is not determinative, but it is a factor that may be considered by the Director;
 - j. A copy of the Good Neighbor Manual, signed by the owner, certifying that the owner has read and understands the guidelines for responsible operation;
 - k. The operator must attach a copy of the "Smoke Alarm & Carbon Monoxide Alarm Self Certification" for the property to be used as a short-term rental to the application in order to ensure the space has smoke alarms and carbon monoxide alarms and spark arrestors installed; and
 - l. Such other information as the Director deems reasonably necessary to administer this Section.
- E. **Compliance Review.** The Director will review the Short-Term Rental Permit within one year after issuance for compliance with this Section. The Director will conduct a similar compliance review of Short-Term Rental Permits on an annual basis, or as needed, concurrent with renewal of the Business License for each use. Any failure to conduct a review does not waive any noncompliance or the City's right to conduct a review in the future.
- F. **Change in Ownership.** If there is a change of property ownership, change of owner's agent or representative, or any other change in material facts pertaining to the information contained in the Short-Term Rental Permit application, the new owner or new owner's authorized agent or representative shall obtain a new Business License and notify the City prior to continuing to rent the subject unit as a short-term rental. The Director will conduct a compliance review of the Short-Term Rental Permit for the subject property in conjunction with the application for a Business License by the new property owner.
- G. **Violation of Regulations.** Violation of any provision of this Title, including the requirement to maintain a current Business License, may result in the revocation of the Short-Term Rental Permit after notice and an opportunity for a hearing has been given to the permittee, in accordance with Section D.18.070 (Modification, Revocation, and Suspension).
- H. **Enforcement.** Where prompt compliance is not forthcoming, the City may take any appropriate enforcement action to secure compliance. All remedies in the Milpitas Municipal Code are considered cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing these provisions.

C.10.210 Single-Family Dwelling

- A. **Purpose.** The purpose of this Section is to provide standards for single-family dwellings.

- B. **Applicability.** Newly constructed single-family dwellings must comply with the standards in this Section. Existing single-family dwellings shall not be required to comply with these standards or deemed nonconforming because the dwelling does not comply with these standards.
- C. **Limits on Blank Walls.** No wall on any level except for garages may run in a continuous plane of more than 20 feet without a window or a projection, offset, or recess of the building wall at least one foot in depth.
- D. **Entrances.**
 - 1. **Orientation.** The primary entrance of any single-family dwelling located along public rights-of-way or pathways must be at least partially visible from the public street or pathway. Exceptions to this requirement may be approved where the site is located on a major street, or topographic conditions, existing trees, or lot configuration prevent this visibility.
 - 2. **Protection.** The primary entry must incorporate a projection, recess, or combination of projection and recess at least 14 square feet in area, with a minimum depth of 3.5 feet.

FIGURE C.10.210-1: ENTRANCE PROTECTION



- E. **Privacy.** New second-story windows that are five feet or less from an interior side property line or 15 feet or less from a rear property line shall incorporate at least one of the following:
 - 1. The proposed second-story window shall be positioned such that the window sill is at least five feet above finished floor; or
 - 2. The proposed second-story window shall utilize frosted or obscured glass in the glazing portion of the window (i.e., glass that is patterned or textured such that objects, shapes, and patterns beyond the glass are not easily distinguishable).
- F. **Street-Facing Facade Design.** All street-facing buildings facades must be designed at an equivalent design level to the primary facade in the extent of building articulation, level of detail, and quality of exterior materials, and consistent with the color scheme of the primary facade. Details include but are not limited to door recesses, door trim, cornices, belt courses, columns/piers, posts/beams, brackets, columns/arches, and roof forms.
- G. **Building Materials.**

1. Exterior timber must be protected from decay by stain and sealant.
2. Exterior ferrous metals must be protected from corrosion either through the use of galvanized, stainless, weathering steel, or powder coating.
3. Plywood, corrugated metal, sheet metal, and unfinished aluminum are prohibited.

C.10.220 Single Room Occupancy Residences

- A. **Purpose.** The purpose of this Section is to provide standards for single room occupancy (SRO) residences.
- B. **Applicability.** The standards for SRO residences in this Section apply to all SRO residences as allowed by Part XIII-B (Zone Regulations).
- C. **Location.** SRO residences must be within one-half mile of a fixed rail or bus stop with 30-minute minimum headways during peak hours.
- D. **Minimum Unit Standards.** Each SRO unit must:
1. Be a minimum of 150 square feet;
 2. Not exceed 400 square feet; and
 3. Contain a closet within the unit.
- E. **Minimum Facility Standards. An SRO facility shall meet the following standards:**
1. **Full Bath.** If an individual full bath is not provided in each unit, common bath facilities shall be provided in accordance with the California Building Code for congregate residence with at least one full bathroom per floor.
 2. **Full Kitchen.** An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
 3. **Laundry.** Laundry facilities shall be provided in a separate room at the ratio of one washer, dryer, and laundry tub with hot and cold running water for every 20 units, with at least one washer, dryer, and laundry tub per floor.
 4. **Common Space.** A minimum of 200 square feet of interior usable common space must be provided, excluding janitorial storage, laundry facilities and hallways.
 5. **Management Plan.** A management plan shall be submitted to the Department for review and approval prior to issuance of a Certificate of Occupancy. Management plans shall be resubmitted to the Department on an annual basis for review and approval. A facility with 10 or more units shall provide on-site management.

C.10.230 Temporary Uses and Structures

- A. **Purpose.** This Section establishes standards for uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

- B. **Applicability.** This Section applies to the temporary uses and structures on private property and certain public rights-of-way described in this Section. All other temporary uses shall be prohibited on private property.
- C. **General Standards.**
1. **Business License Required.** Where applicable, a separate Business License is required for each vendor.
 2. **Removal of Temporary Use.** Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the temporary use.
 3. **Security.** A performance security (including a bond or financial deposit) in a form and amount acceptable to the Director may be required before initiation of the temporary use to ensure the following:
 - a. Cleanup after the use has ceased; and
 - b. To guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit or completion of the use or activity, whichever occurs first.
- D. **Temporary Uses Not Requiring a Temporary Use Permit.** The following types of temporary uses may be conducted without a Temporary Use Permit. Other permits, such as building permits, may be required.
1. **Yard/Garage Sales.** Sales of personal property conducted by a resident of the premises with a maximum term of three consecutive calendar days and occurring no more than two times a year.
 2. **Nonprofit Fundraising.** Fundraising activities by tax exempt organizations pursuant to 501(C) of the Federal Revenue and Taxation Code are allowed in nonresidential zones with no limitation on the number of occasions and duration where there is no disruption to the normal circulation of the site; encroachment upon driveways, pedestrian walkways, or required parking or landscaped areas; obstruction to sight distances; or other created hazard for vehicle or pedestrian traffic.
 3. **Seasonal Sales.** The annual sales of holiday related items such as Christmas trees, pumpkins, and similar items may be permitted in accordance with the following standards. This Subsection is only applicable to temporary seasonal sales that are not in conjunction with an existing business and are not applicable to farmers' markets or the sale of fireworks.
 - a. **Location.** Seasonal sales are limited to commercial, mixed use, and institutional zones and to properties in other zones that have primary educational institution or community assembly uses.
 - b. **Number of events.** The subject lot shall not be used for seasonal sales more than three times within the calendar year.
 - c. **Time period.** Temporary seasonal sales shall be limited to 45 days of operation per calendar year.

- d. *Merchandise.* Temporary seasonal sales shall not engage in the sale of any merchandise not directly associated with the holidays with which the seasonal sales are associated.
 - e. *Elimination of Parking.* Areas used for temporary seasonal sales shall not eliminate the required parking for the primary use on the site, if there is one, or for any other site.
 - f. *Removal.* Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used, in compliance with the provisions of this Title.
4. **Commercial Special Events and Sales.** Commercial special events and sales including, but not limited to, grand opening events and other special sales events, are allowed in accordance with the following standards:
- a. *Location.* Events are limited to nonresidential zones and shall be located on the site of, and associated with, a permanent commercial use.
 - b. *Number of events.* No more than six events at one site shall be allowed within any 12-month period.
 - c. *Duration.* The maximum duration of a single event is five consecutive calendar days, with a minimum of 14 calendar days between each event.
 - d. *Display.* Location of the event or displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required parking or landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
5. **Temporary Construction Office Trailers.** On-site temporary construction offices during the period of construction may be allowed in accordance with the following standards:
- a. *Location.* Trailers shall not obstruct driveways or traffic access aisles.
 - b. *Parking impacts.* The applicant shall demonstrate that parking will not be negatively impacted.
 - c. *Colors and materials.* The colors and materials shall complement the main building, if one exists.
 - d. *Screening.* The Director may require screening in addition to other applicable screening requirements in this Title.
 - e. *Noise.* Any exterior noise-generating equipment associated with trailers shall not be within 300 feet of a residential zone or use.
 - f. *Removal.* Trailers shall be removed upon cessation of permitted construction activity.
 - g. *Exceptions.* Any deviation from any standards above shall only be allowed through the approval of a Minor Site Development Permit.
6. **Temporary Resilience Hubs Operating During a Declared Emergency.** A temporary resilience hub, intended to provide essential services to residents during or immediately following an event that has been declared an emergency by a local, state, or federal government authority, but not intended to operate on a long-term or permanent basis,

may be allowed in any location and in any zone without requiring a Temporary Use Permit.

E. **Temporary Uses Requiring a Temporary Use Permit.** The following types of temporary uses must obtain a Temporary Use Permit and are subject to the following standards:

1. ***Model Homes and Complexes.*** Model home complexes and sales offices may be allowed solely for the first sale of homes within a recorded tract or condominium subdivision, subject to the following standards:
 - a. ***Applicability.*** The model homes shall meet all applicable zoning and development standards for the lots as shown on the tentative map.
 - b. ***Time Limits.***
 - (i) ***Temporary sales office.*** A temporary information/sales office shall be removed within one month of closing the sale of the final unit of the development.
 - (ii) ***Model homes.*** Model homes may be established and operated for a period of three years or until completion of the sale of the lots or units, whichever comes first. One-year extensions may be approved by the Director until the sale of all lots/residences is completed.
 - c. ***Location of Sales.*** The model home complex and office must be located on the same or adjacent premises as the subdivision or building project. Real estate sales conducted from a temporary sales office are limited to sales of lots or units within the development.
 - d. ***General Plan.*** Model home sales personnel shall prominently post a copy of the General Plan and Land Use Map and to refer each purchaser of a home to the General Plan and to the Department to answer any questions regarding interpretation of the General Plan.
 - e. ***Site Plan Required.*** All applicants shall submit a site plan indicating the lots on which the models are to be constructed. The location and details of the sales office shall be identified on the plans. The site plan shall also provide the location of all proposed off-street parking, fencing and all other on and off-site improvements associated with the models.
 - f. ***Parking.*** No less than two off-street parking space shall be provided for each model. Parking spaces shall be located within 600 feet of the model complex and comply with standards in Chapter C.6 (Parking and Loading). Accessible parking spaces shall be provided and comply with ADA standards.
 - g. ***Landscaping.*** Model home complexes shall be landscaped in the same manner as is required for the final lots.
 - h. ***Return Office Use to Residential Use.*** Sales offices, signs, and temporary improvements associated with the model complex shall be removed prior to occupancy of the last dwelling unit constructed in the subdivision. Offices located in an approved garage space shall be converted back into garage area.

- i. *Signs.* Signs for model homes shall comply with Chapter C.8 (Signs). The location of all proposed street numbering, fire routes, ground and wall signage shall be clearly identified on the site plan.
- 2. ***Temporary Structures.***
 - a. Temporary structures, including but not limited to industrial shipping containers, in a nonresidential zone may be allowed for less than one year, subject to the following standards:
 - (i) The temporary structure shall not be visible from adjacent streets or rights-of-way;
 - (ii) The temporary structure must serve an allowed use on the site; and
 - (iii) The temporary structure shall not obstruct any required parking spaces, and the required dimensions for drive aisles must be provided.
 - b. Temporary self-storage portable containers in a residential zone may be allowed, subject to the following standards:
 - (i) Allowed only when associated with home improvements and moving;
 - (ii) Must be located on the site of the home improvement or residence being moved into or out of;
 - (iii) Must be located on private property (i.e., outside of the public right-of-way);
 - (iv) Must be placed on level finished grade;
 - (v) Must maintain a minimum five-foot separation from any structure;
 - (vi) Must not obstruct any required parking spaces;
 - (vii) The required dimensions for drive aisles must be maintained;
 - (viii) Allowed for a maximum of 180 days per year;
 - (ix) Nothing may be stacked on top of a single container;
 - (x) May not be habitable or used as a residence;
 - (xi) May not have any plumbing connections;
 - (xii) Must include a warning device (e.g., a horn) placed inside each container to address safety;
 - (xiii) Must comply with Fire and Building Code requirements (e.g., flammable or hazardous materials); and
 - (xiv) May not have any signage.
- 3. ***Community Services Operated by a Nonprofit.*** Community services and temporary operations by tax exempt organizations pursuant to 501(C) of the Federal Revenue and Taxation Code may be allowed subject to Temporary Use Permit approval. Nonprofit fundraising is exempt from a Temporary Use Permit consistent with Subsection C.10.230.D.2 (Nonprofit Fundraising).

- F. **Special Events Requiring a Special Events Permit.** Short-term special events that are not considered regulated under Subsection C.10.230.D.4 (Commercial Special Events and Sales) may be permitted pursuant to the Special Event Permit standards and procedures in Subsection D.4.120 (Special Event Permit).
- G. **Temporary Uses Requiring a Minor Conditional Use Permit.** Other temporary uses that do not meet the standards for temporary uses not requiring a permit or requiring a Temporary Use Permit may be allowed in nonresidential zones with the approval of a Minor Conditional Use Permit provided they are temporary in nature, and will not unreasonably impair circulation or the operation of other uses in the area, or otherwise create significant impacts.

C.10.240 Wireless Telecommunication Facilities

- A. **Purpose.** The purpose of this Section is to provide uniform and comprehensive standards for the approval, placement, and design of telecommunication facilities. These regulations are intended to protect and promote public health, safety, and community welfare while at the same time not unduly restricting needed telecommunication facilities. They have also been developed to further the policies of the General Plan. It is intended that these regulations specifically accomplish the following:
 - 1. Ensure that new telecommunication facilities are installed in a manner that minimizes their visual impact on the community;
 - 2. Protect the environmental resources of Milpitas;
 - 3. Create telecommunication facilities that will serve as an important and effective part of the City's emergency response network; and
 - 4. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while protecting the legitimate interests of Milpitas residents.
- B. **Definitions.** Terms used in this Section are defined Chapter E.2 (Definitions of Terms).
- C. **Applicability and Exemptions.** The requirements of this Section apply to all telecommunication facilities on private property and public property not including the public right-of-way that transmit and/or receive electromagnetic signals, including, but not limited to, personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:
 - 1. Licensed amateur (ham) radio and citizen band operations;
 - 2. Handheld, mobile, marine, and portable radio transmitters and/or receivers;
 - 3. Public safety communications radio;
 - 4. Radio and television mobile broadcast facilities;
 - 5. Antennas and equipment cabinets or rooms completely located inside of permitted structures;
 - 6. A temporary telecommunication facility mounted on a trailer or a portable foundation, with approval of the City Manager for an emergency for a period of up to one year;

7. A single ground- or building-mounted dish antenna not exceeding the maximum height permitted by this Section, including any mast, subject to the following restrictions:
 - a. *Satellite dish 39.37 inches (one meter) or less.* A satellite dish antenna 39.37 inches (one meter) or less in diameter and:
 - (i) Intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite; or
 - (ii) A hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot provided it does not exceed the height of the ridgeline of the primary structure on the same parcel.
 - b. *Non-satellite dish 39.37 inches (one meter) or less.* A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and:
 - (i) Intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite; or
 - (ii) A hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot;
8. An antenna that is less than 25 feet in height and that is mounted on any existing building or other structure. The antenna shall be for the sole use of a person occupying the same parcel on which the antenna is located to receive television broadcast signals;
9. Any antenna or wireless telecommunications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation; and
10. Minor Deviations to existing wireless facilities as determined by the Director that replace existing equipment in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section, and will have little or no change in the visual appearance of the facility.

D. **Permits Required.**

1. **Colocation Facilities.** Colocation facilities (California Government Code section 65850.6) are allowed by right when proposed on a wireless telecommunications colocation facility that was subject to a discretionary permit issued and an Environmental Impact Report was certified, or a Negative Declaration or Mitigated Negative Declaration was adopted for the wireless telecommunication colocation facility in compliance with CEQA and the colocation facility incorporates required mitigation measures specified in that Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration.

2. **Eligible Facilities Request (EFR).** For Eligible Facilities Requests, colocation of new transmission equipment, removal of transmission equipment, or the replacement of transmission equipment is allowed by right provided the modification of an existing tower or base station does not substantially change the physical dimensions of the tower or base station.
 3. **Telecommunication Facility, Major.** Non-exempt major telecommunication facilities (see Chapter E.2 (Definitions of Terms)) are permitted subject to Conditional Use Permit.
 4. **Telecommunication Facility, Minor.** Non-exempt minor telecommunication facilities (see Chapter E.2 (Definitions of Terms)) are permitted subject to a Minor Site Development Permit.
- E. **Application Requirements and Review Process.** The following are the minimum criteria applicable to all telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, mitigation measures, more restrictive criteria than presented in this Section, other conditions of approval may also be necessary. All telecommunication facilities shall comply with:
1. **Application Requirements.**
 - a. **Filing.** An application for approval of a telecommunication facility shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
 - b. **Responsibility.** It is the responsibility of the applicant to provide the necessary information in support of findings required for the approval of the telecommunication facility, including the findings required by this Section and Chapter D.2 (Procedures).
 2. **Expert Review.** The Director is explicitly authorized to hire on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section and in those cases where a technical demonstration of feasibility or unavailability of alternatives is required. The applicant shall pay all the costs of the review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.
 3. **Public Notice.** In addition to the public notice required in Section D.2.040.F (Public Hearing Notice) the following special noticing requirements apply:
 - a. Notice of a public hearing on a Conditional Use Permit application as required in this Section shall be provided to the operators of all telecommunication facilities within one mile of the subject parcel by mailing the standard legal notice by first class mail.
 - b. Notice of any application for a major telecommunication facility shall be mailed to all adjacent property owners within 500 feet. The notice shall include the date by which public comments regarding the application shall be submitted for consideration and the date of the scheduled public hearing or date that the Director shall make a determination on the application.

4. ***Required Findings.***

- a. *General Findings.* In approving any telecommunication facility except for a colocation facility request or an eligible facilities request, the Review Authority shall make the following findings:
 - (i) The proposed use conforms with the specific purposes of this Section and any special standards applicable to the proposed facility;
 - (ii) The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna or to accomplish colocation;
 - (iii) The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
 - (iv) The proposed facility uses a stealth design.
- b. *Additional Findings for a Major Facility.* To approve a major telecommunication facility, the Review Authority shall find that a minor telecommunication facility is not feasible because of technical, aesthetic, or legal considerations including that the siting:
 - (i) Would have more significant adverse effects on views or other environmental considerations;
 - (ii) Is not permitted by the property owner;
 - (iii) Would impair the quality of service to the existing facility; or
 - (iv) Would require existing facilities at the same location to go off-line for a significant period of time.
- c. *Findings for Colocation Facilities Requests.* The proposed colocation facility meets the requirements of Section C.10.240.D.1 (Colocation Facilities).
- d. *Findings for Eligible Facilities Requests.*
 - (i) The proposed colocation or modification meets all of the applicable criteria for an eligible facilities request stated in 47 C.F.R. section 1.6100(b)(3)-(9), or any successor provisions, after application of the definitions in 47 C.F.R. section 1.6100(b). The Review Authority shall make an express finding for each criterion;
 - (ii) The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. section 1.6100(b)(7)(i) through (iv), or any successor provisions; and
 - (iii) That the proposed facility will comply with all generally applicable laws.
- e. *Additional Findings for Setback Reductions.* Except for a colocation facility request or an eligible facilities request, to approve a reduction in setback, the Review Authority shall make one or more of the following findings:

- (i) The facility will be colocated onto or clustered with an existing, legally established telecommunication facility; and/or
 - (ii) The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- f. *Additional Findings for Any Other Exception to Standards.* The Planning Commission may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or state law. Requirements may be waived or modified only to the minimum extent required to avoid the noncompliance. An applicant seeking an exception must provide all supporting evidence for the exception request at the time of application submittal.
- 5. ***Conditional Use Permit Conditions of Approval.*** In addition to compliance with the requirements of this Section, all facilities shall be subject to all of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Review Authority:
 - a. Facilities shall not deny access to, or otherwise interfere with, any public utility, easement, or right-of-way located on the site. The City shall be allowed reasonable access to, and maintenance of, all utilities and existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting, and public signage.
 - b. At all times, all required notices and signs shall be posted on the site as required by the FCC and CPUC, and as approved by the City. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.
 - c. At all times, the permittee shall ensure that the facility complies with the most current regulatory and operational standards, including, but not limited to, radio frequency emissions standards adopted by the FCC.
 - d. The permittee and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in colocating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of colocation and may include negotiations for erection of a replacement support structure to accommodate colocation. A competitive conflict to colocation or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.
 - (i) No colocation may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.
 - (ii) Failure to comply with colocation requirements when feasible or cooperate in good faith as provided for in this Section is grounds for denial of a permit request or revocation of an existing permit.

- e. Within one month after construction of the wireless telecommunications facility, the permittee shall verify compliance with FCC radio frequency emissions standards. The verification shall be submitted to the Director. If at any time while the permit is in effect the Director determines there is good cause to believe that the facility may emit RF emissions that are likely to exceed FCC standards, the Director may require the permittee to submit a report described by this Section. Failure to comply with this Section shall be grounds for revocation of the Conditional Use Permit.
 - f. Within 60 days after the applicant commences full, unattended operations of the permitted facility, the applicant shall provide the Director with documentation that the permitted facility has been installed and/or constructed in compliance with the approved construction drawings and photo simulations and a technically sufficient written report by a qualified radio frequency emissions engineer certifying that the facility is in compliance with the radio frequency emissions guidelines or standards of the FCC.
6. ***Conditions of Approval for Colocation Facilities Requests.*** In addition to compliance with the requirements of this Section, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Review Authority:
- a. *Permit subject to conditions of underlying permit.* Any permit granted in response to an application qualifying as a colocation facility request shall be subject to the terms and conditions of the underlying permit.
 - b. *No permit term extension.* The City's grant or grant by operation of law of a permit for a colocation facility will not extend the permit term for the permit for the underlying wireless telecommunication colocation facility or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject wireless telecommunication colocation facility.
7. ***Eligible Facilities Requests Conditions of Approval.*** In addition to compliance with the requirements of this Section, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Review Authority:
- a. *Permit subject to conditions of underlying permit.* Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.
 - b. *No permit term extension.* The City's grant or grant by operation of law of an eligible facilities request permit constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the City's grant or grant by operation of law of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
8. ***Life of Approvals.***

- a. A Conditional Use Permit issued in accordance with to this Section authorizing establishment of a telecommunication facility must be renewed every 10 years through the approval process specified in Section D.4.030 (Use Permits). The grounds for non-renewal shall be limited to a showing that one or more of the situations listed below exist:
 - (i) The use involved is no longer allowed in the applicable zone;
 - (ii) The facility fails to comply with the relevant requirements of this Section as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Director that the facility will be brought into compliance within 120 days; and
 - (iii) The permittee has failed to comply with the conditions of approval imposed.
- b. The grounds for appeal of issuance of a renewal shall be limited to a showing that one or more of the situations listed above does in fact exist or that the notice required under Subsection C.10.240.E.4 (Required Findings) was not provided.

9. ***Standard Agreement Required.***

- a. The property owner(s) and the permittee shall enter into a performance and maintenance agreement with the City. The terms of the agreement shall:
 - (i) Ensure compliance with this Section and all applicable conditions of approval;
 - (ii) Require the facility to be appropriately maintained;
 - (iii) Ensure new landscaping is installed and existing landscaping is maintained, preserved, and protected, as indicated on the approved plans; and
 - (iv) Require the property owners to defend, indemnify, and hold harmless the City.
- b. The agreement shall be signed and notarized and submitted to the Department when located on private property. The agreement shall run with the property to ensure that future property owner(s) are aware of the requirement for ongoing maintenance of the existing and approved landscaping.

F. **Design and Location Standards.** Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zone in which they are located.

1. ***Location and Siting.***

- a. No new freestanding facility, including a tower, shall be located within 1,000 feet of another freestanding facility, unless mounting on an existing building or existing pole or tower is not feasible.
- b. All wireless telecommunication facilities shall meet the building setback standards of the zone in which they are to be located unless findings for a setback reduction are made in accordance with Subsection C.10.240.F.1.a, above.

- c. Major and minor telecommunication facilities are not permitted on properties within the "H" Hillside Combining District.
- 2. **Support Structures.** Support structures for telecommunication facilities may be any of the following subject to owner approval:
 - a. An existing nonresidential building.
 - b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless telecommunications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter, and profile.
 - c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility to achieve a stealth design. The term "functioning" as used in this subsection means the light pole serves a useful and appropriate lighting function as well as a wireless telecommunications function.
 - d. An existing publicly owned and operated tower exceeding the maximum height limit.
 - e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for colocation of at least one other similar communications provider.
- 3. **Height Limitations.**
 - a. *Freestanding wireless telecommunications facility.* A freestanding wireless telecommunications facility shall not exceed a height of 15 feet above the height limit of the zone in which it is located.
 - b. *Building-mounted facilities.* Building-mounted telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building, whichever is lower, measured from the top of the facility to the highest point of attachment to the building.
 - c. *Facilities mounted on structures.* Telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except that antennas may extend up to 15 feet above the height of an electric utility pole.
 - d. *Facilities mounted on light poles.* A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for the light poles.
 - e. *Height determination.*
 - (i) The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of the

tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached to the tower.

- (ii) In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted and to the tip of the highest antenna or piece of equipment attached to the tower. In the case of “crank-up” or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it can be raised including any antenna or other equipment attached to the tower.

4. ***Design and Screening.*** All telecommunication facility structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings, as well as any existing support structures, to reduce visual impacts.

- a. ***Minimum functional height.*** All free-standing wireless telecommunications facilities shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher facility will facilitate colocation.
- b. ***Guy wires.*** Guy wires shall only be used as a means of support for telecommunication facilities 20 feet or less in height.
- c. ***Stealth design.*** State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to achieve a stealth design in a manner that is compatible with the architectural design of the building or structure. All finishes shall be non-reflective.
- d. ***Equipment cabinets.*** Equipment cabinets shall be located within the building upon which antennas are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.
- e. ***Vegetation protection and facility screening.*** All telecommunication facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility where necessary. To this end the following measures shall be implemented:
 - (i) Existing trees and other vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.
 - (ii) Where mature trees exist near the construction site, a tree protection plan shall be submitted with the Building Permit or improvement plan submittal. This plan shall be prepared by a certified arborist and include specific measures to protect trees during project construction.

- (iii) No actions shall be taken subsequent to project completion to disturb, damage, or remove the existing vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.
- f. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
- g. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.
- h. *Colocation of additional wireless facilities on an approved major telecommunications facility.*
 - (i) All facilities shall make available unused space for colocation of other telecommunication facilities, including space for these entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Director may require the applicant to obtain a third-party technical study at applicant's expense. The Director may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.
 - (ii) All colocated and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities, and equipment buildings, shall be shared by site users whenever possible.
- 5. ***Security Features.*** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
 - a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base zone. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
 - b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti.
- 6. ***Roads and Parking.*** All telecommunication facilities shall be served by the minimum roads and parking areas necessary. To this end, existing roads shall be used for access whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Chief and City Engineer.
- 7. ***Radio Frequency Emissions Standards, Interference, and Noise.***

- a. *Radio frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.
 - b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.
 - c. *Noise.* Telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any nonresidential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 5:00 p.m.
- 8. **Fire Prevention.** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.
 - a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
 - b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.
 - c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
 - d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.
- G. **Vacation and Removal of Facilities.** The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

Chapter C.12 Density Bonus for Affordable Housing Developments

Sections:

- C.12.010 Purpose
- C.12.020 Definitions
- C.12.030 Implementation
- C.12.040 Types of Incentives Allowed
- C.12.050 Requirements for Density Bonus Projects
- C.12.060 Development Standards
- C.12.070 Processing of Density Bonus Requests
- C.12.080 Density Bonus Agreement
- C.12.090 Changes in State Density Bonus Laws

C.12.010 Purpose

The purpose of this Chapter is to provide incentives for the production of housing for very low income, lower income, moderate income, and senior households in accordance with California Government Code section 65915-65918. In enacting this Chapter, it is the intent of the City to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the Housing Element of the General Plan.

C.12.020 Definitions

All terms used in this Chapter shall have the meanings established by this Title or as superseded by state density bonus law.

C.12.030 Implementation

The City shall grant a density bonus or development bonus and/or incentives or concessions, waivers or reductions of development standards, and/or parking ratios as described in state density bonus law to a qualifying project in compliance with state density bonus law. The provisions of this Chapter shall be administered by the Department consistent with Part XIII-D (Administration and Procedures).

C.12.040 Types of Incentives Allowed

- A. **Types of Incentives.** If requested by the applicant, a qualifying project shall be entitled to at least one of the following incentives, unless the City makes the findings required by California Government Code section 65915(d)(1):
 - 1. ***Reduction or Modifications of Development Standards.*** A reduction in site development standards or a modification of the requirements of this Title, which exceed the minimum

building standards provided in California Health and Safety Code section 18901-18949.31. These may include, but are not limited to, one or more of the following:

- a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum lot setbacks.
 - c. Reduced minimum common and/or private open space.
 - d. Increased maximum building height.
 - e. Reduced on-site parking standards.
 - f. Other site or construction conditions applicable to a residential development.
2. **Mixed Use Zoning.** Mixed use zoning to allow the project to include nonresidential uses and/or allow residential uses within a nonresidential zone. Approval of mixed use activities in conjunction with a housing development is allowed if other land uses will reduce the cost of the housing development and is consistent with the General Plan.
 3. **Other Cost-Reducing Regulatory Incentive.** Another regulatory incentive or concession proposed by the applicant and agreed to by the City, that results in identifiable, financially sufficient, and actual cost reductions. Permissible incentives include direct financial aid (e.g., redevelopment set-aside) in the form of a loan or a grant to subsidize or provide low interest financing for on or off-site improvements, land, or construction costs.
 4. **Additional Density Bonus.** A density bonus of more than that allowed under state density bonus law.
 5. **Waived, Reduced, or Deferred Fees.** Waived, reduced, or deferred fees, including City fees for plan check, construction permit, and/or development impact fees.
- B. **Eligibility for Incentives.** A project shall be eligible for one or more incentives only if it complies with all requirements in Milpitas Municipal Code Chapter XII-1 (Affordable Housing Ordinance), as applicable, and with no exceptions under Milpitas Municipal Code Section XII-1-4 (Exceptions to On-Site Development of 15 Percent Affordable Units).
- C. **Additional Incentives.** The approval of an additional incentive or incentives above that allowed by state density bonus law shall be determined on a case-by-case basis by the Review Authority.

C.12.050 Requirements for Density Bonus Projects

- A. **Density Bonus Agreement.** The entry into and execution of the density bonus agreement shall be a condition of any application for a housing development proposed in compliance with this Chapter. The agreement shall be recorded at the applicant's cost as a restriction running with the land on the parcel or parcels on which the target units will be constructed.
- B. **Time Period of Affordability.** Target units shall remain restricted and affordable to the designated group for a period of 55 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program), or otherwise as provided by law.
- C. **Moderate Income For-Sale Units.** An applicant shall agree that the initial occupants of moderate-income units in a condominium project or a planned unit development are persons and families of moderate income, as defined in Health and Safety Code section 50093. Upon resale, the seller

of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code section 33334.2(e), that promote homeownership. For purposes of this Subsection, the City's proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale.

- D. **Certificate of Compliance.** The owner shall submit annually, and within 30 days of occupancy of a target rental unit, a Certificate of Compliance, which shall include the name, address, and income of each tenant occupying the target unit.
- E. **Income Statements and Tax Returns.** The owner shall maintain and keep on file annual sworn and notarized income statements and current tax returns for all tenants occupying the target rental units.
- F. **Provide Additional Information.** The owner shall provide to the City any additional information required by the City to ensure the long-term affordability of the target units by eligible households.
- G. **Right to Inspection.** The City shall have the right to inspect the owner's project-related records at any reasonable time and shall be entitled to audit the owner's records once a year.
- H. **Owner Occupancy.** All for-sale target units shall be occupied by their purchasers; no renting or subleasing shall be permitted.

C.12.060 Development Standards

- A. **Concurrent Construction.** Target units shall be constructed concurrently with non-restricted units unless both the City and the applicant agree within the density bonus agreement to an alternative schedule for development.
- B. **Distribution of Units.** Target units shall be built on-site and be dispersed throughout the project. Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the non-target units of the project, except that the developer may include a higher proportion of target units with more bedrooms. All projects shall comply with all applicable development standards, except those standards, which may be modified as provided by this Chapter. Deviations from these provisions may only be permitted as allowed by this Title or as part of an approved density bonus agreement.
- C. **Parking.** Upon request of the developer qualifying for a density bonus pursuant to this Chapter, the City shall not require vehicular parking ratios, inclusive of handicapped and guest parking, that exceed state law.

C.12.070 Processing of Density Bonus Requests

- A. A request consistent with this Chapter shall be processed as part of the project application as required by Part XIII-B (Zone Regulations) or Chapter D.4 (Permits and Approvals).
- B. The applicant shall submit all required items on the City's application form, including a description of the proposed number of total units, target units, density bonus units, and any incentives or waivers being requested.

- C. The Planning Commission shall conduct a public hearing on the density bonus request consistent with Section D.2.040.G (Public Hearings) and shall forward a recommendation to the Council. Upon receiving the Planning Commission's recommendation, the Council shall conduct a public hearing consistent with Section D.2.040.G (Public Hearings) prior to final action on the density bonus request.

C.12.080 Density Bonus Agreement

- A. **Agreement.** A legally binding agreement between a developer and the City, which ensures that the requirements of this Chapter and state density bonus law are satisfied, shall be executed. This density bonus agreement (the "agreement") shall be reviewed and approved by the Director and the City Attorney who shall formulate a recommendation to the review authority for approval.
- B. **Recordation.** Following execution of the agreement by the applicant and the City, the completed agreement, or memorandum thereof, shall be recorded. The conditions contained in the agreement shall be filed and recorded on the parcel or parcels designated for the construction of target units as a condition of final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The agreement shall be binding upon all future owners and successors in interest for this property, which is the subject of the housing development application.
- C. **Required Contents.** At a minimum, the agreement shall include the following:
1. The total number of units proposed within the housing development, including the number of target units;
 2. A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;
 3. The location, unit sizes (square feet), and number of bedrooms of target units;
 4. Tenure of use restrictions for target units;
 5. A schedule for completion and occupancy of target units;
 6. A description of any additional incentive being provided by the City;
 7. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement); and
 8. Other provisions to ensure implementation and compliance with this Chapter and state density bonus law.
- D. **Sale Conditions.** In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:
1. **Income.** Target units shall, upon initial sale, be sold to and occupied by eligible very low, lower income, or, in the case of a condominium or planned unit development, moderate income households at an affordable sales price and housing cost, or to qualified senior citizen residents (i.e., maintained as senior citizen housing).

2. **Restriction Sales.** The initial purchaser of each target unit shall execute an instrument or agreement, approved by the City Attorney, restricting the sale of the target unit in accordance with this Chapter and state density bonus law during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the target unit and shall contain provisions as the City may require to ensure continued compliance with this Chapter and the state density bonus law.
- E. **Rental Conditions.** In the case of rental housing developments, the agreement shall provide for the following conditions governing the use of target units during the use restriction period:
1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies and the proper management and maintenance of target units for qualified tenants;
 2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter; and
 3. Provisions requiring owners to submit an annual report to the City, which includes the name, address and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.

C.12.090 Changes in State Density Bonus Laws

It is the intent of the Council that the provisions of this Chapter shall be interpreted so as to fulfill the requirements of Government Code section 65915 et seq., notwithstanding changes in state laws revising percentages, numerical thresholds, and/or other standards applicable to the granting of density bonuses or related incentives that may occur after the effective date of this Chapter. Accordingly, it is the further intent of the Council that any such changed percentages, numerical thresholds, or other standards shall be deemed to supersede and govern any conflicting percentages, numerical thresholds, or other standards contained in this Chapter, to the maximum extent permitted by law.

Chapter C.14 Reserved

Chapter C.16 Condominium Conversions

Sections:

- C.16.010 Purpose
- C.16.020 Determining Allowance of Converting Apartment Units
- C.16.030 Development Standards
- C.16.040 Equal Housing Opportunities
- C.16.050 Review Requirements

C.16.010 Purpose

The City is concerned with maintaining an adequate supply of housing for its citizens, including rental housing. In accordance with Goal HE-2 of the General Plan's Housing Element, the City must maintain high-quality residential and mixed-use neighborhoods and preserve existing housing resources, including units affordable to extremely low, very low, low, and moderate-income households and market rate units.

C.16.020 Determining Allowance of Converting Apartment Units

- A. **Declaration of Housing Shortage.** When the number of vacant apartments being offered for rent or lease in Milpitas is equal to or less than six percent of the total number of apartment units offered for and under rental or lease agreement in Milpitas, a housing shortage exists which is inconsistent with the purposes of this Chapter and with the declared goals of the City relating to its General Plan Housing Element.
- B. **Determination of Vacancy Rate and Surplus.** Whenever an application for a condominium conversion is filed, the Department shall conduct a vacancy rate survey of the existing rental apartment dwelling units in Milpitas. This survey shall be completed within 45 days from the date the application for condominium conversion is deemed complete.
- C. **Surplus Required for Conversion Application.** An application for condominium conversion of existing multi-family rental housing units to residential condominium ownership shall not be approved unless there is a vacancy surplus of existing apartments which equals six percent or greater of the total number of apartment units within Milpitas, and if all of the adult tenants lawfully in possession of two-thirds of the units indicate their desire to convert such project to condominium ownership, in writing, to the City. In no event shall a number of lots, parcels, units, or rights of exclusive occupancy proposed exceed the vacancy surplus by 40 percent. Nothing in this Chapter shall be construed to prevent the payment of any consideration by landlord to tenant, provided however, consent obtained by payment to a tenant shall not be considered by the Council to be a free and willing consent unless payment of the same consideration is made to all tenants regardless of consent.

C.16.030 Development Standards

The following standards are required for any residential condominium conversion development.

- A. **Off-Street Parking.** Conformance to the current off-street parking standards, see Chapter C.6 (Parking and Loading).
- B. **Landscape and Open Space.** Conformance to the current landscape and usable open space requirements, see Chapter C.4 (Landscaping Standards) and Part XIII-B (Zone Regulations).
- C. **Housing and Fire.** Conformance to the City's current Building Code (Title II: Building Regulation) and Fire Code (Chapter V-300).
- D. **Meters and Control Valves.** The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shut-off valve shall be provided for each unit or for each plumbing fixture.
- E. **Overcurrent Protection.** Each unit shall have its own panel board for all electrical circuits which serve the unit.
- F. **Impact Sound Insulation.** Wall and floor-ceiling assemblies shall conform to the sound installation performance criteria in the California Administrative Code (Title 25, Section 1092 or its successor) and may be only replaced by another floor covering that provides the same or greater insulation.
- G. **Affordable Housing Supply.** Affordable housing requirements of Chapter XII-1 (Affordable Housing Ordinance) shall apply to condominium conversions.

C.16.040 Equal Housing Opportunities

In no case shall a project limit initial sales in a manner that is discriminatory against households with children, based on source of income, or other characteristic protected by fair housing laws.

C.16.050 Review Requirements

Condominium conversions are subject to a Conditional Use Permit consistent with Section D.4.030 (Use Permits) and the filing of a Tentative Map in accordance with Milpitas Municipal Code Chapter XI-1 (Subdivisions).

- A. **Staff Report.** A copy of the public hearing staff report shall be provided to the applicant and each tenant of the subject property consistent with California Government Code section 66452.3.
- B. **Public Hearing Notice.** Notice of the public hearing(s) on the application for a condominium conversion shall be provided by the City to all tenants of the subject property consistent with California Government Code section 66451.3.
- C. **Tenant Notice.** The applicant shall give notice to tenants of the intention to convert to condominium ownership, as required by the Subdivision Map Act. The applicant shall provide the City with copies of all required notices, a complete list of all tenants served with the notice, and the dates and methods by which the notice was served.
- D. **Protection of Tenant Rights.** In addition to the general findings required for approval of a Conditional Use Permit, approval of a Conditional Use Permit for a condominium conversion is

subject to the Council finding that the requirements of California Government Code section 66427.1 have been completed in accordance with state law, which relate to:

1. Notice to tenant(s) of intention to convert; and
2. Tenant(s) exclusive right to purchase their unit(s) upon the same terms and conditions that such unit(s) will be initially offered to the general public or terms more favorable to the tenant(s).

Chapter C.18 Nonconforming Buildings, Structures, Uses, and Parcels

Sections:

- C.18.010 Purpose
- C.18.020 Continuance and Maintenance
- C.18.030 Nonconforming Uses
- C.18.040 Nonconforming Parcels
- C.18.050 Nonconforming Buildings and Structures
- C.18.060 Nonconformity with Other Development Standards

C.18.010 Purpose

- A. This Chapter provides regulations for nonconforming buildings, structures, uses, and parcels that were lawful before the adoption or amendment of this Ordinance, but which would be prohibited, regulated, or restricted differently under the current terms of this Ordinance or an amendment that changed the applicable requirements.
- B. It is the intent of this Ordinance to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions outlined in this Chapter.
- C. The City recognizes that until nonconforming buildings, structures, uses, and parcels are converted, improvements to them which promote their compatibility with their neighborhoods, enhance the quality of development, and do not increase nonconformity should be encouraged and allowed.

C.18.020 Continuance and Maintenance

- A. Any nonconforming use or building or structure may be continued, used, and maintained in compliance with this Chapter.
- B. Any nonconforming parcel may be used, developed, and maintained in compliance with this Chapter.
- C. A nonconforming use, building, structure, and/or parcel may be transferred or sold, provided that no such use or structure shall be enlarged or altered except as otherwise provided in this Chapter.

C.18.030 Nonconforming Uses

- A. A nonconforming use may be continued, expanded, or replaced subject to the following standards:
 - 1. ***Continuation of Nonconforming Use.*** A nonconforming use shall be allowed to continue indefinitely, absent discontinuation of the use for a year or more and failure to comply with the re-establishment provisions of Subsection C.18.030.B (Re-establishment of

Discontinued Nonconforming Uses Within the Midtown and Metro Specific Plan Areas) if applicable.

2. ***Discontinuation of Nonconforming Use.***

- a. A nonconforming use which is discontinued for a continuous period of one year or more may only be replaced with a conforming use. However, a nonconforming use within the Midtown or Metro Specific Plan areas may be re-established consistent with Subsection C.18.030.B (Re-establishment of Discontinued Nonconforming Uses Within the Midtown and Metro Specific Plan Areas).
- b. A nonconforming use which has been discontinued for a period of less than one year may be replaced with a conforming use or a nonconforming use of the same use classification as a matter of right. For example, a nonconforming service station may be changed to an vehicle washing use, since both uses fall within the same use classification of vehicle-related use. However, a nonconforming use within the Midtown or Metro Specific Plan areas that has been discontinued for a period of less than one year, may be replaced with a nonconforming use of a different use classification consistent with Subsection C.18.030.B (Re-establishment of Discontinued Nonconforming Uses Within the Midtown and Metro Specific Plan Areas).

3. ***Change of Use Within the Same Use Classification.*** A nonconforming use may be changed to a different use within the same use classification as a matter of right.

4. ***Change of Use to a Different Nonconforming Use Classification.*** A nonconforming use may be changed to a nonconforming use of a different use classification only if it can be found that the proposed use is equivalent to or more appropriate than the existing nonconforming use at the project location. The proposed use may be allowed with Conditional Use Permit approval only after the following findings are made:

- a. The proposed nonconforming use would not cause a nuisance to the surrounding properties and zone (e.g., excessive parking demand, traffic, noise, etc.);
- b. The proposed nonconforming use would be compatible with the general character of the surrounding neighborhood or zone; and
- c. The proposed nonconforming use is necessary to allow gainful economic use of structures or improvements until such structures or improvements can be permanently converted to conforming uses.

5. ***Expansions of Nonconforming Use.***

- a. A nonconforming use shall not be enlarged or expanded in size or capacity, or extended to occupy a greater area of land or building floor area than it legally occupied before it became nonconforming; however, the Director may approve an expansion of up to 25 percent of the gross floor area if the expansion brings the nonconforming use into more conformity with this Title or the findings in Subsection C.18.030.A.4 (Change of Use to a Different Nonconforming Classification) are made.
- b. Expansions of nonconforming community assembly uses in the M2 Zone requires Conditional Use Permit approval by the Planning Commission and must comply with the requirements in this Subsection.

B. **Re-establishment of Discontinued Nonconforming Uses Within the Midtown and Metro Specific Plan Areas.**

1. Discontinued nonconforming uses within the Midtown and Metro Specific Plan areas may be re-established with Director approval if the findings in Subsection C.18.030.A.4 (Change of Use to a Different Nonconforming Classification) are made.
2. Approval of a Conditional Use Permit by the Commission shall be required in the following instances:
 - a. The proposed use lies within 1,000 feet of any residential use; or
 - b. The proposed use would require Conditional Use Permit approval at the time the use became nonconforming.
3. This Subsection shall become inoperative July 1, 2027, and shall be considered repealed on that date, unless a later enacted ordinance that becomes effective on or before July 1, 2027, deletes or extends that date. All other provisions of this Chapter shall be unaffected by this sunset clause.

C.18.040 Nonconforming Parcels

- A. **Legal Building Site.** A nonconforming parcel that does not comply with the applicable lot requirements for the zone (e.g., lot area, lot width, etc.) in which it is located shall be considered a legal building site if it meets at least one of the following:
1. The parcel was created by a recorded subdivision;
 2. The parcel is under one ownership and of record, and was legally created by a recorded deed prior to the effective date of the zoning amendment that made the parcel nonconforming; or
 3. The parcel was approved through a Variance or resulted from a lot line adjustment.
- B. **Development of Legal Building Sites.** A legal building site may be developed provided that any structure or development complies with the standards for the applicable zone unless standards are specifically waived or altered through a Variance or as otherwise allowed by this Title.
- C. **Subdivision or Adjustment of a Nonconforming Parcel.** No subdivision or lot line adjustment shall be approved that would increase the nonconformity of an existing parcel.

C.18.050 Nonconforming Buildings and Structures

- A. **Repair, Maintenance, Aesthetic Improvements.** Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made except those required by law.
- B. **Energy Efficiency and Sustainability Upgrades.** Improvements may be made to a nonconforming building or structure related to improving the energy efficiency, reducing the energy usage, and reducing the greenhouse gas emissions impact of the building or structure.
- C. **Restoration of Damaged Buildings and Structures.** A nonconforming building or structure which is involuntarily damaged by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, may be reconstructed, restored, or rebuilt consistent with the following.

1. ***Not More Than 75 Percent.*** If the involuntarily damage or partial destruction is not more than 75 percent of the nonconforming building or structure's true value immediately prior to the damage, the building or structure may be restored and the use of the building or structure immediately prior to the damage may be continued or resumed, provided the following:
 - a. The total cost of such reconstruction, restoration, and rebuilding does not exceed 75 percent of the true value of the building or structure immediately prior to the damage;
 - b. The Building Permit for reconstruction, restoration, and rebuilding is issued within one year of the damage;
 - c. Reconstruction, restoration, and rebuilding is diligently pursued to completion; and
 - d. Reconstruction, restoration, and rebuilding is found to not be detrimental to public health or safety by the Director.
2. ***More Than 75 Percent.*** If the involuntary damage exceeds 75 percent of the nonconforming building or structure's true value immediately prior to the damage, the building or structure shall not be reconstructed, restored, or rebuilt except in conformity with the requirements of this Title.
3. ***Multi-story Single-family Dwellings in the "H" Hillside Combining District.*** If a multi-story single-family dwelling within the "H" Hillside Combining District is involuntarily damaged, it may be rebuilt to its approved height and setbacks and is subject to the zoning regulations in effect at the time the multi-story single-family dwelling was built.
4. ***Duplex and Multi-Family Dwellings.*** If a duplex or multi-family dwelling is involuntarily damaged, the City may only prohibit the reconstruction of the duplex or multi-family dwelling if the findings required by Government Code section 65852.25 are made.

D. **Additions to, Enlargements, and Moving of Nonconforming Buildings and Structures.**

1. ***Compliance with Current Standards.*** A nonconforming building or structure shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all development standards and regulations of the applicable zone (e.g., building height, setbacks, maximum lot coverage, impervious surface coverage, etc.) and does not increase the degree of nonconformity.
2. ***R1, R2, and R1-H Zones.*** A nonconforming building or structure in the R1, R2, or R1-H zones shall not be added to or enlarged unless consistent with this Subsection and existing the front yard paving complies with the standards of Subsection B.4.040.A (R1 Zone Front Yard Coverage).
3. ***All Other Zones.*** A nonconforming building or structure in a zone other than R1, R2, or R1-H may be added to or enlarged consistent with this Subsection and the following:
 - a. The addition or enlargement shall not exceed 30 percent of the existing floor area (i.e., 30 percent of gross floor area if associated with a non-residential use, or 30 percent of all habitable space if associated with a residential use); and
 - b. A Conditional Use Permit for the addition or enlargement is approved by the Planning Commission.

4. **Location Change Prohibited.** A nonconforming building or structure shall not be moved in whole or in part to any other location unless every portion of such building or structure is made to conform to all regulations of the applicable zone.

C.18.060 Nonconformity with Other Development Standards

- A. **Nonconforming Parking.** No existing use of land or existing structure, where parking for said use or structure was conforming at the time of establishment or modification, shall be deemed to be nonconforming solely because of the lack of parking facilities prescribed in Chapter C.6 (Parking and Loading), but rather shall retain conforming status for as long as the use or structure remains unmodified.
 1. **Residential Expansions.** For additions or enlargements of existing residential structures or buildings that would increase the number of parking spaces required, the additional parking shall be required only for the addition or enlargement or new dwelling units, and not for the preexisting structure or building or preexisting dwelling units. However, the Review Authority may grant a waiver of the parking requirement for the addition, enlargement, or new dwelling units if it is determined that sufficient parking is not available on or near the site, and the project is consistent with the General Plan, otherwise consistent with this Title, and the waiver would not create a negative impact for neighboring properties.
 2. **Change in Use.** For any change of use or manner of operation that would increase the number of parking spaces required, no additional parking shall be required unless the Review Authority determines that the change in use would require 15 percent or more parking spaces than currently exist. The number of parking spaces required for the change of use shall be the difference between the number required by Chapter C.6 (Parking and Loading) and 115 percent of the number of spaces that currently exist.
- B. **Nonconforming Landscaping.** No existing use of land or existing structure, where landscaping or screening for said use or structure was conforming at the time of establishment or modification, shall be deemed to be nonconforming solely because of the lack of landscaping and screening prescribed in Chapter C.4 (Landscaping Standards), but rather shall retain conforming status for as long as the use or structure remains unmodified.
 1. **Expansion of Structure.** For additions or enlargements of existing structures or buildings that would increase the amount or type of landscaping or screening required, the additional landscaping or screening shall be required only for such addition or enlargement, and not for the preexisting structure or building.
 2. **Change in Use.** For any change of use or manner of operation that would increase the amount or type of landscaping or screening required, such additional landscaping and/or screening shall be provided.
- C. **Nonconforming Lighting.**
 1. All lighting must be brought into compliance with the requirements of this Title for a change of use or an addition or modification that requires or includes an increase of 25 percent of the number of required on-site parking spaces, additional dwelling units, gross floor area, seating capacity, or other units of measurement.

2. For a change of use or addition or modification that requires or includes an increase in the number of on-site parking spaces, additional dwelling units, gross floor area, seating capacity, or other units of measurement that is less than 25 percent, the applicant must comply with the requirements of this Title only for any new outdoor lighting provided.
 3. In the event that an outdoor lighting fixture is abandoned or is damaged and requires repairs for safe operation, the repaired or replacement fixture must comply with the provisions of this Title.
- D. **Nonconforming Signs.** This Chapter does not regulate nonconforming signs, which are instead subject to the requirements of Section C.8.080 (Nonconforming Signs).

Chapter D.2 Procedures

Sections:

- D.2.010 Purpose
- D.2.020 Authorities and Administration
- D.2.030 Summary of Review Authorities for Decisions and Appeals
- D.2.040 Common Procedures

D.2.010 Purpose

The purpose of this Chapter is to identify the assignment of authority and review procedures for zoning decisions related to land use and development applications as defined in this Title.

D.2.020 Authorities and Administration

Review Authorities are authorized to administer this Title as follows.

- A. **Director.** The Director shall have the duties assigned by this Title as may be required to fulfill the purposes of this Title. These duties include environmental determinations on any approval that is exempt from environmental review under the California Environmental Quality Act and where the final approval for the project is made by the Director. These duties shall be in addition to those contained in California Government Code section 65900 et seq.
- B. **Zoning Administrator.** The Zoning Administrator shall have the duties assigned by this Title as may be required to fulfill the purposes of this Title. These duties include environmental determinations on any approval that is exempt from environmental review under the California Environmental Quality Act and where the final approval for the project is made by the Zoning Administrator.
- C. **Planning Commission.** The Planning Commission is established by Milpitas Municipal Code Chapter I-500 (Planning Commission) with duties and powers outlined in Section I-500-1.12. The authority and responsibilities of the Planning Commission shall also include, but are not limited to the following:
 - 1. Authority to hear and decide:
 - a. Applications identified in Table D.2.030-A (Review Authorities); and
 - b. Environmental determinations on any approval that is subject to environmental review, and not exempt, under the California Environmental Quality Act.
 - 2. Authority to review and make recommendations to the Council on:
 - a. Applications for Zoning Amendments;
 - b. Applications for General Plan Amendments;
 - c. Applications for Specific Plans;
 - d. Development Agreements;

- e. Environmental determinations on any approval that is subject to environmental review under the California Environmental Quality Act and where the final approval for the project is made by the Council; and
 - f. Any other action that state law requires the Planning Commission to consider and recommend before Council consideration.
- 3. Authority to hear an appeal from any determination made by an administrative or appointed official, such as the Director or Zoning Administrator, in the administration or enforcement of this Title. See also Table D.2.030-A (Review Authorities) and Section D.2.040.N (Appeals).
 - 4. Other powers and responsibilities assigned by this Title or directed by the Council.
- D. **City Council.** The Council is established through the incorporation of the City and has final review and decision-making authority on matters relating to planning and zoning, subject to delegation of this authority as provided in this Title. These duties shall be in addition to those contained in California Government Code section 65900 et seq.

D.2.030 Summary of Review Authorities for Decisions and Appeals

Table D.2.030-A (Review Authorities) identifies the types of applications authorized by this Title and the Review Authority responsible for recommending and making decisions on each type of application.

Table D.2.030-A: Review Authorities ¹				
Type of Action	Chapter/Section	Recommending Authority	Review Authority (Decision-Making Body)	Appeal Authority
Site Development Permits				
Site Development Permit	Subsection D.4.020 (Site Development Permits)	Director	Planning Commission	Council
Site Development Permit in “H” Hillside Combining District		Director and Planning Commission	Council	n/a
Minor Site Development Permit		n/a	Director or Zoning Administrator ²	Planning Commission
Use Permits				
Conditional Use Permit (CUP)	Subsection D.4.030 (Use Permits)	Director	Planning Commission	Council
Minor Conditional Use Permit (MC)		Director	Zoning Administrator	Planning Commission
Minor Conditional Use Permit (MCS)		n/a	Director	Planning Commission
Temporary Use Permit	Subsection D.4.040 (Temporary Use Permits)	n/a	Director	Planning Commission
Minor Deviations and Variances				

Table D.2.030-A: Review Authorities ¹

Type of Action	Chapter/Section	Recommending Authority	Review Authority (Decision-Making Body)	Appeal Authority
Minor Deviation ³	Subsection D.4.050 (Minor Deviations)	Director	Zoning Administrator	Planning Commission
Variance	Subsection D.4.060 (Variances)	Director	Planning Commission	Council
Variance in “H” Hillside Combining District		Director and Planning Commission	Council	n/a
Sign Permits				
Major Sign Permit	Subsection D.4.070 (Sign Permits)	Director	Planning Commission ⁴	Council
Minor Sign Permit	Subsection D.4.070 (Sign Permits)	n/a	Director or Zoning Administrator ^{4, 5}	Planning Commission
Sign Program	Subsection D.4.080 (Sign Programs)	Director	Planning Commission ⁴	Council
Temporary Sign Permit	Subsection D.4.090 (Temporary Sign Permits)	n/a	Director	Planning Commission
Other				
Home Occupation	Subsection D.4.100 (Home Occupation Permits)	n/a	Director	Planning Commission
Reasonable Accommodation	Subsection D.4.110 (Reasonable Accommodation)	n/a	Director	Planning Commission
Special Event Permit	Subsection D.4.120 (Special Event Permits)	n/a	Director	Zoning Administrator
Amendments and Legislative Decisions				
Zoning Amendment	Chapter D.6 (Zoning Ordinance and Zoning Map Amendments)	Director and Planning Commission	Council	n/a
General Plan Amendment	Chapter D.8 (General Plan Amendments)	Director and Planning Commission	Council	n/a
Specific Plan	Chapter D.10 (Specific Plans)	Director and Planning Commission	Council	n/a
Planned Unit Development	Chapter D.12 (Planned Unit Development)	Director and Planning Commission	Council	n/a
Development Agreement	Chapter D.14 (Development Agreements)	Director and Planning Commission	Council	n/a

Table Notes:

¹ For projects that require multiple applications, see Subsection D.2.040.B.3 (Multiple Applications).

² See Subsection D.4.020.B (Applicability) for when the Director or the Zoning Administrator is the decision-making body.

³ Minor Deviation refers to modifications or adjustments to zoning standards, not a modification to an approved permit or project. See Subsection D.4.050 (Minor Deviation).

⁴ The Council is the decision-making body for Sign Permits and Sign Programs in the “H” Hillside Combining District.

5 See Subsection D.4.070.D (Authority) for when the Director or the Zoning Administrator is the decision-making body.

D.2.040 Common Procedures

A. **Purpose.** The purpose of this Section is to establish common procedures and requirements for the preparation, filing, and processing of development applications required by this Title. These common procedures and the development review processes established in this Part XIII-D (Procedures and Administration) are intended to provide a consistent and efficient method for the City to implement the General Plan and other adopted goals, policies, and standards. For procedures specific to individual permit types, refer to Chapter D.4 (Permits and Approvals).

B. **Application Process and Fees.**

1. **Applicant.** Only the following persons or entities may apply for a permit or other approval:

- a. The owner of the property;
- b. An authorized agent or representative of the owner; or
- c. A person acting in accordance with a purchase contract or exclusive option to purchase the property.

2. **Applications.**

- a. The Director shall specify the form and content of all applications for permits or approvals required by this Title.
- b. Applications for development approvals and amendments shall be submitted to the Director on a prescribed City application form and shall include all the information that is necessary for review of the application, such as plans, elevations, facts, and information deemed by the Director to be necessary to show details of the proposed use or development as specified in the application checklist attached to the application form.
- c. Applications shall be accompanied by applicable fees as identified in the City’s Master Fee Schedule, deposits, and other materials required by this Title and Department handouts.
- d. Applications shall include the property owner’s written authorization for any permit, permit amendment, permit extension, or other approval required by this Title.
- e. Unless precluded by law, the Director may require the submission of supplemental materials and information as part of an application submittal, including statements, photographs, plans, drawings, renderings, models, material samples, special studies, and other information necessary to describe existing conditions and the proposed project, and to determine the level of environmental review in accordance with Subsection D.2.040.E (Environmental Review).

- f. The Director may waive the submission of specific material or information upon a finding that it is not needed to reach a decision on the application.
 - g. It is the responsibility of the applicant to provide the necessary information in support of the findings required for approval as identified in Chapter D.4 (Permits and Approvals).
 - h. The Director may adopt regulations or guidelines for the form, content, and processing of all applications for permits or approvals required by this Title.
3. ***Multiple Applications.*** A project that includes more than one application may be combined and processed concurrently provided all applicable processing requirements are satisfied. The purpose for allowing concurrent review is to consolidate final action on the project with the highest Review Authority responsible for making a decision on the applications for a project. The following provisions apply to concurrently processed applications:
- a. If a project requires more than one discretionary permit or other approval, all permits or other approvals shall be processed concurrently.
 - b. When an application requiring a public hearing is combined with an application that does not require a public hearing, the combined applications shall require a public hearing.
 - c. When more than one discretionary permit or other approval is required and the Review Authority is both the Planning Commission and Council, the final action on all discretionary permits or other approvals shall be taken by the Council. In these cases, the Planning Commission's actions shall consist of a recommendation to the Council.
 - d. When the Planning Commission is the highest Review Authority for a project, the review by all other Review Authorities shall be in the form of a recommendation to the Planning Commission.
 - e. When concurrently processed applications are needed for a project, and both a review by the Planning Commission and Zoning Administrator are required, the Zoning Administrator review shall be omitted and the Planning Commission review substituted.
 - f. When a subdivision is proposed, the provisions of Milpitas Municipal Code Chapter XI-1 (Subdivisions) and this Title shall apply. Review Authorities may combine review and decisions in a single action, provided the required procedures of Milpitas Municipal Code Chapter XI-1 and this Title are followed; the single approval shall have the same effect as though each action were taken individually, provided each separate approval required is appropriately entered in the record.
4. ***Withdrawn and Denied Applications.***
- a. ***Withdrawn applications.*** An application may be withdrawn by the applicant prior to the opening of the public hearing or thereafter with the consent of the Review Authority. A request to withdraw an application must be submitted by the applicant in writing. Withdrawal of an application shall terminate all further action on the application.

- b. *Effect of withdrawn or denied applications.* Where an application has been withdrawn by the applicant or denied by the Review Authority, an application for the same or substantially similar project may not be filed within one year from the date of withdrawal or denial. Any subsequent application shall be considered a new application and shall be processed accordingly.
 - 5. **Fees.** A schedule of fees shall be maintained by the Director and made available to the public. All applications required by this Title shall be accompanied by the required fees set by resolution of the Council. Applications shall not be accepted without payment of all required fees. If an application is erroneously accepted without payment of all required fees, or if an applicant fails to promptly pay further fees as they become due, an application may be deemed withdrawn if the applicant fails to pay all required fees within 30 days of being mailed notice by the Department or such other time as may be agreed to in writing by the Director.
- C. **Pre-Application Review.**
 - 1. **Pre-Application Review.**
 - a. A Pre-Application Review is an optional process that occurs prior to the submittal of any new development application.
 - b. The purpose of a Pre-Application Review is generally to:
 - (i) Familiarize the Director and other City staff, as may be applicable, with the development proposal;
 - (ii) Discuss application requirements and familiarize the applicant with the review process and procedures;
 - (iii) Identify any potential problems as early in the process as possible; and
 - (iv) Identify land use and development policies which may apply to or affect the development proposal.
 - c. Failure by the Director or other City staff to identify all required studies or all applicable requirements in the Pre-Application Review shall not constitute a waiver of those studies or requirements. A Pre-Application Review is meant to be informative but is not a substitute for the applicant's responsibility to know and comply with the law.
 - 2. **Application Requirements.** An application for a Pre-Application Review shall be submitted on a form prescribed by the City in accordance with Section D.2.040.B (Application Process and Fees).
 - 3. **Pre-Application Review Meeting.** After reviewing the application, the Director shall meet with the applicant or representative. Neither the Pre-Application Review nor the provision of information by the Director and the discussion of City policies shall be construed as either a recommendation for approval or denial of the application or development. No formal action is taken by the Director at a Pre-Application Review meeting. Following the meeting, the Director may provide the applicant with a written summary of comments.
- D. **Review of Planning Applications.**

1. ***Initial Completeness Review.*** The Director shall determine whether an application is complete within 30 days of the date the application is filed and the required fee is received in accordance with California Government Code section 65943 et seq.
 2. ***Incomplete Application.***
 - a. *Incomplete application.* If an application is deemed incomplete, the Director shall provide a written notification to the applicant listing information necessary to complete the application.
 - b. *Submittal of additional information.* The applicant shall provide the additional information within 180 days from the date the application is deemed to be incomplete. The Director may grant one extension of up to 90 days.
 - c. *Expiration of application.* If an applicant fails to correct the identified deficiencies within the specified time limit, the application shall expire and be deemed withdrawn, unless the Director grants an extension. After the expiration of an application, a new complete application, together with all required fees, shall be submitted for review.
 3. ***Complete Application.*** When a planning application is deemed complete, the Director shall make a record of that date and proceed with processing the application. If an application requires a public hearing, the Director shall schedule a hearing when the project is ready and notify the applicant of the date and time, in accordance with Section D.2.040.F (Public Hearing Notice).
 4. ***Referral of Application.***
 - a. When the Director or Zoning Administrator is the Review Authority, the Director may determine that based on a unique or special circumstance, it is in the public interest for an application to be considered by the Planning Commission. In this case, the Director shall forward the application to the Planning Commission for review at a public hearing.
 - b. At the discretion of the Director, or where otherwise required by this Title, state or federal law, any application filed in compliance with this Title may be referred to any City department, public agency, or interest group that may be affected by, or have an interest in, the proposed project for review and comment on the application.
 5. ***Extensions for Review of Application.*** The Director may, upon written request, grant extensions of any time limit for review of applications imposed by this Title unless precluded by state or federal law.
- E. **Environmental Review.** The City has the responsibility to comply with the California Environmental Quality Act (California Public Resources Code section 21000 et seq.) and California Environmental Quality Act Guidelines (California Code of Regulations, Title 14), collectively referred to as California Environmental Quality Act. The City shall evaluate each project according to California Environmental Quality Act before any recommendation or decision on a project is made.
- F. **Public Hearing Notice.**
1. ***Applicability.***

- a. Notice for public hearings is required as part of the approval process for all applications subject to a public hearing.
 - b. Any changes to state law notice requirements, in accordance with California Government Code section 65090 et seq., shall control over the requirements in this Section regarding the manner for providing notice.
2. **Public Hearing Notice Requirements.** Unless otherwise required by law, whenever notice of hearing is required by this Title, notice shall be mailed and community meetings shall be held as provided in Table D.2.040-A (Public Hearing Notice Requirements).

Table D.2.040-A: Public Hearing Notice Requirements		
Project/Approval/Action Requested ¹	Notification Required Radius ²	Community Meeting Required ³
Site Development Permit	300 feet	No
Minor Site Development Permit ⁴	300 feet	No
Conditional Use Permit	500 feet	No
Minor Conditional Use Permit ⁵	300 feet	No
Minor Deviation	300 feet	No
Variance	500 feet	No
Major Sign Permit	300 feet	No
Sign Program	300 feet	No
Zoning Amendment	1,000 feet	Yes
General Plan Amendment	1,000 feet	Yes
Specific Plan	1,000 feet	Yes
Planned Unit Development	300 feet	No
Development Agreements	300 feet	No
Appeals	Same as the original approval requested that is the subject of the appeal	No

Table Notes:

¹ For revisions to an approved project, see Subsection D.2.040.M (Revisions to an Approved Project).

² The Director may expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the project extends beyond the required notification boundary or if the proposed project is deemed to be potentially controversial.

³ A community meeting shall be held a minimum of 30 days prior to the public hearing.

⁴ A public hearing is only required when subject to Zoning Administrator approval. See Subsection D.4.020 (Site Development Permits).

⁵ A public hearing is only required when subject to Zoning Administrator approval. See Subsection D.4.030 (Use Permits).

3. **Contents.** Every posted, published, or mailed notice for a public hearing shall be consistent with the requirements of Milpitas Municipal Code Subsection I-310-2.40 (Public Notice Requirements) and include:
 - a. The date, time, location, and purpose of the hearing;
 - b. The name of the Review Authority conducting the hearing;

- c. Contact information to receive additional information;
 - d. A brief description of the matter to be considered and the approval(s) requested;
 - e. The address or location of the subject property;
 - f. A statement that any interested person or authorized agent may appear and be heard; and
 - g. A statement describing how and when to submit written comments.
4. **Noticing Procedures.** The following noticing procedures shall be observed when a public hearing is required by this Title.
- a. *Timing.* All forms of notice shall be given not less than 10 days prior to the public hearing, except that for a Zoning Amendment that would affect the permitted uses of real property, all forms of notice shall be given not less than 20 days prior to the public hearing.
 - b. *Mailed notice.* Mailed notice in accordance with Milpitas Municipal Code Subsection I-20.2.02 (Notice by Mail) shall be given to the following:
 - (i) All property owners as specified in Table D.2.040-A (Public Hearing Notice Requirements);
 - (ii) Any person or group who has filed a written request for notice regarding the specific application;
 - (iii) The owner of the property that is the subject of the application;
 - (iv) The applicant; and
 - (v) Any other person or entity the Director deems necessary or desirable, including any other local agency expected to provide essential facilities and services to the project and whose ability to provide those facilities and services may be significantly affected.
 - c. *Newspaper notice.* A notice shall be published in at least one newspaper of general circulation in the city, or, if no such newspaper is available, by posting in at least three public places within the city.
 - d. *Posted notice.* A notice sign shall be posted in a format approved by the Department, in a prominent place on or near the subject property. At minimum, this shall include the posting of one sign per 1,000 lineal feet of the subject property's street frontage that is visible from the public right-of-way. If the subject property has no street frontage, no less than one sign shall be posted.
 - e. *Additional notice.* In addition to the types of notice required above, the Director may require or provide additional notice using alternative methods including, but not limited to the following:
 - (i) Posting on the City's website;
 - (ii) Electronic mail to persons that have signed up or subscribed for electronic mail notifications;

- (iii) Placing an insert with any generalized mailing sent by the City to property owners or residents in the area affected by the proposed application;
 - (iv) Posting through City accounts on social media platforms; or
 - (v) Messaging on City electronic message signs.
- 5. ***Failure to Receive Notice.*** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or organization to receive notice.

G. **Public Hearings.**

- 1. ***Requirements.*** When a public hearing is required by this Title, public notice shall be given consistent with Subsection D.2.040.F (Public Hearing Notice), and the public hearing shall be conducted as provided by this Subsection and Milpitas Municipal Code Section I-20-3 (Hearings).
- 2. ***Scheduling of Hearing.*** After an application is deemed complete, any environmental document required by California Environmental Quality Act has been prepared, and a Department staff report has been prepared, a matter requiring a public hearing shall be scheduled at the Director's discretion on an agenda reserved for public hearings.
- 3. ***Decision.*** When the public hearing is closed, the Review Authority shall approve (with or without conditions) or deny the application in compliance with the required findings provided in Chapter D.4 (Permits and Approvals) and this Title.
- 4. ***Continuance.*** The Review Authority, by motion, may continue a public hearing. No additional notice shall be required for the continuance of a noticed public hearing to a specific date and time. At their own discretion, applicants may request the Review Authority to act upon their project rather than be continued.
- 5. ***Recommendation by Planning Commission.*** At the conclusion of any public hearing on a project that requires Council approval, the Planning Commission shall forward a written recommendation, including all required findings, to the Council for final action. The Planning Commission's recommendation could be to approve, approve in modified form, or deny the application.
- 6. ***Council Hearings.*** Upon receiving the Planning Commission's recommendation on a project that requires Council approval, the Council shall hold a public hearing. When the public hearing is closed, the Council shall make a final decision, which could be to approve, approve in modified form, or deny the application.

H. **Findings and Decision.**

- 1. When making a decision to approve, approve with modifications and/or conditions, or deny any application, the Review Authority shall make findings as required by this Title to support their decision. Findings shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record. Findings may be stated, including in any resolution or record of the action, or may be implied from the administrative record and the record of proceedings taken as a whole.
- 2. If the Review Authority imposes conditions of approval, the conditions shall be consistent with Subsection D.2.040.I (Conditions of Approval).

I. **Conditions of Approval.**

1. In considering an application authorized by this Title, a Review Authority may require changes and impose conditions of approval in order to implement the policies of the General Plan and this Title. Conditions of approval, which may include dedication of land; installation of specific improvements; limitations on the size, design and placement of buildings or structures; landscaping; or limitations on use and hours of operation; or other similar requirements, shall be reasonably related to the type of impacts caused by the use of the property for which the application is requested. Conditions of approval may be necessary to ensure the proposed use or project satisfies the required findings for approval and complies with any applicable environmental mitigation measures. See Section D.2.040.E (Environmental Review).
2. All conditions of approval shall be binding upon the applicant, their successors, and assigns; shall run with the land; shall limit and control the issuance and validity of Certificates of Occupancy; and shall restrict and limit the construction, location, use, and maintenance of all land and structures within the project.

J. **Effect of Decisions.**

1. **Issuance of Approval.** The issuance of a permit or approval described in this Title authorizes the holder to proceed in compliance with the terms of the permit or approval. The applicant must follow all City requirements and procedures for any additional applicable permits or approvals in order to complete the development project and to meet the occupancy requirements for the subject property.
2. **Effective Date of Decision.**
 - a. The effective date of a decision is the date the Review Authority approves or denies the permit or approval, except as otherwise provided in this Chapter for a specific approval or type of permit.
 - b. If the decision by the Review Authority is appealed in accordance with Section D.2.040.N (Appeals), the date of decision shall be the date the Review Authority makes a final determination on the Appeal.
3. **Ownership and Transferability of Permits and Approvals.** An approved permit or other approval applies to the subject property and runs with the land, except as specifically provided in this Title. Once approved, a permit or approval remains effective unless terminated, abandoned, revoked, or modified. An approved permit or other approval is transferable to any future owner of the subject property.
4. **Inspections.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with the conditions.

K. **Expiration of Permits.**

1. **Lapse of Permit.** Unless otherwise specified in the permit or approval, all permits and approvals for projects not subject to the Subdivision Map Act shall be implemented within two years following the effective date, or they shall expire and be deemed void unless a Time Extension is approved consistent with Subsection D.2.040.L (Extension of Time).
2. **Time Limits.**

- a. A Review Authority may establish a time limit that differs from the time limit contained in Subsection D.2.040.K.1 (Lapse of Permit); however, the time limit shall be based upon the size and nature of the proposed project as described in the written findings for project approval.
- b. For concurrent applications, the longest time limit associated with any one permit or approval shall apply to all of the other concurrent permits. All permits associated with the approval of a tentative map shall have the same expiration date as the tentative map.

3. ***Implementation.***

- a. A permit or approval shall not be deemed implemented until the applicant has obtained a grading permit and/or building permit and commenced construction, or where no grading or building permit is required, has commenced the allowed use on the subject site in compliance with the approval.
- b. Construction shall be diligently pursued towards completion. If after construction commencement, work is discontinued for a minimum period of two years, the permit or approval shall expire and be deemed void.
- c. If a project is phased, each phase shall be subject to a time limit during which construction must commence. Each subsequent phase shall have the same length of time allowed for the previous phase. The time limit for a subsequent phase shall begin when the previous phase commences construction, unless otherwise specified in the permit of approval.
- d. "Commence construction" shall mean any of the following, whichever occurs soonest:
 - (i) Completes a foundation associated with the project;
 - (ii) Dedicates any land or easement as required from the approval; or
 - (iii) Complies with all legal requirements necessary to commence the use or obtains a Certificate of Occupancy permit.

4. ***Lapse of Approved Use.*** A permit or approval for a use or activity shall be deemed to have lapsed if the following applies:
 - a. When the use or activity ceases operation and/or the business closes at the permitted location for a period of at least one year; or
 - b. In compliance with Section C.18.030 (Nonconforming Uses) regarding nonconforming uses.
5. ***Renewal of an Expired Application.*** An approved permit or approval which has been allowed to expire shall require the filing of a new application in accordance with the procedures in Section D.2.040.B (Application Process and Fees).

L. **Extension of Time.**

1. ***Initiation.*** An application for a Time Extension of a previously approved permit or other approval may be initiated by the applicant who filed the original application or their successor.
2. ***Suspension of Expiration.*** The filing of a Time Extension request shall suspend the actual expiration of the permit or approval until the Time Extension has been acted upon by the Review Authority. No construction permits (e.g., grading or building permits) for the project shall be issued during the period of suspension.
3. ***Application Requirements.*** A Time Extension request shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
4. ***Authority.*** The Director shall make the decision on a Time Extension.
5. ***Approval Procedures.*** After a Time Extension application has been filed with the Department, the Director shall review the application to determine whether it conforms with the provisions of this Section in accordance with Section D.2.040.D (Review of Planning Applications).
6. ***Findings.*** A Time Extension may be granted, with or without conditions, only after the following findings are made:
 - a. There have been no changes in circumstances, law, General Plan, or this Title that would preclude the Review Authority from making the findings upon which the original approval was based; or
 - b. The original conditions of approval have been modified or new conditions of approval have been imposed as deemed reasonable and necessary to ensure that the permit or approval will remain in compliance with the findings required by this Title; and
 - c. The applicant has made a good faith effort to implement the permit or approval and comply with any applicable conditions of approval in a timely manner.
7. ***Length of Time Extension.*** The Review Authority may grant a Time Extension for a period or periods not exceeding two years beyond the expiration date of the original permit or approval, or for as long as any subdivision concurrently approved is extended, whichever is longer.

- M. **Revisions to an Approved Project.** If an applicant would like to revise or modify an approved permit for a use, structure, or other project, the Director shall determine the level of revision based on criteria, as follows:
1. **Minor Revisions.** Minor revisions to approved plans and permits may be approved by the Director if the revisions:
 - a. Are consistent with the original findings and conditions of approval;
 - b. Do not substantially expand the approved floor area, alter the number or type of dwelling unit(s), or height of a building; and
 - c. Would not result in any new or intensified detrimental effects, unless waived by the Director.
 2. **Major Revisions.** Major revisions to approved plans and permits are any revisions not considered to be minor revisions. Major revisions shall be decided by the same Review Authority as the original approval, and a public hearing shall be required if a public hearing was required for the original approval.
- N. **Appeals.** Any action by the Director, Zoning Administrator, or Planning Commission in the administration or enforcement of the provisions of this Title may be appealed in accordance with this Section. Failure to meet the deadlines and follow this procedure for appeal shall constitute a failure to exhaust administrative remedies and be sufficient grounds to reject the appeal.
1. **Appeal Bodies.**
 - a. *Decisions of the Director.* The Planning Commission is the appeal body for decisions of the Director unless the Zoning Administrator is specifically designated in this Title.
 - b. *Decisions of the Zoning Administrator.* The Planning Commission is the appeal body for decisions of the Zoning Administrator.
 - c. *Decisions of the Planning Commission.* The Council is the appeal body for decisions of the Planning Commission.
 2. **Who May File an Appeal.** Any interested party may appeal a Review Authority's decision during the appeal period.
 3. **Time Limits.** Unless otherwise specified by law, the appeal and all documents submitted in support of the appeal, shall be filed in writing within 14 days of the date which the action was taken.
 4. **Procedures for Filing an Appeal.**
 - a. *Filing.* An application for an appeal shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
 - b. *Required Information.* At minimum, the appeal shall include the following:
 - (i) The specific action being appealed and the reason for the appeal;
 - (ii) A written description of the specific grounds for the appeal, including why the appellant contends the action is not in accordance with this Title, where there was an error or abuse of discretion, where the record

includes inaccurate information, or how a decision is not supported by evidence in the record;

- (iii) A description of how the appellant requests the action be reversed or modified; and
- (iv) The name, address, and telephone number of the appellant or contact person if there are multiple appellants.

5. ***Appeal Review.*** Within three working days of receipt of the appeal, the City Clerk shall examine the appeal, and if it is found to be incomplete, return it by certified mail to the appellant for revision. The appellant shall have five working days to file an amended appeal. Upon failure to file an amended appeal within the five-day period, the appeal shall be deemed withdrawn.
6. ***Appeal Hearing and Standards of Review.***
 - a. The Director, upon the City Clerk finding the application for an appeal to be complete, shall schedule the appeal, together with City staff's report on the appeal, for a public hearing before the appeal body in compliance with Section D.2.040.G (Public Hearings).
 - b. When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body shall render an independent judgment but may consider the decision being appealed and the grounds stated for the appeal. The appeal body shall consider all evidence submitted in support of the decision being appealed and, at its discretion, may also hear and consider new evidence, including testimony, that could not with reasonable diligence have been presented to the original Review Authority.
7. ***Decision on Appeal.*** The appeal body may affirm wholly or partly, reverse, or modify the prior decision.

Chapter D.4 Permits and Approvals

Sections:

- D.4.010 Purpose
- D.4.020 Site Development Permits
- D.4.030 Use Permits
- D.4.040 Temporary Use Permits
- D.4.050 Minor Deviations
- D.4.060 Variances
- D.4.070 Sign Permits
- D.4.080 Sign Programs
- D.4.090 Temporary Sign Permits
- D.4.100 Home Occupation Permits
- D.4.110 Reasonable Accommodation
- D.4.120 Special Event Permit
- D.4.130 Short-Term Rental Permit

D.4.010 Purpose

This Chapter provides the procedures for the preparation, filing, and processing of applications for planning permits and other entitlements required by this Title.

D.4.020 Site Development Permits

- A. **Purpose.** The purpose of a Site Development Permit (Site Development Permit and Minor Site Development Permit) is to provide a process for the review and approval or denial of development applications for physical improvements to a site based on their scale, proximity to environmentally sensitive resource areas, or unique design features. See Chapter B.22 (“H” Hillside Combining District) for requirements and review procedures for projects within the “H” Hillside Combining District. The Site Development Permit process is intended to encourage site and structural development which:
1. Respects the physical and environmental characteristics of the site;
 2. Ensures safe and convenient access and circulation for pedestrians and vehicles;
 3. Exemplifies the best professional site planning and design practices;
 4. Encourages individual identity for specific uses and structures
 5. Encourages a distinct community or neighborhood identity; and
 6. Minimizes adverse visual impacts.

B. Applicability.

1. **Site Development Permit.** A Site Development Permit is required for the projects identified in Table D.4.020-A (Projects Requiring a Site Development Permit).

Table D.4.020-A: Projects Requiring a Site Development Permit

Project Category	Project Type and Review Authority ¹	
	Planning Commission	City Council
New nonresidential development	Any new nonresidential development with over 10,000 sf of new gross floor area, except: • Over 25,000 sf of new or expanded gross floor area in commercial, mixed use, or Metro Specific Plan zones not adjacent to any residential zone • Over 50,000 sf of new or expanded gross floor area in industrial zones not adjacent to any residential zones	Appeal Authority
New multi-family projects or new subdivisions with single-family dwellings	Any new multi-family residential projects (including attached townhomes) with 5 or more units, or new subdivisions with 5 or more single-family dwellings	Appeal Authority
Single-family dwellings and accessory structures in the “H” Hillside Combining District ²	Recommending Authority	New construction of a single-family dwelling or accessory structure in the “H” Hillside Combining District All additions or expansions to single-family dwellings and accessory structures located in the “H” Hillside Combining District
Required by Specific Plans or Planned Unit Developments	Any project for which a Site Development Permit is required according to an applicable Specific Plan or Planned Unit Development	Appeal Authority

Table Notes:

¹ The Review Authority (decision-making body) is indicated by the column in which the project type is described.

² See C.2.040.D (Standards for Fences and Walls within the “H” Hillside Combining District) for the Review Authority for fences and walls in the “H” Hillside Combining District.

2. **Minor Site Development Permit.** A Minor Site Development Permit is required for the projects identified in Table D.4.020-B (Projects Requiring a Minor Site Development Permit).

Table D.4.020-B: Projects Requiring a Minor Site Development Permit		
Project Category	Project Type and Review Authority ¹	
	Director	Zoning Administrator
New nonresidential development	Recommending Authority	Any new nonresidential development with up to 10,000 sf of new gross floor area, except: • Up to 25,000 sf of new floor area in commercial, mixed use, institutional, or Metro Specific Plan zones and not adjacent to any residential zone • Up to 50,000 sf of new floor area in industrial zones not adjacent to any residential zone
New multi-family residential or new single-family subdivisions	Recommending Authority	Any new multi-family residential projects (including attached townhomes) with 2 to 4 units, or new subdivisions with 2 to 4 single-family dwellings, unless the project involves an urban lot split consistent with MMC Section XI-1-31 (Urban Lot Splits)
Additions/expansions to multi-family residential, commercial, industrial, or mixed-use buildings	Recommending Authority	Any additions or expansions to existing multi-family residential, commercial, industrial, or mixed-use buildings with a gross floor area of: • Over 10,000 sf for multi-family residential buildings • Over 15,000 sf for commercial and mixed-use buildings • Over 50,000 sf for industrial buildings Over 5,000 sf (or 10% of the gross floor area, whichever is less) for commercial, industrial, and mixed-use buildings adjacent to residential zones
Additions to existing nonresidential buildings	Additions to existing commercial, industrial, and mixed-use buildings with new gross floor area up to 15,000 sf	Appeal Authority

Table D.4.020-B: Projects Requiring a Minor Site Development Permit

Project Category	Project Type and Review Authority ¹	
	Director	Zoning Administrator
	Additions to existing industrial buildings with new gross floor area up to 50,000 sf	
Additions to existing multi-family residential buildings	Additions to existing multi-family residential buildings with new gross floor area up to 10,000 sf	Appeal Authority
Minor exterior changes to existing nonresidential buildings	Minor changes to the exterior of existing nonresidential buildings that require a Building Permit (e.g., façade changes, changes in materials, relocation of windows and storefront doors) Changes to exterior building color Addition, modification, or removal of minor architectural elements	Appeal Authority
New single-family dwelling ²	Recommending Authority	New construction of a single-family dwelling
Additions or alterations to existing single-family dwellings ²	Alterations, modifications, or additions to existing single-family dwellings that are below the thresholds for Zoning Administrator approval, unless exempt (see Subsection D.4.020.B.3 (Exemptions from Site Development Permit))	Additions to existing single-family dwellings that are greater than 100% of the existing gross floor area Upper story additions to single-family dwellings that are greater than 50% of the existing gross floor area
New accessory structures ²	New construction of accessory structures, unless exempt (see Subsection D.4.020.B.3 (Exemptions from Site Development Permit))	Appeal Authority
Accessory Dwelling Units and Junior Accessory Dwelling Units	Accessory dwelling units consistent with Subsection C.10.030.H (Minimum Standards for ADUs Requiring a Minor Site Development Permit)	New or converted accessory dwelling units that do not comply with the design standards in Section C.10.030 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
Small Projects in the “H” Hillside Combining District	Building Additions: All single-family dwellings in “H” Hillside PUDs which specifically allow for staff approval (refer to Section C.18.050)	Building Additions: All single-family dwellings in “H” Hillside PUDs which are specifically conditioned not to require Planning Commission or Council review for

Table D.4.020-B: Projects Requiring a Minor Site Development Permit

Project Category	Project Type and Review Authority ¹	
	Director	Zoning Administrator
	(Nonconforming Buildings and Structures) regarding nonconforming buildings). In addition to other development standards, the following shall also apply: - Existing front yard paving shall be brought into conformance. - The addition shall comprise building materials, colors and style which complement the existing structure. Color Change: Color changes for residences including homes within an “H” Hillside PUD which does not specify color choices, so long as the proposed colors are earth tone, muted and compatible with the surrounding development.	building additions (refer to Section C.18.050 (Nonconforming Buildings and Structures) regarding nonconforming buildings). In addition to other development standards, the following shall also apply: - Existing front yard paving shall be brought into conformance. Minor Exterior Building Changes: Minor exterior building changes as described below, provided that the project complements the colors, materials and design of the building. - Minor changes to architectural elements which do not change the overall design of a building. - Windows, window awnings and person doors which match existing or which complement the building facade
Fences/Walls (Refer to Section C.2.040 (Fences, Walls, and Hedges)) ³	Nonresidential zone or use: - Fences between 6 and 8 feet in height within the rear and side setback Residential zones or uses, and/or all other projects as applicable: - Minor Site Development Permit required if a building permit is required	Appeal Authority
Parking lots	Construction of a new parking lot for a multi-family residential, commercial, mixed use, or industrial use	Appeal Authority
Required by Specific Plans or Planned Unit Developments	Any project for which a Minor Site Development Permit is required according to an applicable Specific Plan or Planned Unit Development	Appeal Authority

Table D.4.020-B: Projects Requiring a Minor Site Development Permit

Project Category	Project Type and Review Authority ¹	
	Director	Zoning Administrator
All other projects	Any other project that is not subject to a Site Development Permit and is not exempt per D.4.020.B.3 (Exemptions from Site Development Permit)	Appeal Authority

Table Notes:

¹ The Review Authority (decision-making body) is indicated by the column in which the project type is described.

² Not located in the “H” Hillside Combining District.

³ See C.2.040.D (Standards for Fences and Walls within the “H” Hillside Combining District) for the Review Authority for fences and walls in the “H” Hillside Combining District.

3. ***Exemptions from Site Development Permit.*** The following projects are exempt from the requirements for Site Development Permit and are only reviewed with an application for a Building Permit, if required:

- a. Multi-family and mixed-use projects that comply with the Milpitas Residential and Mixed-Use Objective Design Standards and are eligible for ministerial review consistent with state law.
- b. Construction, reconstruction, alterations, improvements, and landscaping for a project developed in compliance with a previously issued Site Development Permit.
- c. Any form of repair or maintenance work where the work solely involves the replacement of materials in like kind and form (e.g., re-roof, window replacement, etc.), or to any repair or maintenance work in areas not visible to the public from the public right-of-way or areas accessible to the public.
- d. Routine maintenance that does not result in a change in color, materials, or design.
- e. Installation of landscaping no more than 2,500 square feet in an area where no other construction activity is planned.
- f. Construction of fences and walls that are consistent with Section C.2.040 (Fences, Walls, and Hedges) and this Title.
- g. Alterations and improvements required in whole or part to meet federal or state requirements to accommodate persons with disabilities.
- h. New accessory structures that are exempt from obtaining a Building Permit.
- i. Accessory dwelling units that comply with the standards in Section C.10.030 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
- j. Electric vehicle charging stations within existing parking lots provided they comply with all applicable Building Code standards and Section C.6.090 (Electric Vehicle Charging Spaces). This exemption includes the removal of landscaping to

accommodate new electric vehicle charging station ground equipment and new lighting for the safety and security of the charging station.

- C. **Application Requirements.** A Site Development Permit application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** The Review Authorities for Site Development Permits and Minor Site Development Permits are identified in Table D.2.030-A (Review Authorities) and Section D.4.020.B (Applicability), subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
- E. **Approval Procedures.**
 - 1. *Director evaluation.* After a proposed Site Development Permit application has been deemed complete, the Director shall review the Site Development Permit application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
 - 2. *Site Development Permits hearing(s).* The Review Authority shall conduct a public hearing on a Site Development Permit consistent with Section D.2.040.G (Public Hearings).
 - 3. *Minor Site Development Permits.*
 - a. *Zoning Administrator hearing.* The Zoning Administrator shall conduct a public hearing on a Minor Site Development Permit consistent with Section D.2.040.G (Public Hearings).
 - b. *Director decision.* The Director shall approve or deny a Minor Site Development Permit in compliance with the findings provided in Subsection D.4.020.F (Findings).
- F. **Findings.** The Review Authority may approve a Site Development Permit, with or without conditions of approval, only after making the following findings as applicable:
 - 1. ***Findings for All Site Development Permits:***
 - a. The proposed project is consistent with this Title;
 - b. The proposed use and project are consistent with the goals and policies of the General Plan;
 - c. The project will not be detrimental to public health, safety, and general welfare; and
 - d. The proposed project is in compliance with the provisions of California Environmental Quality Act.
 - 2. ***Findings for Specific Projects:***
 - a. The proposed use and project are consistent with the goals and policies of any Specific Plan, if applicable.
 - b. The proposed siting, form, architectural style, materials, and other elements of multi-family residential and mixed-use developments are consistent with City Objective Design Standards.
 - c. The proposed siting, form, and architectural style of single-family residential, commercial, and industrial developments are appropriate for the project site and

surroundings and create a visually cohesive design, and are consistent with all applicable design standards in this Title.

G. **Decision; Appeals; Expiration, Extensions, and Revisions.**

1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
3. **Expiration, Extensions, and Revisions.** Site Development Permits are subject to expiration as provided in Subsection D.2.040.K (Expiration of Permits) and may only be extended or revised as provided in Subsection D.2.040.L (Extension of Time) and Subsection D.2.040.M (Revisions to an Approved Project).

D.4.030 Use Permits

- A. **Purpose.** The purpose of a Use Permit (i.e., Conditional Use Permit (CUP) and a Minor Conditional Use Permit (MC)) is to allow the proper integration into the city of essential or desirable uses which nevertheless may have an impact on the surrounding environment while ensuring that the uses are, and will continue to be, appropriate for their proposed location and compatible with surrounding existing and planned uses. Use Permits are intended to facilitate uses and projects that are sensitive to the community and neighborhoods and minimize impacts on adjacent uses.
- B. **Applicability.** The use tables in Part B (Zone Regulations) identify the land uses and activities that require a Use Permit.
- C. **Application Requirements.** A Use Permit application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** As identified in Table D.2.030-A (Review Authorities), the following are the Review Authorities for Use Permits subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
1. **Conditional Use Permits.** The Planning Commission is the Review Authority for Conditional Use Permits.
 2. **Minor Conditional Use Permits.** Either the Director or the Zoning Administrator is the Review Authority for Minor Conditional Use Permits, as indicated by the notation ("MC" for Zoning Administrator review or "MCS" for Director review) in the use regulations tables in Part B of this Title (Tables B.4.020-A: Residential Zones Use Regulations, B.6.020-A: Commercial Zones Use Regulations, B.8.020-A: Mixed Use Zones Use Regulations, B.10.020-A: Industrial Zones Use Regulations, B.12.020-A: Metro Specific Plan Zones Use Regulations, and B.18.020-A: Other Zones Use Regulations).
- E. **Approval Procedures.**
1. **Director Evaluation.** After a proposed Use Permit application has been deemed complete, the Director shall review the Conditional Use Permit application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
 2. **Conditional Use Permits Hearing.** The Planning Commission shall conduct a public hearing on a Conditional Use Permit consistent with Section D.2.040.G (Public Hearings).

3. **Minor Conditional Use Permits.**
 - a. *Zoning Administrator hearing.* The Zoning Administrator shall conduct a public hearing on a Minor Conditional Use Permit consistent with Section D.2.040.G (Public Hearings).
 - b. *Director decision.* The Director shall approve or deny a Minor Conditional Use Permit in compliance with the findings provided in Subsection D.4.030.F (Findings).
- F. **Findings.** The Review Authority may approve the Use Permit, with or without conditions of approval, only after making the following findings:
1. The proposed use is consistent with the goals and policies of the General Plan;
 2. The proposed use is consistent with the goals and policies of any Specific Plan if applicable;
 3. The proposed use is appropriate for the zone in which it is located, is compatible with uses allowed in the zone, and complies with all other applicable provisions of this Title;
 4. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or the property and residents in the vicinity;
 5. The subject site is physically suitable for the use being proposed, including access and utilities;
 6. The design, location, size, and operating characteristics of the proposed use are compatible with existing and reasonably foreseeable future land use and circulation in the vicinity; and
 7. The proposed project is in compliance with the provisions of California Environmental Quality Act.
- G. **Decision; Appeals; Expiration, Extensions, and Revisions.**
1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
 3. **Expiration, Extensions, and Revisions.** Use Permits are subject to expiration as provided in Subsection D.2.040.K (Expiration of Permits) and may only be extended or revised as provided in Subsection D.2.040.L (Extension of Time) and Subsection D.2.040.M (Revisions to an Approved Project).

D.4.040 Temporary Use Permits

- A. **Purpose.** This Subsection establishes the procedures for the granting of Temporary Use Permits for short-term activities and uses on privately or publicly owned property with appropriate regulations to ensure that the temporary activities will be compatible with surrounding areas.
- B. **Applicability.** A Temporary Use Permit allows for the short-term activities described in Section C.10.230 (Temporary Uses and Structures), that may not comply with the normal development or

use standards of the applicable zone but would otherwise be acceptable because of their temporary nature.

- C. **Application Requirements.** A Temporary Use Permit application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** As identified in Table D.2.030-A (Review Authorities), the Director is the Review Authority for Temporary Use Permits subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
- E. **Approval Procedure.**
 - 1. **Director Review.** After a proposed Temporary Use Permit application has been deemed complete, the Director shall review the Temporary Use Permit application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
 - 2. **Director Decision.** The Director shall approve or deny the application in compliance with the findings provided in Subsection D.4.040.G (Findings).
- F. **Considerations.** In the review of a Temporary Use Permit application, the Director shall consider:
 - 1. The type and duration of the proposed temporary activity;
 - 2. Input from other City departments, such as Police, Fire, Public Works, etc.;
 - 3. The requirements and development standards of the applicable zone in which the temporary use is proposed;
 - 4. Any applicable standards for the proposed temporary use established in Section C.10.230 (Temporary Uses and Structures) including the length of time the temporary use will be authorized.
- G. **Findings.** The Director may approve the Temporary Use Permit, with or without conditions of approval, only after finding that:
 - 1. The temporary activity complies with applicable standards identified in Section C.10.230 (Temporary Uses and Structures); and
 - 2. Maintenance or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the vicinity of the proposed temporary activity.
- H. **Decision and Appeals.**
 - 1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 - 2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
 - 3. **Expiration and Revisions.** Temporary Use Permits are subject to expiration as provided in Subsection D.2.040.K (Expiration of Permits) and may only be revised as provided in Subsection D.2.040.M (Revisions to an Approved Project).
- I. **Post Approval Procedures.** Procedures specific to Temporary Use Permits include the following:

1. **Extensions of Temporary Use Permits Prohibited.** The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Section C.10.230 (Temporary Uses and Structures), shall file for a Conditional Use Permit, rather than a Temporary Use Permit, in compliance with Section D.4.030 (Use Permits), and all other applicable zoning standards.
2. **Required Lapse of Time for Temporary Use Permits.** Except for seasonal sales lots, a minimum of 30 days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

D.4.050 Minor Deviations

- A. **Purpose.** The purpose of this Subsection is to enable Minor Deviations from the standards in this Title when these requests constitute a reasonable use of property but are not otherwise permissible under the strict application of this Title. An authorization to approve a Minor Deviation does not extend to making any changes in the uses permitted in any zone.
- B. **Applicability.** The Zoning Administrator may grant a Minor Deviation from the requirements of this Zoning Ordinance for the following types of modifications:

Table D.4.050-A: Types of Minor Deviations	
Types of Minor Deviations	Maximum Deviation
Reduction of a front setback	20%; except a min. of 18 ft is required for front-entry garages
Reduction of a side or rear setback	20% or 1 foot, whichever is greater
An increase in allowable building height	5% or 2 ft, whichever is greater
Maximum Front Yard Paved Area in the R1 Zone	10%
An adjustment to sign standards	10%

- C. **Application Requirements.** A Minor Deviation application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** As identified in Table D.2.030-A (Review Authorities), the Zoning Administrator is the Review Authority for Minor Deviations subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
- E. **Approval Procedures.**
 1. **Director Evaluation.** After a proposed Minor Deviation application has been deemed complete, the Director shall review the Minor Deviation application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
 2. **Precedents.** A previous Minor Deviation shall not be considered to have set a precedent for the granting of any further Minor Deviations; each case must be considered on its individual merits.

3. **Zoning Administrator Hearing.** The Zoning Administrator shall conduct a public hearing on the Minor Deviation consistent with Section D.2.040.G (Public Hearings).
- F. **Findings.** The Zoning Administrator may approve, with or without conditions, a Minor Deviation application, only after all the following findings are made:
1. There are special circumstances applicable to the property (e.g., size, shape, topography, location, surroundings, etc.) such that the strict application of this Title could deprive the property of privileges enjoyed by other property in the vicinity and within the same zone;
 2. The Minor Deviation is the minimum departure from the requirements of this Title necessary to grant relief to the applicant;
 3. The Minor Deviation will not be detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located;
 4. Granting the requested Minor Deviation will not detract from the overall appearance of the neighborhood or immediate vicinity and will not impair the provision of adequate light, air, or circulation;
 5. The Minor Deviation, as proposed and conditioned, will achieve the general purposes of this Title or the specific purposes of the zone in which the project is located; and
 6. The Minor Deviation, as proposed and conditioned, is consistent with the General Plan and any Specific Plan, if applicable.
- G. **Decision; Appeals; Expiration, Extensions, and Revisions.**
1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
 3. **Expiration, Extensions, and Revisions.** Minor Deviations are subject to expiration as provided in Subsection D.2.040.K (Expiration of Permits) and may only be extended or revised as provided in Subsection D.2.040.L (Extension of Time) and Subsection D.2.040.M (Revisions to an Approved Project).

D.4.060 Variances

- A. **Purpose.** In compliance with California Government Code section 65900 et seq., this Subsection allows for Variances from the development standards of this Title, other than those that may be allowed through the Minor Deviations process, see Section D.4.050 (Minor Deviations), only when, because of special circumstances applicable to the property, the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and located in the same zone.
- B. **Application Requirements.** A Variance application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- C. **Authority.** As identified in Table D.2.030-A (Review Authorities), the Planning Commission is the Review Authority for Variances subject to Subsection D.2.040.B.3 (Multiple Applications) and

Subsection D.2.040.N (Appeals), except the Council is the Review Authority within the “H” Hillside Combining District in compliance with Chapter B.22 (“H” Hillside Combining District).

D. **Approval Procedures.**

1. **Director Evaluation.** After a proposed Variance application has been deemed complete, the Director shall review the Variance application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
2. **Precedents.** A previous Variance shall not be considered to have set a precedent for the granting of any further Variances; each case must be considered on its individual merits. Nonconforming uses or developments on adjacent properties shall not be considered as grounds for the granting of a Variance.
3. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing on the Variance consistent with Section D.2.040.G (Public Hearings).

E. **Findings.** The Planning Commission may approve a Variance, with or without conditions of approval, only after making the following findings:

1. There are special circumstances applicable to the property, including but not limited to size, shape, topography, location, or surroundings, such that the strict application of this Title deprives the property of privileges enjoyed by other property in the vicinity and under the identical zone;
2. The Variance does not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and the zone in which the property is located;
3. The special circumstances applicable to the property were not created by an act of the property owner (e.g., a Variance shall not be granted for a self-imposed hardship);
4. Granting the Variance would not authorize a use or activity that is not otherwise expressly authorized by the zone governing the property;
5. Granting the Variance will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent properties;
6. Granting the Variance is consistent with the General Plan and the intent of this Title; and
7. Granting the Variance is consistent with any Specific Plan, if applicable.

- F. **Decision; Appeals; Expiration, Extensions, and Revisions.**
1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
 3. **Expiration, Extensions, and Revisions.** Variances are subject to expiration as provided in Subsection D.2.040.K (Expiration of Permits) and may only be extended or revised as provided in Subsection D.2.040.L (Extension of Time) and Subsection D.2.040.M (Revisions to an Approved Project).

D.4.070 Sign Permits

- A. **Purpose.** This Subsection establishes the permitting process for permanent signs (Major Sign Permit and Minor Sign Permits).
- B. **Applicability.**
1. A Major Sign Permit is required for the following permanent signs:
 - a. Freestanding signs exceeding 10 feet in height;
 - b. Signs within the "H" Hillside Combining District; and
 - c. Signs located on a building or site that has been designated as a historical or cultural resource consistent with Milpitas Municipal Code Chapter XI-4 (Cultural Resources Preservation Program).
 2. A Minor Sign Permit is required for any other permanent sign that is not subject to a Major Sign Permit and is not exempt by Subsection C.8.020.G (Exempt Signs).
- C. **Application Requirements.** A Sign Permit application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** As identified in Table D.2.030-A (Review Authorities), the following are the Review Authorities for Sign Permits subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
1. The Planning Commission is the Review Authority for Major Sign Permits, except the Council is the Review Authority for the following:
 - a. Signs within the "H" Hillside Combining District in compliance with Chapter B.22 ("H" Hillside Combining District); and
 - b. Billboard signs in compliance with Subsection C.8.050.D.2 (Billboard Signs).
 2. The Director is the Review Authority for Minor Sign Permits, except that the Zoning Administrator is the Review Authority for freestanding signs that are greater than six feet in height but do not exceed 10 feet in height.
- E. **Approval Procedures.**
1. **Director Evaluation.** After a proposed Sign Permit application has been deemed complete, the Director shall review the Sign Permit application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).

2. **Major Sign Permit Hearing(s).** The Review Authority shall conduct a public hearing on the Major Sign Permit application consistent with Section D.2.040.G (Public Hearings).
 3. **Minor Sign Permits Decision.** The Review Authority shall approve or deny a Minor Sign Permit in compliance with the findings provided in Subsection D.4.070.F (Findings).
- F. **Findings.** The Review Authority may approve a Sign Permit, with or without conditions of approval, only after making the following findings, based on evidence in the public record:
1. **Findings for all Sign Permits.**
 - a. All elements of the sign, including design, lighting, scale, width, and materials, are consistent with the intent of the General Plan and any Specific Plan, if applicable;
 - b. The sign is consistent with Chapter C.8 (Signs) and this Title;
 - c. The sign is consistent with any applicable Master Sign Program;
 - d. The design, scale, and materials of the sign harmonize with the architectural design and details of the building or site it serves;
 - e. The design and scale of the sign is appropriate to the distance from which the sign is normally viewed;
 - f. The design and materials of the sign provide a contrast between the background and letters, logos, and/or graphics; and
 - g. If a freestanding sign is included in the application, the site and building design, scale, or location is appropriate for the use of a freestanding sign, rather than a building-mounted sign.
 2. **Additional Findings For Billboards.**
 - a. The billboard will not create a hazard to vehicular or pedestrian traffic;
 - b. All advertising on the billboard will conform to the Outdoor Advertising Act in the California Business and Professions Code section 5200-5486, as applicable, and other applicable state and federal rules and regulations;
 - c. The billboard will result in a net positive public benefit to the City; and
 - d. The billboard will promote economic development in the City.
- G. **Decision; Appeals; Expiration, Extensions, and Revisions.**
1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
 3. **Expiration, Extensions, and Revisions.** Sign Permits are subject to expiration as provided in Subsection D.2.040.K (Expiration of Permits) and may only be extended or revised as provided in Subsection D.2.040.L (Extension of Time) and Subsection D.2.040.M (Revisions to an Approved Project).

D.4.080 Sign Programs

- A. **Purpose.** The purpose of a Sign Program is to establish a method for an applicant to integrate the design and placement of signs within the overall design of a new development project or an existing multi-tenant or mixed-use project. The intent is to ensure design consistency and/or compatibility among individual signs within a multi-tenant property and ensure signs are compatible with the architecture and overall aesthetics of the site and surrounding area. A Sign Program provides a clear prescription of the standards for new and existing signs on the project site and enables consistent and streamlined review, approval, and administration of existing and new signs. Approval of a Sign Program may result in the application of alternative sign standards that supersede the requirements of Chapter C.8 (Signs), except for matters of public safety.
- B. **Applicability.** A Sign Program is required for the following:
1. Any new retail, mixed-use, office, or industrial complex that:
 - a. Is located on four or more acres;
 - b. Has a gross floor area of 40,000 square feet or larger;
 - c. Includes a multi-tenant building; or
 - d. Has a building more than two stories high.
 2. A new automobile dealership.
 3. At the owner's request, a Sign Program may be requested for the following:
 - a. Any existing retail, mixed-use, office, or industrial complex;
 - b. An existing multi-family residential building;
 - c. An existing automobile dealership; or
 - d. An existing building more than two stories high.
- C. **Application Requirements.** A Sign Program application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** As identified in Table D.2.030-A (Review Authorities), the Planning Commission is the Review Authority for Sign Programs subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals), except the Council is the Review Authority within the "H" Hillside Combining District in compliance with Chapter B.22 ("H" Hillside Combining District).
- E. **Approval Procedures.**
1. **Discretionary Review.** While the application for a Sign Program may be reviewed concurrently with another application that is subject to discretionary review, discretionary review must be limited to the review of non-communicative aspects (i.e., time, place, manner, location, size, height, illumination, spacing, and orientation) of the signs proposed in the Sign Program.
 2. **Director Evaluation.** After a proposed Sign Program application has been deemed complete, the Director shall review the Sign Program application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
 3. **Public Hearing(s).** The Review Authority shall conduct a public hearing on the Sign Program consistent with Section D.2.040.G (Public Hearings).

- F. **Findings.** The Review Authority may approve a Sign Program, with or without conditions of approval, only after making the following findings, based on evidence in the public record:
1. The provisions of the Sign Program are consistent with the intent of the General Plan, Chapter C.8 (Signs) of this Title, and any Specific Plan, if applicable;
 2. The provisions of the Sign Program ensure consistency in design and style of all new signs;
 3. The provisions of the Sign Program address compatibility of the design and style of any existing signs on the building or site; and
 4. The provisions of the Sign Program address compatibility of the design and style of new signs with the site layout, building configuration, and design and architectural style of building(s).
- G. **Decision; Appeals; Expiration, Extensions, and Revisions.**
1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 2. **Appeals.** The Review Authority's decision may be appealed as provided in Subsection D.2.040.N (Appeals).
 3. **Expiration and Extensions.** Approved Sign Programs shall not expire.
 4. **Revisions or Amendments.** Sign Programs may only be revised or amended as provided in Subsection D.2.040.M (Revisions to an Approved Project); however, major revisions or amendments to a Sign Program may be approved by the Zoning Administrator unless the Sign Program is within the "H" Hillside Combining District.

D.4.090 Temporary Sign Permits

- A. **Purpose.** This Subsection establishes the permitting process for Temporary Sign Permits consistent with Chapter C.8 (Signs).
- B. **Applicability.** A Temporary Sign Permit is required for temporary signs allowed consistent with Section C.8.070 (Standards for Portable Signs and Temporary Signs).
- C. **Application Requirements.** A Temporary Sign Permit application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** As identified in Table D.2.030-A (Review Authorities), the Director is the Review Authority for Temporary Sign Permits subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
- E. **Approval Procedures.**
1. **Director Review.** After a proposed Temporary Sign Permit application has been deemed complete, the Director shall review the Temporary Sign Permit application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
 2. **Director Decision.** The Director shall approve or deny the application in compliance with the findings provided in Subsection D.4.090.F (Findings).

- F. **Findings.** The Director may approve a Temporary Sign Permit, with or without conditions of approval, only after finding the Temporary Sign Permit to be consistent with Chapter C.8 (Signs), this Title, and any Specific Plan, if applicable.
- G. **Decision; Appeals; Expiration, Extensions, and Revisions.**
 - 1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 - 2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
 - 3. **Duration and Revisions.** Temporary Sign Permits may be displayed for the length of time provided in Section C.8.070 (Standards for Portable Signs and Temporary Signs). and may only be revised as provided in Subsection D.2.040.M (Revisions to an Approved Project).

D.4.100 Home Occupation Permits

- A. **Purpose.** The purpose of the Home Occupation Permit is to allow for the conduct of businesses within places of residence and to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to residential activities.
- B. **Applicability.** Section C.10.120 (Home Occupations) identifies requirements for uses and activities that are allowed and require a Home Occupation Permit.
- C. **Application Requirements.** A Home Occupation Permit application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** As identified in Table D.2.030-A (Review Authorities), the Director is the Review Authority for Home Occupation Permits subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
- E. **Approval Procedures.**
 - 1. **Director Review.** After a proposed Home Occupation Permit application has been deemed complete, the Director shall review the Home Occupation Permit application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
 - 2. **Director Decision.** The Director shall approve or deny the application in compliance with the findings provided in Subsection D.4.100.F (Findings).
- F. **Findings.** The Director shall approve a Home Occupation Permit, with or without conditions of approval, if it is determined that the proposed home occupation would:
 - 1. Be consistent with the General Plan and any Specific Plan, if applicable;
 - 2. Be consistent with the standards of this Title for the subject zone;
 - 3. Be consistent with the home occupation criteria and standards of Section C.10.120 (Home Occupations); and
 - 4. Be consistent with all other applicable provisions of the Milpitas Municipal Code and applicable laws.

- G. **Decision; Appeals; Expiration, Extensions, and Revisions.**
1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
 3. **Expiration, Extensions, and Revisions.** Home Occupation Permits are subject to expiration as provided in Subsection D.2.040.K (Expiration of Permits) and may only be extended or revised as provided in Subsection D.2.040.L (Extension of Time) and Subsection D.2.040.M (Revisions to an Approved Project).

D.4.110 Reasonable Accommodation

- A. **Purpose.** This Subsection establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act ("the Acts") in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval. A Reasonable Accommodation is typically an adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.
- B. **Applicability.**
1. **Eligible Applicants.** A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of this Title or other land use regulations, policy, or procedure acts as a barrier to fair housing opportunities.
 2. **Definitions.** A person with a disability is a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment as further defined under 42 U.S.C. section 12102, commonly known as the Americans with Disabilities Act, and under applicable state law.
 3. **Eligible Request.** A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- C. **Application Requirements.** A Reasonable Accommodation application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
- D. **Authority.** As identified in Table D.2.030-A (Review Authorities), the Director is the Review Authority for Reasonable Accommodation applications subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
- E. **Approval Procedures.**
1. **Director Review.** After a proposed Reasonable Accommodation application has been deemed complete, the Director shall review the Reasonable Accommodation application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).

2. **Director Decision.** The Director shall make a written determination within 45 days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Subsection D.4.110.F (Findings).
- F. **Findings.** The Review Authority may approve, approve with conditions, or deny the request for Reasonable Accommodation based on the following findings:
1. The housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
 2. The Reasonable Accommodation is necessary to make specific housing available to an individual with a disability;
 3. The Reasonable Accommodation would not impose an undue financial or administrative burden on the City;
 4. The Reasonable Accommodation would not require a fundamental alteration in the nature of a City program or law; and
 5. There are no alternatives to the requested waiver or exception that could provide an equivalent level of benefits to the applicant without the requested accommodation or with a lesser deviation from standards.
- G. **Decision; Appeals; Expiration, Extensions, and Revisions.**
1. **Decision.** The Review Authority's decision shall be in compliance with Subsection D.2.040.H (Findings and Decision).
 2. **Appeals.** The Review Authority's decision may be appealed as provided in Section D.2.040.N (Appeals).
 3. **Expiration, Extensions, and Revisions.**
 - a. Reasonable Accommodations are subject to expiration as provided in Subsection D.2.040.K (Expiration of Permits); however, a Reasonable Accommodation granted shall terminate if the recipient of the accommodation requested no longer resides on the property.
 - b. Reasonable Accommodations may only be extended or revised as provided in Subsection D.2.040.L (Extension of Time) and Subsection D.2.040.M (Revisions to an Approved Project).

D.4.120 Special Event Permit

- A. **Purpose.** This Subsection establishes the procedures for the granting of Special Event Permits for special events with appropriate regulations to ensure that special events will not cause any detrimental effects to surrounding properties and the community.
- B. **Definitions.** Terms used in this Section are defined Chapter E.2 (Definitions of Terms).

C. **Applicability.**

1. **General.** A Special Event Permit is required for special events on private property and public streets, sidewalks, alleys, and ways; City parks; public places; and public rights-of-way consistent with this Subsection. No special event may be conducted without a Special Event Permit or other authorization from the City (e.g., lease or contract terms) unless otherwise allowed by this Title or exempt from a Special Event Permit. Certain recurring events require a Conditional Use Permit consistent with Subsection D.4.120.F.1.a (Recurring special events).
2. **Special Event Permit Thresholds.** Special events shall be identified in accordance with the following thresholds:
 - a. *Minor events.*
 - (i) Fewer than 250 participants or attendees;
 - (ii) Takes place on a single day; and
 - (iii) No street closures or amplified sound.
 - b. *Regular events.*
 - (i) Between 250 and 1,000 participants or attendees;
 - (ii) Between one and four consecutive days (including set up and tear down);
 - (iii) With or without amplified sound; and
 - (iv) Block parties on a residential street (see Milpitas Municipal Code V-100-13.05).
 - c. *Major events.*
 - (i) More than 1,000 participants or attendees anticipated;
 - (ii) Between four and seven consecutive days, including set up and tear down (permits for events exceeding seven days may be granted at the Director's discretion);
 - (iii) With or without amplified sound; and
 - (iv) Requires street closures (other than block parties on a residential street).
 - d. *Recurring events.*
 - (i) *Recurring special events (up to four events per calendar year).* Applicant may request a one-time review and issuance of a Special Event Permit for events which occur up to four times per calendar year for a permissible duration of four consecutive days for each recurring event; and
 - (ii) *Annual events.* Applicant may request a Special Event Permit good for up to three years for special events that will be held annually, for up to three consecutive years in the same location. The applicant must

demonstrate that the same event location, layout, date and times are adhered to for each event.

3. ***Exemptions from Special Event Permit.*** The following activities are exempt from obtaining a Special Event Permit:
 - a. Activities on a street conducted by a governmental agency acting within the scope of its authorized functions.
 - b. A simple assembly gathering of people at a park, plaza, or paseo that is open to the public, provided that it meets the following requirements:
 - (i) The gathering does not meet the definition of a Minor, Regular, or Major special event as described in Subsection D.4.120.C.2 (Special Event Permit Thresholds);
 - (ii) It involves fewer than 150 participants;
 - (iii) It does not involve the placement or use of equipment or temporary structures;
 - (iv) No Fire, Engineering, or Building permits are required;
 - (v) It does not include amplified sound; and
 - (vi) It remains in compliance with all applicable regulations, including but not limited to the capacity limits of the applicable area of the park, plaza, or paseo.
 - (vii) Park rental for the purpose of a private party that is not open to the general public.
 - (viii) Private gatherings and parties typically held at a private residence or Community Assembly facility that do not involve amplified sound, are not incompatible with the generally intended use of the property, and have little to no impact on the neighborhood or community.
 - (ix) First Amendment events located in public spaces, including public parks, plazas, and sidewalks.
 - (x) The annual National Night Out event sponsored by the Milpitas Police Department.

D. **Application Requirements.**

1. ***General.*** A Special Event Permit application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Section.
2. ***Filing Times.***
 - a. A complete application shall be filed not less than 70 business days before the proposed date of the special event except as provided below:
 - (i) For an event that requires a street closure on more than one public street, requires significant detouring which affects significant number or businesses or residences, or requires an encroachment permit from Caltrans, a Special Event Permit shall be filed not less than 180 business days before the proposed date of the special event.

- (ii) For non-exempt First Amendment events, processions, or parades (i.e., that are not exempt under Subsection D.4.120.C.3 (Exemptions from Special Event Permit)) that do not involve street closures, vehicles, floats, or use of equipment other than hand-held equipment, an application for a Special Event Permit shall be filed not less than 14 business days before the proposed date of the special event.
 - b. Permit applications that do not comply with the filing times in this Subsection may be subject to additional fees arising as a direct result of the late submission. The Director shall have the authority to consider, approve, or deny any application for a Special Event Permit which is not filed according to the filing times in this Subsection.
- 3. **Fees.** The City may, at the City Manager's discretion, waive the Special Event Permit fee when a non-exempt First Amendment event is proposed, and the applicant cannot afford to pay the Special Event Permit fee as documented by the applicant at the time of the Special Event Permit application.
- 4. **Other Required Permits.** An applicant for a Special Event Permit is responsible for obtaining all other City and County permits required for the proposed event.
- E. **Authority.** As identified in Table D.2.030-A (Review Authorities), the Director is the Review Authority for Special Events Permits subject to Subsection D.2.040.B.3 (Multiple Applications) and Subsection D.2.040.N (Appeals).
- F. **Approval Procedure.**
 - 1. **Director Review.** After a proposed Special Event Permit application has been deemed complete, the Director shall review the Special Event Permit application to determine whether it conforms with the provisions of this Title in accordance with Chapter D.2 (Procedures).
 - a. *Recurring special events.* A one-time review Special Event Permit may be issued for recurring special events provided there would be no more than four events per calendar year and each event is no more than four consecutive days. Events occurring more than four times in the same location may be allowed subject to a Conditional Use Permit.
 - b. *Annual events.* A Special Event Permit may be issued for up to three years for special events that will be held annually for up to three consecutive years in the same location.
 - 2. **Review and Decision.** Special Event Permits that are deemed complete shall be issued on a first-come, first-served basis. The Director shall approve, conditionally approve, or deny a Special Event Permit.
 - 3. **Director Decision.**
 - a. The Director shall approve or deny the application in compliance with the findings provided in Subsection D.4.120.J (Findings) and this Subsection.
 - b. In determining whether to approve a Special Event Permit application, no consideration may be given to the message of the event, the content of the speech, the identity or associational relationships of the applicant or its members

or affiliates, or to any assumptions or predictions as to the amount of support or hostility which may be aroused in the public by the content of the speech or the message conveyed during the event.

G. **Standards and Requirements for Special Events.**

1. **Duration.** The maximum duration of a single special event is seven consecutive calendar days (including set up and tear down), with a minimum of 14 calendar days between different events held at the same site).
2. **Noise and Amplified Sound.** Special events shall be conducted in compliance with the City's Noise Ordinance (Milpitas Municipal Code Chapter V-213 (Noise Abatement)) and the terms of an Amplified Sound Permit issued by the Police Department, if applicable.

H. **Conditions.**

1. Any conditions of approval must be reasonable requirements concerning the time, place, or manner of holding the special event as is necessary to coordinate multiple uses of public property; assure preservation of public property and public spaces; prevent dangerous, unlawful, or prohibited uses; prevent excessive noise or other nuisances, especially in residential areas; ensure the availability of sufficient City personnel as needed; protect the safety of persons and property; and to control vehicular and pedestrian traffic in and around the venue; provided that such requirements shall not be imposed in a manner that will unreasonably restrict expressive or other activity protected by the California or United States Constitutions.
2. As a condition of the Special Event Permit, the permittee shall provide the Director with proof of insurance no later than 15 days prior to the special event, and the insurance shall remain in full force and effect throughout the term of the special event; however, this is not required for the following:
 - a. Any special event where the requirement for insurance is prohibited by law; or
 - b. Non-exempt First Amendment events that do not present any objective, substantial risk, hazard, or danger to the public health and safety, as identified by the City Manager, who shall consider the reasonably foreseeable consequences of the event. Applicants seeking approval of non-exempt First Amendment events which, due to their design or schedule, do present an objective, substantial risk, hazard, or danger to the public health or safety, must comply with the insurance requirements and enter into a hold harmless agreement consistent with Subsection D.4.120.I (Indemnification and Hold Harmless).

I. **Indemnification and Hold Harmless.** The Special Event Permit permittee must agree in writing to indemnify and hold the City, its officers, agents and employees, harmless from and against any and all liability and losses incurred from the conduct of permittee or its officers, employees, and agents, except this shall not apply to First Amendment events unless the non-exempt First Amendment event permittee has elected to provide the indemnification in lieu of providing the insurance required by Subsection D.4.120.H (Conditions).

J. **Findings.** The Director may approve the Special Event Permit, with or without conditions of approval consistent with Subsection D.4.120.H (Conditions), only after finding that:

1. The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this Title or other applicable laws, rules, or regulations

which have not been completed at the time the Special Event Permit application is submitted;

2. With sufficient traffic controls and conditions, the special event will not create a threat to public safety;
3. In order to protect the health and safety of the public, the special event will not conflict with construction in the public right-of-way or at a public facility;
4. The special event will not require the diversion of public safety or other City employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the City;
5. The concentration of persons, animals or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;
6. The special event will not unreasonably interfere with any other special event for which a permit has already been granted or with the provision of City services in support of other scheduled events or scheduled government functions;
7. The proposed use, event or activity will not have a significant adverse environmental impact;
8. The proposed use, event or activity does not present a substantial or unwarranted safety, noise, or traffic hazard;
9. The proposed special event will be consistent with the regulations established for each potential venue with regard to size, type of activity, available time period, and frequency of events; and
10. For parades, the parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute in order to limit the impacts on the flow of traffic through the City.

K. **Decision and Appeals.**

1. **Decision.** The Director's decision shall be in compliance with this Subsection and Subsection D.2.040.H (Findings and Decision).
2. **Appeals.** The Director's decision may be appealed as provided in Section D.2.040.N (Appeals), with the following exceptions:
 - a. A written request for a hearing to appeal the Director's decision on a Special Event Permit must be received no later than 10 calendar days after the date of the decision.
 - b. If the decision to deny, revoke, or impose conditions on a Special Event Permit is issued five or fewer business days prior to the proposed event, notice of the decision provided to the applicant or permittee must include the time, date, and location of the appeal hearing.
 - c. Notwithstanding the above provisions, if a decision to deny or revoke a Special Event Permit issued for a non-exempt First Amendment event is less than 30 calendar days from the date of the proposed event, any appeal shall proceed immediately to a court of competent jurisdiction. The decision shall become final

unless a written request for hearing is received within the time limits set forth in this Subsection.

L. **Denial and Revocation.**

1. ***Denial and General Revocation.*** The Director shall deny or revoke a Special Event Permit if the Director finds any of the following:
 - a. Fraud, misrepresentation or any false statement contained in the application for a Special Event Permit, including without limitation, in carrying out the special event in a way not consistent with the application;
 - b. Failure to comply with the provisions of this Subsection D.4.120 (Special Event Permits), including applicable permit filing time;
 - c. Failure to comply with the conditions of the Special Event Permit, including without limitation, failure to timely pay applicable fees and City charges, provide indemnification or insurance certificate or security deposit within the times required, or failure to comply with all other permit requirements, licensing requirements, or regulations required to conduct the activities described as part of the special event in the permit application or any amendment to the application;
 - d. The special event venue or any substantial portion of the venue is not available due to fire, casualty, act of God, emergency maintenance activity or public emergency;
 - e. The proposed event will conflict with a previously scheduled event organized by the City for use of the special event venue, or with a special event or other permitted use previously approved to be held at the special event venue;
 - f. The proposed event, as designed, will unreasonably impede, obstruct, impair, or interfere with reasonable access to adjacent properties and the applicant will not agree to redesign the proposed event so as to allow reasonable access to the adjacent properties;
 - g. The special event venue, including but not limited to the proposed areas for assembly or disbanding of parades, cannot physically accommodate the number of participants expected to participate and/or the items necessary or proposed to support the event;
 - h. The proposed activity or event will violate a federal, state, or local law or regulation; or
 - i. One or more of the findings specified in Subsection D.4.120.J (Findings) is not met.
2. ***Immediate Revocation.***
 - a. Any Special Event Permit may be revoked on the day of the special event without prior written notice and without a hearing, if the Council, the City Manager, the Director, the Fire Marshal, or the Chief of Police determines that:
 - (i) Revocation is in the interest of the immediate public health or safety because of fire, casualty, act of God, or a public emergency; or

(ii) The permittee is in violation of the provisions of this Subsection or the terms of the Special Event Permit.

b. The grounds for revocation shall be communicated at the time notice is provided. The permittee, immediately upon receipt of the notification that the Special Event Permit has been revoked, shall cease the activity and shall commence restoring the special event venue to its condition prior to the activity.

M. Other Post Approval Procedures.

1. *Final Special Event Permit Approval.*

a. If the Director has issued a Conditional Special Event Permit, the permittee shall submit the final event plans and demonstrate all permit conditions have been satisfied at least 10 business days prior to the event. If the permittee does not submit verification that the permit conditions have been met within the applicable deadline specified in this Subsection, the Special Event Permit will be deemed revoked.

b. At the discretion of the Director an extension of the deadline for submission of final event plans or verification of permit conditions may be granted.

2. *Amendment of an Approved Special Event Permit.*

a. If a permittee desires to change the location, time, or duration or other significant aspect of the description of an event subject to a Special Event Permit, the permittee shall apply for an amendment to the Special Event Permit.

b. A Special Event Permit amendment application must be filed with the Director no later than 15 business days in advance of the special event.

c. The Director shall grant, deny, or approve with conditions, the Special Event Permit amendment no later than seven business days of receipt of the amendment application.

d. The provisions in Subsection D.4.150.K (Decision and Appeals) apply to all applications for Special Event Permit amendments.

3. A copy of the Special Event Permit shall be presented to any City official upon request.

4. It shall be unlawful for a person to place any booth, table, chair, stool, structure, vehicle, or piece of equipment in any area for which a Special Event Permit has been issued, without the consent of the permittee, unless the person is acting under the direction and control of the City.

5. Upon conclusion of a special event, the City shall send an invoice to the permittee for all fees and charges still due to the City, for the cost of services provided by City departments and for the cost to the City of any cleaning and/or repairs to the special event venue made necessary by the permittee's use. The permittee shall be responsible for the actual costs of cleaning and repairs made necessary by the permittee's use of the special event venue.

D.4.130 Short-Term Rental Permit

The procedures for Short-Term Rental Permits are described in Section C.10.200 (Short-Term Rentals).

Chapter D.6 Zoning Ordinance and Zoning Map Amendments

Sections:

- D.6.010 Purpose
- D.6.020 Applicability
- D.6.030 Application Requirements
- D.6.040 Procedures
- D.6.050 Findings
- D.6.060 Expiration of Application and Time Extension
- D.6.070 Effective Date

D.6.010 Purpose

This Chapter establishes procedures to amend the Zoning Map, commonly referred to as a “rezone” or “rezoning”, and to amend the text of this Title in accordance with California Government Code section 65853 et seq.

D.6.020 Applicability

- A. **Initiation.** A Zoning Map amendment or Zoning Ordinance text amendment (Zoning Amendment) may be initiated by at least one of the following:
 - 1. **Council.** A majority vote of the Council;
 - 2. **Planning Commission.** A majority vote of the Planning Commission;
 - 3. **Property Owner.** An application from the property owner or authorized agent of the property who seeks to have their parcel rezoned. If the property is under more than one ownership, all owners or the authorized agents shall join in filing the application; or
 - 4. **Majority of Owners of Area.** The owners of 50 percent or more of the area of all the property sought to be rezoned.
- B. **General Plan Amendment Required.** Amendments to zone boundaries or the text of this Title that are not consistent with the General Plan must be accompanied by a General Plan Amendment application in accordance with Chapter D.8 (General Plan Amendments).
- C. **Urgency Measure.** Without following the procedures otherwise required prior to the adoption of new zoning regulations, the Council may adopt an Interim Zoning Ordinance as an urgency measure in compliance with California Government Code section 65858, in which case the standards of this Chapter shall not apply. The Interim Zoning Ordinance shall require a four-fifths vote of the Council for adoption.

D.6.030 Application Requirements

- A. **Filing.** A Zoning Amendment application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures), and this Chapter.

- B. **Responsibility.** It is the responsibility of the applicant to provide the necessary information in support of the findings required by Section D.6.050 (Findings).

D.6.040 Procedures

- A. **Director Evaluation.** After a proposed Zoning Amendment has been filed with the Department, the Director shall review the Zoning Amendment to determine whether it conforms with the provisions of this Chapter in accordance with Subsection D.2.040.D (Review of Planning Applications).
- B. **Public Hearings.**
1. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing on the Zoning Amendment consistent with Subsection D.2.040.G (Public Hearings) and shall forward a recommendation to the Council.
 2. **Council Hearing.**
 - a. Council shall conduct a public hearing on the Zoning Amendment consistent with Subsection D.2.040.G (Public Hearings).
 - b. The Council's action to approve the Zoning Amendment shall be by ordinance.

D.6.050 Findings

A Zoning Amendment may be approved only after all of the following findings are made, as applicable to the type of Zoning Amendment:

- A. **Findings for All Zoning Amendments.**
1. The proposed Zoning Amendment is consistent with and conforms to the goals and policies of the General Plan;
 2. The proposed Zoning Amendment is consistent with and conforms to the goals and policies of any Specific Plan, if applicable;
 3. The proposed Zoning Amendment will not be detrimental to the public interest, health, safety, convenience, and general welfare;
 4. The proposed Zoning Amendment is in compliance with the provisions of California Environmental Quality Act;
 5. When considering a reduction of residential density, ensure compliance with California Government Code section 65863 by either finding that the remaining sites identified in the Housing Element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density; and
 6. The proposed Zoning Amendment would not result in a net loss of potential housing units.
- B. **Additional Findings.**
1. **Zoning Ordinance Text Amendments.** The proposed Zoning Amendment is internally consistent with other applicable provisions of this Title.

2. ***Zoning Map Amendments.***

- a. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire, medical, etc.) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, etc.), to accommodate the uses and development densities or intensities allowed in the proposed new zone; and
- b. If located within or adjacent to residential areas, the requested zone change is compatible with the character of the residential neighborhood.

D.6.060 Expiration of Application and Time Extension

If an ordinance intended to change the zoning designation of land through a Zoning Amendment as provided in this Chapter is not adopted by a second reading within one year of the date of its introduction by a first reading, then the Zoning Amendment application shall be deemed to have expired (without notice to the applicant). The unadopted ordinance shall not then be capable of adoption by a second reading except as follows:

- A. Upon recommendation of the Planning Commission, the Council may grant an extension of time for the second reading and adoption not to exceed one year subject to all of the following:
 1. No more than one extension for the Zoning Amendment may be granted;
 2. The extension must be granted by the Council within one year of the date of introduction of the original ordinance; and
 3. The Council may impose new conditions of approval upon the Zoning Amendment.
- B. The provisions of this Section shall not be construed to prevent a subsequent application for a Zoning Amendment on the same land or the subsequent introduction of a new ordinance for a Zoning Amendment to change the zone designation of the land.

D.6.070 Effective Date

A Zoning Amendment shall become effective 30 days following the date the Council adopts the ordinance.

Chapter D.8 General Plan Amendments

Sections:

- D.8.010 Purpose
- D.8.020 Applicability
- D.8.030 Application Requirements
- D.8.040 Procedures
- D.8.050 Findings
- D.8.060 Adoption of General Plan Amendment

D.8.010 Purpose

The purpose of this Chapter is to establish the procedures required for the adoption or amendment of the General Plan, including the General Plan land use map.

D.8.020 Applicability

A General Plan Amendment may be initiated in the same manner as a Zoning Amendment, see Section D.6.020 (Applicability).

D.8.030 Application Requirements

A General Plan Amendment application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures), and the requirements of this Chapter.

D.8.040 Procedures

- A. **Director Evaluation.** After a proposed General Plan Amendment has been filed with the Department, the Director shall review the General Plan Amendment to determine whether it conforms with the provisions of this Chapter in accordance with Section D.2.040.D (Review of Planning Applications).
- B. **Public Hearings.**
 - 1. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing on the General Plan Amendment consistent with Section D.2.040.G (Public Hearings) and shall forward a recommendation to the Council.
 - 2. **Council Hearing.**
 - a. Council shall conduct a public hearing on the General Plan Amendment consistent with Section D.2.040.G (Public Hearings).
 - b. *Modifications by Council.*
 - (i) The Council may modify any General Plan Amendment recommended by the Planning Commission by making non-substantive changes

without first referring the matter to the Planning Commission for a report and recommendation. However, any substantive change proposed by the Council that was not discussed by the Planning Commission shall be referred back to the Commission recommendation consistent with California Government Code section 65356 for a report and recommendation.

- (ii) When the Council has referred a matter back to the Planning Commission, it shall report back to the Council within 45 days after the date of the Council referral unless the Council specifically allows for a longer period of time for the Planning Commission report and recommendation. Where action cannot be taken within 45 days by the Planning Commission, a longer period of time may be requested and the Council may at its discretion grant the request. Although no additional public hearing shall be required, the Planning Commission may at its discretion hold a public hearing prior to a report and recommendation on any matter referred to it by the Council.

- c. The Council's action to approve the General Plan Amendment shall be by resolution.

D.8.050 Findings

A General Plan Amendment may be approved only after all of the following findings are made:

- A. The proposed General Plan Amendment is internally consistent with all other provisions of the General Plan;
- B. Approval of the proposed General Plan Amendment would not result in the General Plan being amended more frequently than four times per calendar year consistent with California Government Code section 65358.
- C. The proposed General Plan Amendment serves the public necessity, convenience, and general welfare;
- D. The proposed General Plan Amendment is in compliance with California Environmental Quality Act requirements;
- E. When considering a reduction of residential density, the proposed General Plan Amendment is in compliance with California Government Code section 65863 either based on a finding that the remaining sites identified in the Housing Element are adequate to accommodate the City's share of the regional housing need or based on identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density; and
- F. The proposed General Plan Amendment would not result in a net loss of potential housing units.

D.8.060 Adoption of General Plan Amendment

- A. A General Plan Amendment shall be adopted by resolution of the Council, in compliance with California Government Code section 65453, only after all of the findings contained in Section D.8.050 (Findings) are made. A General Plan Amendment shall be adopted by an affirmative vote of a majority of the total membership of the Council.

- B. The Council's action to amend the General Plan shall become effective on the actual date the Council renders the decision.

Chapter D.10 Specific Plans

Sections:

- D.10.010 Purpose
- D.10.020 Applicability
- D.10.030 Application Requirements
- D.10.040 Procedures
- D.10.050 Findings
- D.10.060 Adoption of Specific Plan
- D.10.070 Implementation and Amendments

D.10.010 Purpose

This Chapter establishes the procedures for the preparation, processing, and adoption of Specific Plans in accordance with California Government Code section 65450 et seq.

D.10.020 Applicability

- A. **When Required.** When required by the Council, the General Plan, or this Title to systematically implement the General Plan for any part of the city, a Specific Plan shall be prepared, processed, approved, and implemented in compliance with this Chapter.
- B. **Initiation.** An application for a Specific Plan may be initiated in the same manner as a Zoning Amendment, see Section D.6.020 (Applicability).
- C. **Effect of Specific Plan.** The regulations provided by an adopted Specific Plan shall replace those of the current or underlying zone or zones, and the development standards and/or design standards or guidelines identified in the Specific Plan shall take precedence over the general standards included in this Title and any adopted design standards or guidelines.

D.10.030 Application Requirements

- A. **Filing.** A Specific Plan application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Chapter.
- B. **Required Information.** An application for a Specific Plan shall be accompanied by the information and materials required in the City's application form. At a minimum, a Specific Plan application shall include:
 - 1. **Proposed Land Uses.** The distribution, location, and extent of land uses proposed within the area covered by the Specific Plan, including open space areas;
 - 2. **Infrastructure.** The proposed distribution, location, extent, and intensity of major components of public and private circulation/transportation, sewage, water, drainage, solid waste disposal, energy, utilities, and other essential facilities to be located within the Specific Plan area and needed to support the proposed land uses;

3. **Land Use and Development Standards.** Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
4. **Implementation Measures.** A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria; and
5. **Relationship to General Plan.** A statement of the relationship of the Specific Plan to the General Plan.

D.10.040 Procedures

- A. **General.** A Specific Plan application shall be processed in the same manner as required for General Plans by Government Code section 65350 et seq., and consistent with this Chapter.
- B. **Director Evaluation.** After a proposed Specific Plan application has been filed with the Department, the Director shall review the Specific Plan to determine whether it conforms with the provisions of this Chapter in accordance with Subsection D.2.040.D (Review of Planning Applications).
- C. **Public Hearings.**
 1. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing on the Specific Plan consistent with Section D.2.040.G (Public Hearings) and shall forward a recommendation to the Council.
 2. **Council Hearing.** Council shall conduct a public hearing on the Specific Plan consistent with Section D.2.040.G (Public Hearings).

D.10.050 Findings

The Council may adopt a Specific Plan, with or without conditions, only after all of the following findings are made:

- A. That the Specific Plan is consistent with the General Plan and other adopted goals and policies of the City;
- B. The proposed Specific Plan is in compliance with California Environmental Quality Act requirements;
- C. When considering a reduction of residential density, ensure compliance with California Government Code section 65863 by either finding that the remaining sites identified in the Housing Element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density; and
- D. The proposed Specific Plan would not result in a net loss of potential housing units.

D.10.060 Adoption of Specific Plan

A Specific Plan shall be adopted by resolution of the Council, in compliance with California Government Code section 65453, only after all of the findings contained in Section D.10.050 (Findings) are made. A Specific Plan shall be adopted by an affirmative vote of a majority of the total membership of the Council.

D.10.070 Implementation and Amendments

- A. **Development within a Specific Plan Area.** After the adoption of a Specific Plan, subsequent projects to implement the Specific Plan may be approved or adopted within an area covered by the Specific Plan only if first found to be consistent with the Specific Plan, including public works projects or development approvals (e.g., Tentative Map, Conditional Use Permit, Site Development Permit, etc.).
- B. **Specific Plan Fee.** The Council may impose a Specific Plan fee surcharge on development permits within the Specific Plan area, in compliance with California Government Code section 65456.
- C. **Amendments.**
 - 1. An adopted Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.
 - 2. An adopted Specific Plan may be amended as often as deemed necessary by the Council, in compliance with California Government Code section 65453.

Chapter D.12 Planned Unit Development

Sections:

- D.12.010 Purpose
- D.12.020 Applicability
- D.12.030 Application Requirements
- D.12.040 Procedures
- D.12.050 Findings
- D.12.060 Planned Unit Development Implementation

D.12.010 Purpose

The purpose of Planned Unit Developments is to provide for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions to:

- A. Provide flexibility by allowing diversification in regulations such as building relationships, setbacks, height limitations, lot sizes, parking, and the amount and location of open space;
- B. Ensure substantial compliance with and implement the land use and density policies of the General Plan and any applicable Specific Plan; and
- C. Allow for creative development projects that incorporate design features that are more sensitive to site conditions and provide greater amenities than would likely result from conventionally-planned development.

This Chapter establishes the procedures for the review and processing of an application for a Planned Unit Development.

D.12.020 Applicability

- A. A minimum area of a Planned Unit Development shall be one acre; however, a Planned Unit Development may be adopted for an area of less than one contiguous acre upon a finding that the property is suitable as a Planned Unit Development by virtue of its relationship to adjacent parcels and their development plans (existing or proposed) or unique characteristics of the site.
- B. Planned Unit Developments shall not be allowed within the Milpitas Metro Specific Plan or Midtown Specific Plan areas.
- C. Development standards that are proposed to deviate from the conventional zone regulations shall be prescribed in the Planned Unit Development. Where a Planned Unit Development is silent regarding particular development standards, the development standards of the applicable base zone shall apply.

D.12.030 Application Requirements

- A. **Filing.** A Planned Unit Development application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures), and this Chapter.
- B. **Required Information.** An application for a Planned Unit Development shall be accompanied by the information and materials required in the City's application form. At a minimum, a Planned Unit Development application shall include:
 - 1. Proposed land uses, building locations and square footage, density, and floor area ratios;
 - 2. Proposed parks, open spaces, landscape areas, and public art;
 - 3. Proposed pedestrian, bicycle, and vehicular circulation;
 - 4. General Plan and zoning consistency analysis;
 - 5. An identification of deviations requested from applicable base zone development standards and requirements;
 - 6. An explanation or demonstration of why the requested deviation(s) would result in a more desirable development than would otherwise be permitted under the applicable base zone standards; and
 - 7. Any significant public benefit(s) the project would provide to the community.

D.12.040 Procedures

- A. **Director Evaluation.** After a proposed Planned Unit Development has been filed with the Department, the Director shall review the Planned Unit Development to determine whether it conforms with the provisions of this Chapter in accordance with Section D.2.040.D (Review of Planning Applications).
- B. **Public Hearings.**
 - 1. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing on the Planned Unit Development consistent with Section D.2.040.G (Public Hearings) and shall forward a recommendation to the Council.
 - 2. **Council Hearing.** Council shall conduct a public hearing on the Planned Unit Development consistent with Section D.2.040.G (Public Hearings).

D.12.050 Findings

An application for a Planned Unit Development may be approved, with or without conditions, only after all the following findings are made:

- A. The proposed Planned Unit Development is consistent with and conforms to the goals and policies of the General Plan;
- B. The proposed Planned Unit Development will not be detrimental to the public interest, health, safety, convenience, and general welfare;
- C. The proposed Planned Unit Development is in compliance with the provisions of California Environmental Quality Act;

- D. When considering a reduction of residential density, ensure compliance with California Government Code section 65863 by either finding that the remaining sites identified in the Housing Element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density;
- E. The proposed Planned Unit Development would not result in a net loss of potential housing units;
- F. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire, medical, etc.) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, etc.) to accommodate the type, scale, and intensity of proposed development;
- G. If located within or adjacent to residential areas, the requested changes to base zone regulations are compatible with the character of the residential neighborhood;
- H. All new development standards for the proposed project that deviate from the base zoning standards are warranted by the design and amenities incorporated into the project; and
- I. The proposed project is demonstratively superior to the development that could occur under the standards applicable to the underlying base zone(s) and will provide superior community design, environmental preservation, and/or substantial public benefit to the community.

D.12.060 Planned Unit Development Implementation

- A. After a Planned Unit Development has been adopted by the Council, the Planned Unit Development shall be noted on the Zoning Map.
- B. Plans for a project in a Planned Unit Development must be consistent with the approved Planned Unit Development plan and any conditions of approval.

Chapter D.14 Development Agreements

Sections:

- D.14.010 Purpose
- D.14.020 Applicability
- D.14.030 Application Requirements
- D.14.040 Procedures
- D.14.050 Findings
- D.14.060 Execution and Recordation
- D.14.070 Annual Review
- D.14.080 Amendment, Modification, or Termination of an Approved Development Agreement
- D.14.090 Effect of Development Agreement

D.14.010 Purpose

This Chapter establishes procedures for the review of Development Agreements, in compliance with California Government Code section 65864 et seq. A Development Agreement is a mutually agreed upon contract between an applicant and the City that provides benefit to both parties. Through a Development Agreement, the City can receive greater community benefits that it could otherwise achieve under this Title, the Milpitas Municipal Code, and state law.

D.14.020 Applicability

Only an applicant who has a legal or equitable interest in the real property which is the subject of the Development Agreement, as determined in the sole discretion of the Director, may file an application to enter into a Development Agreement with the City.

D.14.030 Application Requirements

- A. **Filing.** A Development Agreement application shall be prepared, filed, and processed in compliance with Chapter D.2 (Procedures) and this Chapter.
- B. **Required Information.**
 - 1. All lawfully required documents, information, and materials shall accompany the application. The Director may require an applicant to submit additional information and supporting data as is necessary to evaluate and process the application.
 - 2. An application for a Development Agreement shall be accompanied by maps, plans, reports, development and performance standards, schematic drawings, or other documents deemed necessary by the Director to sufficiently detail or illustrate intended or permitted uses and their location on the property, the density or intensity of use, and the maximum size and height of structures as appropriate to evaluate the application request. This information may be included in a Specific Plan or other type of application.

- C. **Form of Agreement.** Each application shall be accompanied by the form of Development Agreement acceptable to the City Attorney. All documents required, including the agreement and any attachments and exhibits, shall be suitable for recordation as determined by the City.

D.14.040 Procedures

- A. **Director Evaluation.** After a proposed Development Agreement has been filed with the Department, the Director shall review the Development Agreement to determine whether it conforms with the provisions of this Chapter.
- B. **Public Hearings.**
1. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing on the Development Agreement consistent with Section D.2.040.G (Public Hearings) and shall make a recommendation to the Council.
 2. **Council Hearing.**
 - a. Council shall conduct a public hearing on the Development Agreement consistent with Section D.2.040.G (Public Hearings).
 - b. If the Council approves a Development Agreement, the approval shall be implemented through the adoption of an ordinance containing the findings required by Section D.14.050 (Findings).

D.14.050 Findings

The Council may approve a Development Agreement, with or without conditions, only after the following findings are made:

- A. The Development Agreement is consistent with the goals, policies, general land uses, and programs specified in the General Plan;
- B. The Development Agreement is consistent with any Specific Plan, if applicable;
- C. The Development Agreement and accompanying development maps, plans, and other supporting information are compatible with the uses authorized in, and the performance and development standards prescribed for, the zone in which the subject parcel or site is located;
- D. The Development Agreement is in conformity with and will promote public convenience, general welfare, and good land use and development practices;
- E. The Development Agreement shall be shown to be of greater benefit to the community than development absent the Development Agreement;
- F. The term or duration of the Development Agreement has a commensurate relationship to the benefit(s) provided;
- G. The Development Agreement contains the mandatory provisions specified in California Government Code section 65865.2 and any other terms required by Council; and
- H. The Development Agreement complies with all other applicable requirements of California Government Code section 65864 et seq.

D.14.060 Execution and Recordation

No later than 10 days after the ordinance approving a Development Agreement takes effect, the City Manager shall execute the Development Agreement, and the City Clerk shall record the Development Agreement with the County Recorder in compliance with California Government Code section 65868.5.

D.14.070 Annual Review

- A. **Requirement for Annual Review.** Every Development Agreement approved and executed in compliance with this Chapter shall be subject to periodic review every 12 months or less by the City during the full term of the agreement. The burden of proof shall be on the applicant, contracting party, or successor in interest to demonstrate compliance in good faith to the terms and conditions of the agreement to the full satisfaction of, and in a manner prescribed by, the City.
- B. **Initiation of Review.** The applicant, contracting party, or successor in interest shall initiate annual review by submitting a written statement to the Director describing their good faith substantial compliance with the terms and conditions of the agreement for the prior year.
- C. **Fees.** Appropriate fees to cover the City's cost to conduct the annual reviews shall be collected from the applicant, contracting party, or successor in interest prior to completion of each annual review. These fees may be established in the Development Agreement or by the City consistent with Milpitas Municipal Code Chapter IV-3 (Fee and Service Charge Revenue/Cost Comparison System).
- D. **Determination upon Review.** The Director shall review the materials furnished by the applicant, contracting party, or successor in interest to determine upon the basis of substantial evidence whether or not the applicant has, for the period under review, complied in good faith with the terms and conditions of the Development Agreement.
 - 1. **Finding of Compliance.** If the Director, based on substantial evidence, determines that the applicant is in compliance with the provisions of the Development Agreement, the Director shall deliver a report of the determination to the Council and then no further action is required.
 - 2. **Finding of Noncompliance.** If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director shall issue a finding of noncompliance. The Director shall specify in writing to the applicant the respects in which the applicant has failed to comply with the Development Agreement and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or modification in accordance with this Chapter.
 - 3. **Appeal of Determination.** Within 10 days after issuance of a finding of noncompliance, any interested person may file a written appeal of the finding with the Council as described in Section D.2.040.N (Appeals). The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance by the Director and the expiration of the appeal period without appeal, or the confirmation by the Council of the issuance of the finding on the appeal, shall conclude the review for the applicable period. The determination shall be final.

D.14.080 Amendment, Modification, or Termination of an Approved Development Agreement

- A. A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest in compliance with California Government Code section 65868. The City shall have notice of the amendment, modification or termination recorded with the County Recorder's office.
- B. If, upon a finding under Subsection D.14.070.D.2 (Finding of Noncompliance), the City determines to proceed with modification or termination of a Development Agreement, the City shall give notice to the applicant of its intention to do so. The procedure for modifying or terminating a Development Agreement is the same as the procedure for entering into a Development Agreement as specified in this Chapter. If the City modifies or terminates a Development Agreement in compliance with this Chapter, the City shall have notice of the noncompliance recorded with the County Recorder's office.

D.14.090 Effect of Development Agreement

- A. Unless otherwise provided by the Development Agreement, the rules, regulations, and official policies governing permitted uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a Development Agreement, are the rules, regulations, and official policies in force at the time of execution of the Development Agreement.
- B. Unless specifically provided in the Development Agreement, the Development Agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property under the Development Agreement, nor does a Development Agreement prevent the City from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations, and policies.

Chapter D.16 Reserved

Chapter D.18 Enforcement and Penalty

Sections:

- D.18.010 Purpose
- D.18.020 Enforcement
- D.18.030 Determination of Violation
- D.18.040 Penalty
- D.18.050 Declaration of Public Nuisance
- D.18.060 Order to Stop Work
- D.18.070 Modification, Revocation, and Suspension
- D.18.080 Abatement Procedure
- D.18.090 Cost Recovery
- D.18.100 Lien Procedure
- D.18.110 Interest on Liens
- D.18.120 Miscellaneous
- D.18.130 Remedies Cumulative

D.18.010 Purpose

This Chapter establishes provisions for enforcement of this Title and any conditions of a permit or approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare. This Chapter puts all persons on notice of the proceedings and penalties involved if any provision of this Title is violated.

D.18.020 Enforcement

All departments, officials and public employees of the City are vested with the duty or authority to issue permits shall conform to the provisions of this Chapter and shall not issue a permit or license for uses, buildings, or purposes in conflict with the provisions of this Title. Any permit or license issued in conflict with the provisions of this Title shall be null and void.

D.18.030 Determination of Violation

- A. It shall be the duty of the Director to enforce the provisions of this Title on any use of land or structures, and the addition, alteration, moving, construction, erection, or reconstruction of or to any structure.
- B. The Director, in consultation as needed with the Fire Chief, Building Official, Police Department, or other Code Enforcement Officials may conduct any investigation necessary to determine whether persons are complying with this Title, including the terms, conditions, mitigation

measures, or project descriptions incorporated into any permit, approval, or clearance issued in accordance with this Title.

D.18.040 Penalty

- A. It shall be unlawful for any person to violate any of the provisions of this Title. Any person convicted of violating any of the provisions of this Title shall, upon conviction, be punished by a fine not-to-exceed the sum of \$1,000 or by imprisonment in the County Jail not to exceed six months or by both a fine and imprisonment.
- B. Each day that a violation of this Title continues shall be considered a separate offense.
- C. Any use of a premises or a building which deviates from or violates any of the provisions of this Title shall be termed an illegal occupancy and the person or persons responsible shall be subject to the penalties as provided in this Section.

D.18.050 Declaration of Public Nuisance

The following is unlawful and shall be declared a public nuisance:

- A. Violation of, or noncompliance with, any term, condition, mitigation measure, or project description incorporated into any permit, approval, or clearance granted in accordance with this Title.
- B. Any building or structure, set up, erected, altered, built, converted, moved, reconstructed, or demolished, and any use of property contrary to the provisions of this Title.
- C. Any sign or sign structure erected, constructed, maintained, marked, posted, pasted, painted, printed, altered, or repaired in violation of the provisions of this Title.
- D. Any sign or sign structure after a permit or Variance has been revoked or expired and which is determined to be unsafe and so as to constitute an immediate peril to persons or property, or has been placed upon public property without written permission of the Director.

D.18.060 Order to Stop Work

- A. **Issuance of Stop Work Order.** The Building Official may issue an order to stop work to prohibit further construction activity on any development, excavation, building, or structure on any land on which there is an uncorrected violation of a provision of this Title or of a permit or other form of authorization issued in accordance with this Title. The Building Official may also order work to be stopped in the event the activity is being conducted without having obtained a required permit or approval.
- B. **Serving of Stop Work Order.** The Stop Work Order shall be served by posting a copy on the premises where the violation is located, or which is the subject of the permit or approval issued by the City. In addition, a copy of the Stop Work Order shall be personally served on the owner or responsible person or mailed to the owner or responsible person at the address shown on the current Department records or records pertaining to the permit or other approval issued by the City. The Stop Work Order shall become effective immediately upon posting.

- C. **Correction of Violation.** After posting of a Stop Work Order, no person shall perform any act in violation of the terms of the Stop Work Order, except the actions as are determined by the Director, Fire Chief, Building Official, or other Code Enforcement Official to be necessary to correct the violation or to render the premises safe and secure, until the violation has been corrected to the satisfaction of the person serving the Stop Work Order.

D.18.070 Modification, Revocation, and Suspension

- A. **Modifications, Revocation, and Suspension.** The Council, Planning Commission, or Director may initiate the review of a permit or approval (including, but not limited to, a Conditional Use Permit, Variance, or Site Development Permit) for the purpose of deciding whether modification, revocation, or suspension of the permit or approval is needed, only after written notice of a violation or public nuisance is mailed to the holder of the permit or approval.
1. ***Planning Commission Action.***
 - a. After initiation, a public hearing before the Planning Commission shall be noticed and held in compliance with Section D.2.040.F (Public Hearing Notice) and Section D.2.040.G (Public Hearings).
 - b. After the public hearing has been closed, the Planning Commission may modify, revoke, or suspend the permit or approval unless City Council action is required by law. See Subsection D.18.070.A.2 (Council Action) below.
 2. ***Council Action.***
 - a. If Council action is required by law, after the Planning Commission public hearing has been closed, the Planning Commission shall recommend to the Council, by resolution, whether the permit or approval shall be modified, revoked, or suspended.
 - b. Following receipt of a recommendation on the permit or approval from the Planning Commission, a public hearing before the Council shall be noticed and held in compliance with Section D.2.040.F (Public Hearing Notice) and Section D.2.040.G (Public Hearings).
 - c. After the public hearing has been closed, the Council may modify, revoke, or suspend the permit or approval.
- B. **General Findings for Modifications/Revocation/Suspension.** A permit or approval may be modified, revoked, or suspended if any of the following conditions exist:
1. Conditions of approval of the permit or approval are being violated or are not being satisfied;
 2. The application contained incorrect, false, or misleading information;
 3. The permit or approval is being exercised in a manner that constitutes a public nuisance; or
 4. The permit or approval is being exercised in a manner which is contrary to the public health, safety, and welfare.

D.18.080 Abatement Procedure

- A. **Notification of Nuisance.** Whenever the Director determines that any property within the city is being maintained contrary to one or more of the provisions of this Chapter, written notice ("Notice to Abate") shall be given to the owner/occupant(s) of the property stating the section(s) being violated. The notice shall set forth a reasonable time limit, in no event less than or equal to 30 days, for correcting the violation(s) of this Title. The Director may also set forth suggested methods of correcting the violation(s) unless he or she determines that the condition constitutes a threat to the health and safety of any person, in which event, the Director may designate a shorter time limit for correcting the violation(s). The notice shall be served upon the owner/occupant in accordance with provisions of Section D.18.080.D (Notice of Hearing), covering service in person or by mail.
- B. **Exception for Undue Hardship.** The notice shall also inform the owner/occupant (excluding an owner acting in a capacity of landlord of rental property) that, upon written request of the owner/occupant submitted within seven days of the "Notice to Abate," the City Manager, in their sole discretion, may allow for a time limit in excess of 30 days for correcting the violation in cases where strict enforcement of the time limit would result in an undue hardship on the owner/occupant. In the written request, the owner/occupant shall state the reasons why strict enforcement of the time limit would result in an undue hardship.
- C. **Administrative Hearing to Abate Nuisance.** In the event the owner/occupant fails, neglects, or refuses to comply with the "Notice to Abate," the City Manager shall conduct an administrative hearing to ascertain whether the violation constitutes a public nuisance.
- D. **Notice of Hearing.** Notice of the administrative hearing shall be served upon the owner/occupant not less than seven days before the time fixed for the hearing. Notice of the hearing shall be served in person or by certified mail to the owner/occupant's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. The notice shall identify the date of the hearing, the conditions in violation, and the proposed method of abatement. Notice that substantially complies with the format provided below shall be deemed sufficient:

**FIGURE D.18.080-1: NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE
FORMAT**

NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF
NUISANCE

This is a notice of hearing before the City Manager to ascertain whether certain property situated in the City of Milpitas, State of California, known and designated as (PUBLIC RIGHT-OF-WAY ADDRESS HERE), in the City of Milpitas, and more particularly described as (ASSESSOR'S PARCEL NUMBER HERE) constitutes a violation or public nuisance subject to abatement in accordance with Section D.18.080 (Abatement Procedure) of the Milpitas Municipal Code. If the property, in whole or part, is found to constitute a public nuisance as defined in the Milpitas Municipal Code and if the same is not properly abated by the owner/occupant, the nuisance may be abated by municipal authorities, in which case the cost of the rehabilitation, repair, or abatement will be assessed upon the

property and the costs, together with any accrued interest, may constitute a special assessment or lien upon the property until paid. In addition, you may be cited for violation of the provisions of the Milpitas Municipal Code and subject to an administrative fine.

Said alleged conditions consist of the following: (DESCRIPTION HERE)

The method(s) of abatement are: (DESCRIPTION HERE)

All persons having an interest in these matters may attend the hearing and their testimony and evidence will be heard to determine whether certain conditions constitute a public nuisance and whether the conditions shall be abated as a public nuisance.

Dated this _____ day of _____, 20____.

Signature of City Manager

Time and Date of Hearing: ###/###/####

Location of Hearing: (LOCATION HERE)

E. Administrative Hearing by City Manager.

1. At the time stated in the notice, the City Manager shall hear and consider all relevant evidence, objections, or protests, and shall receive testimony relative to the alleged public nuisance and to proposed rehabilitation, repair, removal, or abatement of the property. The hearing may be continued from time to time.
2. If the City Manager finds that a public nuisance exists and that there is sufficient cause to rehabilitate, abate, remove, or repair the public nuisance, the City Manager shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement, and the time within which the work shall be commenced and completed. A copy of the findings and order shall be served on all owner/occupants of the subject property in accordance with the provisions of Section D.18.080.D (Notice of Hearing). In addition, a copy of the findings and order shall be conspicuously posted on the property. The order shall include the time within which the owner/occupant shall complete the work, in no event less than 15 days.
3. In the event the owner/occupant fails to abate the nuisance as ordered, the City Manager shall cause the nuisance to be abated by City employees or private contract. The costs shall be billed to the owner/occupant, as specified in Section D.18.090 (Cost Recovery). In appropriate circumstances, the City Manager shall request the City Attorney to obtain all necessary judicial approval for entry onto the subject premises for abatement purposes.

F. Hearing Procedure Before City Manager. All hearings shall be recorded.

1. Hearings need not be conducted according to the technical rules of evidence.
2. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in California.

Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions in courts of competent jurisdiction in this state.

3. Irrelevant and unduly repetitious evidence shall be excluded.
- G. **Appeal of Decision by City Manager.** The decision of the City Manager may be appealed to the Council in conformance with the provisions of Milpitas Municipal Code Section I-20-5 (Appeals to Council).
- H. **Limitation on Filing Judicial Action.** Any judicial action appealing the Council's decision and order shall be commenced within 30 days of the date of service of the decision.
- I. **Summary Abatement of Immediate Hazard or Obstruction.** The City Manager may, without notice, abate the nuisance and recover the cost of abatement as provided in Section D.18.090 (Cost Recovery) in the event of:
 1. A nuisance defined by statute, ordinance, or resolution as a public nuisance which constitutes an immediate danger to persons or property;
 2. A nuisance defined by statute, ordinance, or resolution as a public nuisance which is located or maintained on public property including, but not limited to, any public right-of-way, highway, sidewalk, easement, park, or building; or
 3. Any obstruction or encroachment to free passage upon any public property (which is declared to be a public nuisance) including, but not limited to, any public right-of-way, highway, easement, sidewalk, park or building.

Summary abatement may include the temporary removal to a safe location of persons placed in immediate danger from a public nuisance. In this event, the City shall be entitled to recover all costs related to the removal, including, but not limited to, storage of possessions and rental of living accommodations, as well as any other recoverable cost provided in Section D.18.090 (Cost Recovery).

D.18.090 Cost Recovery

- A. **Recovery of Costs.** This Section establishes procedures for the recovery of administrative costs, as well as attorneys' fees and costs, incurred by the City in the enforcement process, for the abatement of conditions defined as a nuisance or violation by Milpitas Municipal Code Chapter XI-21 (Administrative Citations).
- B. **Definition of Costs.** For the purposes of this Chapter, "costs" shall mean administrative costs, including City staff time expended and reasonably related to nuisance abatement cases, for items including, but not limited to, investigation, site inspection and monitoring, testing, reports, telephone contacts, correspondence and meetings with affected parties, as well as all attorneys' fees incurred in accordance with any action, administrative proceeding, or special proceeding to abate the nuisance including, but not limited to, filing fees and fees for witnesses. In accordance with California Government Code section 38773.5(a), where the City seeks to recover attorneys' fees at the initiation of any action or proceeding, a prevailing opposing party may recover its reasonable attorneys' fees to the extent that the amount of the fees does not exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

- C. **Cost Accounting and Recovery Required.** The City shall maintain records of all costs incurred by responsible City departments associated with the enforcement process in accordance with this Chapter and shall recover the costs from the property owner/occupant as provided by this Section.
- D. **Notice of Cost Recovery Requirements.** The City Manager shall include in the "Notice to Abate" a statement of the intent of the City to charge the property owner/occupant for all costs incurred by the City if the violation is not corrected as required. The notice shall state that the property owner/occupant will receive at the conclusion of the enforcement case a summary of enforcement costs associated with the processing of the case.
- E. **Collection of Charges.** Costs of recovery shall be recoverable as provided in this Chapter.

D.18.100 Lien Procedure

- A. **Record of Cost of Abatement.** The City Manager shall keep an account of the costs, as defined in Subsection D.18.090.B (Definition of Costs), for abating the nuisance on each separate lot or parcel of land where the work is done by the City and shall render an itemized report in writing showing the cost of abatement, including the rehabilitation or repair of the property, including any related salvage value. A copy of the report shall be posted for at least five days upon the property, together with a notice of the right to appeal to the City Manager. A copy of the report and notice shall be served upon the owner/occupants of the property, based on the last equalized assessment roll or the supplemental roll, whichever is more current. If the owner/occupant of record, after diligent search, cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication published in a newspaper of general circulation in the county in which the property is located. Proof of the posting and service shall be made by affidavit filed with the City Clerk. The owner/occupant shall have 30 days from the date upon which the notice is served to reimburse the City for its costs or to otherwise make arrangements for repayment, to which the City, in its sole discretion, may agree.
- B. **Assessment and Lien.**
 - 1. The total cost for abating the nuisance, as so confirmed by the City Manager, shall, upon failure to pay the costs as specified in Subsection D.18.100.A (Record of Cost Abatement) constitute a lien or special assessment in accordance with California Government Code section 38773.1, 38773.2, 38773.5, or 38773.6 against the respective lot or parcel of land to which it relates. After confirmation and recordation of a Notice of Special Assessment, a certified copy of the City Manager's decision shall be filed with the Santa Clara County Assessor's Office on or before August 1 of each year, whereupon it shall be the duty of the County Assessor to add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land for municipal purposes and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided of ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to the special assessments. Upon recordation in the Office of the County Recorder, a Notice of Lien, as so made and confirmed, shall constitute a lien on the property and from the date of recording shall have the force, effect, and priority of a judgment lien.

2. In the alternative, after recordation, the lien may be foreclosed by an action brought by the City for a money judgment or by any other means provided by law. A Notice of Lien for recordation shall be in form substantially as follows:

FIGURE D.18.100-1: NOTICE OF LIEN FORMAT

NOTICE OF LIEN (Claim of City of Milpitas) In accordance with the authority vested by the provisions of Section D.18.050 (Declaration of Public Nuisance) of the Milpitas Municipal Code, the City Manager of the City of Milpitas did on or about the _____ day of _____, 20____, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on the real property, in accordance with an order to abate issued by on; and the City Manager of the City of Milpitas did on the _____ day of _____, 20____, assess the cost of the rehabilitation, repair, demolition, or abatement upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that the City of Milpitas does hereby claim a lien on the rehabilitation, repair, or abatement in the amount of the assessment, to wit; the sum of \$_____ and the same, shall be a lien upon the real property until the same has been paid in full and discharged of record. The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Milpitas, County of Santa Clara, State of California, owned by and more particularly described as follows: (LEGAL DESCRIPTION HERE): Dated this _____ day of _____, 20____. _____ Signature of City Manager
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In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the amount of the lien, the name of the agency on whose behalf the lien was imposed, the date of the abatement order, the public right-of-way address, legal description, and the name and address of the recorded owner/occupant of the property shall be recorded by the governmental agency. A nuisance abatement and the release of the lien shall be indexed in the grantor-grantee index.

D.18.110 Interest on Liens

- A. **Amount of Interest on City Liens and Assessments—Findings.** The Council finds and declares that the establishment of an interest accrual requirement as to unpaid City liens and assessments upon

real property which are of record with the Santa Clara County Recorder is a necessary and appropriate exercise of the Council's police power.

- B. **Accrual of Interest on Liens and Assessments.** Unless otherwise prohibited by law or regulation, all liens and assessments which are imposed by the City against any real property located in the City that are recorded on and after the effective date of this regulation shall accrue interest at the rate of eight percent annually until the lien or assessment, including any accrued interest, is paid in full.

D.18.120 Miscellaneous

- A. **Alternative Actions Available; Violation and Infraction.** Nothing in this Chapter shall be deemed to prevent the Council from ordering the commencement of a civil proceeding to abate a public nuisance in accordance with applicable law or from pursuing any other remedy available under applicable law. Violation of the provisions of this Chapter constitutes an infraction, as set forth in Milpitas Municipal Code Subsection I-1-4.09 (Penalty Provisions). The City Manager is designated as the enforcement authority.
- B. **Additional Costs of Abatement.** The Council provides that a court may order the owner/occupant of property responsible for a condition that may be abated in accordance with this Chapter to pay three times the costs of abatement in accordance with California Government Code section 38773.7 upon the entry of a second civil court judgment for violation of this Chapter within a two-year period.
- C. **Residential Rental Housing.** The notice sent to the owner/occupant of residential rental housing in accordance with Subsection D.18.080.A (Notification of Nuisance) shall contain the statement required by California Health and Safety Code section 17980 regarding the application of California Revenue and Taxation Code section 17274 and section 24436.5, which allow the Franchise Tax Board to deny state income tax deductions to taxpayers who fail to bring substandard residential rental property into compliance with this Chapter.

D.18.130 Remedies Cumulative

The remedies provided in this Chapter shall be cumulative and not exclusive and are in addition to any other remedies as provided by law. The City's use or exercise of one remedy shall not preclude the City from using or exercising any other remedy as may be allowed by law.

Chapter E.2 Definitions of Terms

This Chapter provides definitions for terms that are commonly used throughout this Title.

Abandoned, Abandonment. When, for the period of time established in Chapter C.18 (Nonconforming Buildings, Structures, Uses, and Parcels) a nonconforming use is either vacated, the business license lapses, the lease is terminated, and/ or utilities are terminated.

Abate. To repair, replace, remove, destroy or otherwise remedy the condition in violation of this Title.

Abutting or Adjoining. Having a common property or zone boundary line.

Access. The place or way through which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Title and the Milpitas Municipal Code.

Accessory Building. A subordinate building, whose purpose is clearly incidental to that of the main building or the use of the land, and which shall not contain living or sleeping quarters or storage for commercial vehicles in excess of three-quarter ton size. Accessory dwelling units, as defined in Chapter E.4 (Definition of Uses), are exempted from the prohibition against living and sleeping quarters. An accessory building shall be considered attached to the main building if:

1. It shares a common wall with the main building; or
2. It shares an integral roof structure having the same framing system and roof covering as the main building and has an exterior wall that is separated from the main structure by no more than 10 feet at any given point.

Accessory Structure. A structure subordinate to the primary use or principal building on the same lot and serving a purpose customarily incidental to the primary use or use of the principal building. An accessory structure does not meet the definition of an accessory building. Examples include, but are not limited to gazebos, covered patios, carports, and porte-cochères.

Accessory Use. See “accessory use” in Chapter E.4 (Definitions of Uses).

Active Use. A use that attracts walk-in visitors and has a high degree of transparency from the street. Active uses include but are not limited to retail, restaurants, bars, markets, theaters, salons, yoga studios, art studios/galleries, banks, offices, and clinics. Active uses also include ground floor residential shared amenities, such as a lobby, gym, or conference room.

Adjacent. Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement. Properties separated by a street, alley, intersection, or other public right-of-way (other than an elevated interstate freeway), shall be considered adjacent when their property lines would touch in any way if drawn to the center line of such street, alleyway, intersection, or other public right-of-way.

Adult-Oriented Business Terms.

Adult Arcade. Any place to which the public is permitted or invited, wherein coin-operated, currency-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, television sets, monitors, receivers, transmitters, video cassette players or other images producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished

or characterized by the depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Bookstore. An establishment that has 30 percent or more of its stock in books, visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.

Adult Cabaret. A nightclub, restaurant, or similar business establishment which:

- Regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or
- Which regularly features persons who appear seminude; and/or
- Shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Hotel/Motel. A hotel or motel or similar commercial establishment which:

- Offers public accommodations, for any form of consideration, which provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; and
- Offers a sleeping room for rent for a period of time that is less than 10 hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours, or rents any single room more than twice in a 24-hour period.

Adult Motion Picture Theater. A business establishment in which for any form of consideration, films, motion pictures, video cassettes, video tapes, laser discs, slides or similar photographic or electronic reproductions are regularly shown and 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater. A theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

Distinguished or Characterized by an Emphasis Upon. The dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.

Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment of an Adult Business. Any of the following:

1. The opening or commencement of any adult-oriented business as a new business;
2. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business as defined in this Title;
3. The addition of any of the adult-oriented businesses defined in this Title to any other existing adult-oriented business; or
4. The relocation of any adult-oriented business.

Nudity or a State of Nudity. The of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola or nipple, or the showing of the covered male genitals in a discernible turgid state.

Regularly Features. With respect to an adult motion picture theater, theater, or adult cabaret, a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two or more occasions within a 30-day period, three or more occasions within a 60-day period, or four or more occasions within a 180-day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

Seminude. A state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.

Specified Anatomical Areas. Any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
3. Any device, costume or covering that simulates any of the body parts included in (1) or (2) above.

Specified Sexual Activities. Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in (1) through (4) above.

Alley. Any public thoroughfare which affords only a secondary means of access to adjacent property.

Allowed Use. Any use allowed in a zone and subject to the standards, restrictions, and approvals applicable to that zone and the use. May be a permitted use or a conditionally permitted use.

Amplified Sound. The use of any loudspeaker, public address system, amplifier, or any other device which electronically or mechanically increases the volume of the human voice, music, or any other sound.

Any Interested Party. Any person whom a Review Authority of the City finds and acknowledges as having a real and direct interest in any proceeding or action carried on, under, or as a result of the operation of, this Title.

Applicant. A person who requests in writing the approval of a permit, license, certificate, or other entitlement for use from the City. An applicant includes the owner of property for which the application is submitted or the owner's authorized agent.

Auto. Any motor vehicle requiring a license in compliance with the California Vehicle Code.

Basement. A story of a building that is partly or wholly located underground.

Bay Window. A window or set of windows jutting out from the wall of a building, rising from the ground and forming an alcove which may or may not add additional floor area or a sitting area within.

Bedroom. Any room which meets the minimum requirements of both the Zoning Ordinance and the Building Code for a habitable room, which is constructed in such a manner that less than 50 percent of one wall is open to an adjacent room or hallway and which can be readily used for private sleeping purposes.

Bicycle Parking Space. See "parking space, bicycle".

Block. A property so designated on an official map of the City, or the area of land bounded by streets, or by a street or streets, and railroad right-of-way, canal right-of-way, or unsubdivided acreage.

Building. A structure having a roof supported by columns or walls for the housing of, or for occupancy by, persons, animals, or chattels. Where a dwelling is separated by a division wall without openings, each portion of such dwelling shall be deemed a separate building.

Building Face or Building Façade. The outer surface of the main exterior wall of a building. For example, a building with a rectangular plan has four exterior walls and four building faces or facades.

Building Frontage. See "frontage, building".

Building Height. The vertical distance from finished grade. See also Subsection A.6.090.A (Measuring Building Height).

Building Official. The Director of the Office of Building Safety of the City of Milpitas or designee.

Building, Principal. A building in which the primary use of the lot on which it is situated is conducted.

Cannabis Terms.

Cannabis. All parts of the plants *Cannabis sativa*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the

plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from marijuana. Cannabis includes "cannabis" as defined in the California Business and Professions Code section 26001 and in California Health and Safety Code section 11018.

Cannabis Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Cannabis Delivery. The commercial transfer of cannabis or cannabis products to a customer. Cannabis delivery also includes the use by a cannabis retailer of any technology platform that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products. Whether made directly by the individual or entity or indirectly through a third-party service or other intermediary, an offer to deliver includes any communication, action, or conduct that could be reasonably understood to convey a willingness to engage in cannabis delivery irrespective of the person or entity's actual or specific intent and includes advertisements, websites, or other media making the same suggestion.

Cannabis Delivery Service / Delivery Service. Any person or entity engaged in cannabis delivery or attempting or offering to engage in cannabis delivery.

Cannabis Distribution. The procurement, sale, and transport of cannabis and cannabis products and any other activity allowed under the State distributor license(s), including, but not limited to, cannabis storage, quality control and collection of State cannabis taxes.

Cannabis Manufacture. To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Cannabis manufacture includes the production, preparation, propagation, or compounding of manufactured cannabis, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or cannabis products or labels or relabels its container.

Cannabis Microbusiness. Commercial cannabis business that must engage in at least three of the following commercial cannabis activities: cultivation, manufacturing using nonvolatile solvents, distribution, and/or retail.

Cannabis Product. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. Cannabis products include cannabis products as defined in Business and Professions Code section 26001.

Cannabis Retailer. Facility where cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale or conducts sales exclusively by delivery. The term cannabis retailer includes any nonprofits that may be licensed under Business and Professions Code section 26070.5. For purposes of this Title, cannabis retailer also includes medical cannabis dispensaries, patient collectives and cooperatives operating, or proposing to operate, in accordance with the California Health and Safety Code section 11362.5 and/or the California Health and Safety Code section 11362.7 et seq., as may be amended.

Cannabis Testing Laboratory. A facility, entity, or site that offers or performs tests of cannabis or cannabis products.

Commercial Cannabis Use. Includes all cannabis cultivation, cannabis manufacture, cannabis distribution, cannabis testing laboratories, cannabis microbusinesses, cannabis retailers, cannabis

delivery, and sale of cannabis and/or cannabis products, whether intended for medical or adult use, and whether or not such activities are carried out for profit. Commercial cannabis uses includes commercial cannabis activity as defined in California Business and Professions Code section 26001, and includes any activity that requires, or may require in the future, a license from a State licensing authority in accordance with California Business and Professions Code section 26000-26325, as may be amended. Commercial cannabis use does not include those activities allowed for personal use by persons 21 years of age or older, without any compensation whatsoever, in strict accordance with California Health and Safety Code section 11362.1 and does not include the activities of a qualified patient or a primary caregiver that are exempt from State licensure in accordance with California Business and Professions Code section 26033.

Enforcement Authority. The Chief of Police, the City Attorney, or any other person or persons designated by the Milpitas Municipal Code or the City Manager to enforce the City's cannabis regulations in this Title.

Indoor. Any location that is totally contained within a fully enclosed and secure private residence or accessory building located on the grounds of the private residence.

Medicinal Cannabis / Medicinal Cannabis Products. These terms shall have the same meaning as the definition set forth in Business and Professions Code section 26001.

Medicinal Cannabis Patient. Any one of the following:

Person with an Identification Card. As defined in Health and Safety Code section 11362.7. A person who possesses a currently valid identification card issued in compliance with Health and Safety Code Article 2.5 (commencing with section 11362.7) of Chapter 6 of Division 10.

Qualified Patient. As defined in Health and Safety Code section 11362.7. A person who possesses a currently valid physician's recommendation that complies with both Business and Professions Code Article 25 (commencing with section 2525) of Chapter 5 of Division 2 as all rules, regulations, and guidelines adopted by the Medical Board of California.

Non-Medicinal Cannabis / Non-Medicinal Cannabis Products. Cannabis or cannabis products, respectively, that does not qualify as medicinal cannabis, including commercial cannabis intended to be sold for non-medicinal use by an adult 21 years of age or older pursuant to state law.

Outdoor. Any location that is not totally contained within a fully enclosed and secure accessory building or primary residence.

Personal Cultivation. Cannabis cultivation for a natural person's own personal use and possession in accordance with the Milpitas Municipal Code and state law, including but not limited to California Health and Safety Code section 11362.1 and 11362.2, as may be amended, and such person does not sell or distribute cannabis to any other person. Personal use also means and includes cultivation of medical cannabis conducted by a qualified patient exclusively for personal medical use, and cultivation conducted by a primary caregiver for the personal medical purposes of no more than five specified qualified patients for whom they are the primary caregiver, in accordance with state law, including California Health and Safety Code section 11362.7 and 11362.765, as may be amended. Except as defined in this Title, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.

Primary Caregiver. The primary caregiver for a medicinal cannabis patient and shall have the same meaning as the definition set forth in Health and Safety Code section 11362.7.

Car Share. A service that allows people to rent vehicles for short periods, typically through a web-based application, without needing to own a car.

Chief of Police. The Chief of Police of the City of Milpitas Police Department or designee.

City Attorney. The City Attorney of the City of Milpitas or designee.

City Clerk. The City Clerk of the City of Milpitas or designee.

City Engineer. The Director of the Engineering Department of the City of Milpitas or designee.

City Manager. The chief executive officer or manager of the City of Milpitas or designee.

City Official. An authorized officer of the City of Milpitas as appointed by the City Manager or City Council.

Civil Engineer. A person who holds a valid license in the branch of civil engineering, as defined in California Business and Professions Code section 6702.

Community Emergency Cache. A collection of disaster response supplies approved by the City's Office of Emergency Services that would benefit the surrounding community.

Compost. Safe and stable decayed organic material deriving from household or commercial waste that is beneficial to plant growth and may be used as a source of fertilizer or nutrient for plant.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store.

Condominium Conversion. A change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, to that defined for a condominium project or a community apartment project regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.

Continuing Violation. A violation, infringement or breach of a provision of this Title that is uninterrupted and lasts for a continuous period in excess of 24 hours.

Curb Grade. The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the City Engineer shall establish such curb grade or its equivalent for the purpose of this Title.

Curb Level. See "curb grade".

Department. The Planning Department of the City of Milpitas.

Diameter at Breast Height (DBH). The diameter of a tree's trunk, measured 4.5 feet up the trunk from the ground.

Director. The Planning Director of the City of Milpitas or designee.

Dwelling. A building or portion of a building designed exclusively for residential occupancy, including single-family, two-family, multi-family, and accessory dwellings, but not including hotels or motels.

Dwelling Unit. A habitable room or group of habitable rooms (e.g., living room, bedroom, den, library, recreation, studio, etc.) designed for occupancy by one or more persons living as a family or single household unit with common interior access to all living, kitchen, and bathroom areas. No dwelling unit may have more than one kitchen.

Ecological Restoration Project. A project to establish or reestablish a defined, indigenous, historic ecosystem on a site where the natural, original ecosystem of has been disturbed or degraded.

Efficiency Kitchen. An efficiency kitchen includes a cooking facility with appliances, and food-preparation counter space with a total area of at least 15 square feet and food-storage cabinets with a total of at least 30 square feet of shelf space.

Effective Date. The date upon which this Zoning Ordinance, or any subsequent amendment, is in full force and effect from and after its adoption by the Council.

Electronic Smoking Device. An electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. Includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vaporizer or any other product name or descriptor.

Elevation. A scaled drawing of the front, rear, or side of a building or structure. Also, a vertical distance above or below a fixed reference level, typically above sea level.

Erosion. The wear and removal of the material in the earth's crust from one site and the deposition at another.

Family. One or more persons living together as a single household unit.

Federal Communications Commission (FCC). An independent government agency responsible for regulating the radio, TV, and phone industries. The FCC regulates all interstate communications, such as wire, satellite and cable, and international communications originating or terminating in the United States.

Finished Grade. The final elevation of the ground surface after development.

First Amendment Event. Conduct, the sole or principal objective of which is the expression, dissemination or communication by verbal, visual, literary, or auditory means of opinion, views, or ideas. Expressive activity includes, but is not limited to, public oratory and distribution of literature.

Floor Area Ratio (FAR). The ratio of the total floor area of all buildings on a lot to the lot area. See Section A.6.080 (Determining Floor Area Ratio).

Foot-Candle. A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

Frontage. All the property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or city boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Frontage, Building. The length of a building wall as measured continuously in one plane for the entire length of the subject building, excluding eaves or roof overhangs. Where a building is visible from more than one street or parking area, the building frontage with the main public entry shall be designated as the primary building frontage with all other such frontages designated as secondary.

Fully-Shielded Light Fixture. See "light fixture, fully-shielded".

Garage. Any building with a permanent roof, enclosed on three sides with a garage door on the fourth side that is built and used for the purpose of storage/parking of automobiles, recreational vehicles (RVs), or offroad vehicles.

Good Neighbor Manual. A manual prepared by the City regarding the general rules of conduct to be followed when operating a short-term rental unit.

Gross Acre. The total area within the boundaries of a legal lot or parcel, including any area proposed to be dedicated or reserved for public right-of-way. Adjacent lands already dedicated for public right-of-way, including public roadways, easements or other areas, shall not be included as part of the gross acreage.

Gross Floor Area. The total area of all floors measured from the interior faces of the building, but not including areas for parking, basements, shaft enclosures, or unroofed inner courts unless any outdoor areas are used for commercial purposes.

Habitable Space. A room designed for living, sleeping, eating or food preparation, including but not limited to a living room, bedroom, bathroom, kitchen, den, study, library, home office, craft room, or recreational room and excluding areas such as garages.

Hazardous Material. A material identified as hazardous by California Health and Safety Code section 25502(n).

Hardscape. Any durable ground cover material (pervious and impervious) used in landscape design, including but not limited to concrete, asphalt, stone, brick, and gravel.

Hosting Platform. A business or person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rentals. A hosting platform is usually, though not necessarily, provided through an internet-based platform. It generally allows a property owner or tenant to advertise the dwelling unit through a website provided by the hosting platform and provides a means for potential short-term rental transients to arrange short-term rentals, whether the short-term rental transient pays rent directly to the operator or to the hosting platform.

Impervious. Any surface or material that does not allow the passage of water through the material and into the underlying soil.

Individual Property Owner. A natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. Does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp., S corp., etc.) except for a community land trust, as defined by California Revenue and Taxation Code section 402.1(a)(11)(C)(ii) or a qualified nonprofit corporation as defined by California Revenue and Taxation Code section 214.15.

Intensity. The degree to which land is used, measured by a combination of the type of land used and the amount of land or floor area devoted to that use.

Invasive Plant Species. Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and United States Department of Agriculture (USDA) invasive and noxious weeds database.

Kitchen. Any room, all or any part of which is designed and/or used for cooking and the preparation of food.

Landscape Architect. A person who holds a license to practice landscape architecture in the State of California, per Business and Professions Code section 5615.

Landscape Contractor. A person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

Light Fixture, Fully-Shielded. Light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal plane. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Light Fixture, Partially-Shielded. A light fixture constructed and mounted such that most light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane. Light emitted at or above the horizontal direction (sideways or upwards) arises only from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded.

Loading Area. An open area, other than a street or alley, used for the loading or unloading of vehicles.

Loading Space. An off-street space or berth on the same lot as a building, or contiguous to a group of buildings, designated for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

Lot. A parcel, tract, or area of land established by plat, subdivision, or as otherwise allowed by law, to be used, developed or built upon.

Corner Lot. A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

Flag Lot. A lot having frontage upon, or access via an easement to, a public or private street by a narrow, private right-of-way.

Interior Lot. A lot other than a corner lot, flag lot, or through lot.

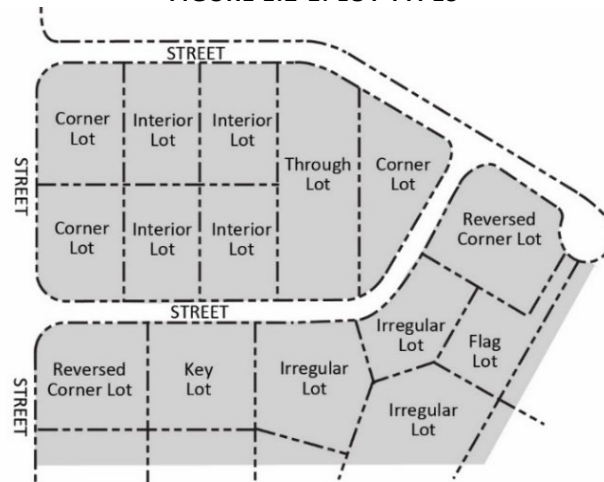
Irregular Lot. A lot which is shaped in a way that does not match the regular pattern of the lots on a block.

Key Lot. A lot with a side lot line that abuts the rear lot line of any one or more adjoining lots.

Reversed Corner Lot. A corner lot where the street side lot line of the lot is substantially a continuation of the front lot line of the lot to its rear.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

FIGURE E.2-1: LOT TYPES



Lot Dimensions. The linear measurements of a parcel of land.

Lot Area. The total horizontal area within the lot lines of a lot.

Lot Depth. The horizontal distance between the front and rear lot lines, see Section A.6.030 (Measuring Lot Width and Depth).

Lot Width. The horizontal distance between the side lot lines, see Section A.6.030 (Measuring Lot Width and Depth).

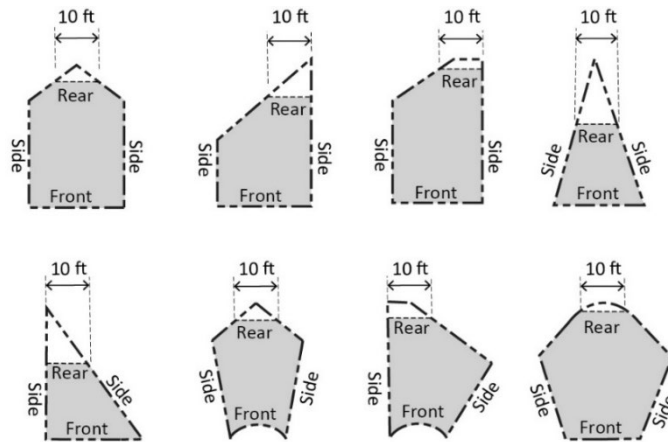
Lot Lines. The boundary between a lot and other property or the public right-of-way.

Front Lot Line. On an interior lot, the line separating the lot from the street. On a corner lot, the shorter lot line abutting a street. On a through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Interior Lot Line. Any lot line that is not adjacent to a street.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear setback.

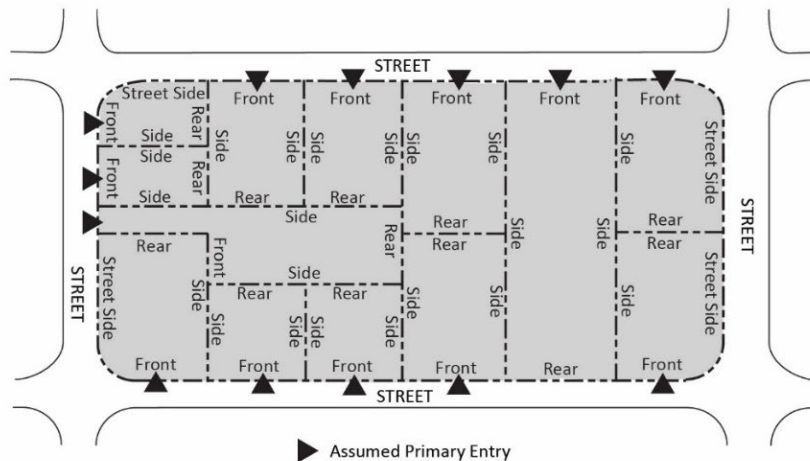
FIGURE E.2-2: REAR LOT LINES, IRREGULAR LOTS



Side Lot Line. Any lot line that is not a front or rear lot line.

Street Side Lot Line. A side lot line of a corner lot that is adjacent to a street.

FIGURE E.2-3: LOT LINE TYPES



Lumen. The unit used to measure the actual amount of light which is produced by a light source.

Main Building. See “building, principal”.

Major Street. A street having four or more vehicle travel lanes.

Manufacturing. The preparation, making, treatment, or processing of articles as merchandise.

Massage Establishment Terms.

Act. The Massage Therapy Act (Business and Professions Code section 4600, et seq.), as amended.

California Massage Therapy Council (CAMTC). California Massage Therapy Council established under California Business and Professions Code section 4602.

Certified Massage Practitioner or Massage Practitioner. A person who is currently certified as a massage practitioner by the CAMTC in accordance with California Business and Professions Code section 4604.1 and/or 4604.2.

Certified Massage Therapist or Massage Therapist. A person who is currently certified as a massage therapist by the CAMTC in compliance with California Business and Professions Code section 4604.

Compensation. 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.

Employee. 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.

Managing Officer/Employee. A person that can or does have or share ultimate control over the day-to-day operations of a business.

Massage. 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 with or without 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, California Business and Professions Code section 4601(e), and recognized as legitimate by CAMTC.

Massage Technician. Includes both a massage practitioner and a massage therapist.

Off-Premises Massage Service. 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.

Owner. Any individual who has any direct or indirect ownership interest in a massage establishment.

Sole Provider. 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.

Micromobility Device. A small, lightweight vehicle operating at a speed typically below 15 miles per hour and driven by the individual user, such as bicycles, e-bikes, and electric scooters.

Mixed Use Development. A development that consists of vertical or horizontal combination of residential and nonresidential uses within a single building or site.

Mobile Home. A transportable structure designed to be used as a dwelling unit when connected to required utilities, as defined by California Health and Safety Code section 18008.

Mulch. Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Natural Land Slope. The average slope of a lot in the “H” Hillside Combining District in percent, see Section B.22.030 (Maximum Allowable Densities and Minimum Lot Sizes).

Natural Person. An individual and living human being, as opposed to a legal person which may be a private (e.g., business entity or non-governmental organization) or public (i.e., government) entity.

Nonconforming Building. A building or structure, or portion of a building or structure, lawfully existing and built in compliance with all City land use and zoning laws in effect at the time, and which does not comply with current standards in this Title, including but not limited to height, setbacks, floor area ratio, or maximum lot coverage.

Nonconforming Use. Any use of land or property that was lawfully established pursuant to all applicable ordinances and laws at the time the use commenced, but which, due to the application of this Title or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

Occupation. A principal business, profession, or vocation in which one is regularly and habitually engaged for the purpose of compensation for a livelihood.

Openwork Design. Comprised of materials which results in a certain percentage of visual transparency within every square foot area, posts excluded.

Operator. A natural person who is the owner, lessee, or owner's agent to act on the owner's behalf to ensure compliance with this Title.

Outdoor Dining Area. Any outdoor area serving as an extension of the indoor customer seating area for a café or restaurant, which occupies space adjacent to the business that was formerly used for vehicle parking, pedestrian circulation, or similar use unrelated to the seating or customers.

Outdoor Music. Live music, both acoustic and amplified, including live individual musicians, bands, and disc jockeys (DJs), but not including karaoke, that takes place on a patio or other outdoor space. Outdoor music as defined and regulated in this Title shall also include recorded background music played outdoors at a public establishment such as a restaurant, bar, retail store, or other business.

Owner/Occupant. Any person owning property, as shown on the last equalized assessment roll for City taxes, or the lessee tenant, or other person having control or possession of the property.

Parade. An organized group marching in procession on a street. Parades do not include races, runs or other athletic events (i.e., a physical or endurance activity such as races, runs, walkathons, bicycle tours, or similar events).

Parcel. A legal lot of record.

Parking Space, Bicycle. A space dedicated to the parking of bicycles that typically includes supports to which the bicycle may be attached.

Parking Space, Vehicle. A space within a building or a private or public parking area for the parking of one vehicle.

Parkway. The area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

Partially-Shielded Light Fixture. See “light fixture, partially-shielded”.

Paseo. A mall designed and used for pedestrian passage, including adjacent sidewalks, between two or more parallel streets and which is owned or controlled by the City.

Patio. A surfaced area (concrete, brick, stone, asphalt, pavers, or similar materials) for recreational outdoor living use, not for vehicular parking purposes.

Patio Cover. A one-story roofed structure open on one or more sides (provided, however, that the open sides may be closed with insect or plastic screening that is permeable material and not in any manner that would obstruct the free passage of light or air) used for recreational, outdoor living purposes only and not as carports, storage rooms, or habitable rooms.

Permittee. A person, company, corporation, or entity that has been issued a permit including owner(s) or lessee(s) of property or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Title, or the agent(s) of such persons, and all successors in interest.

Person. Any individual, partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, the State of California and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver, or assignee.

Pervious. Any surface or material that allows the passage of water through the material and into the underlying soil.

Plaza. A public square or similar open area, including adjacent sidewalks, which is owned or controlled by the City.

Primary Use. The primary purpose for which a building, structure, or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this Title.

Principal Building. See “building, principal”.

Private Residence. See “residence, private”.

Property. All real property and fixtures, including, but not limited to, parking lots, sidewalks, gutters, driveways, walkways, and any building and structure located on such property.

Public Right-of-Way. As defined in Milpitas Municipal Code Section V-500-1.13 (Public Right-of-Way) of the Milpitas Municipal Code, the full width of the right-of-way of any street, as defined in the California Vehicle Code used by the general public, whether or not such street has been accepted as and declared to be part of the City system of streets, including streets forming a part of the State Highway System. Public right-of-way also includes easements where the City is the grantee of the easement and property owned by the City of Milpitas or the Milpitas Redevelopment Agency and any public park, trail, or right-of-way within the City of Milpitas.

Public Transit. As defined in California Government Code section 66313(l), a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. Examples include, but are not limited to, Altamont Commuter Express (ACE), Bay Area Rapid

Transit (BART), Alameda-Contra Costa (AC) Transit, Valley Transportation Authority (VTA) bus service and light rail, and paratransit.

Public Works Director. The Director of the Public Works Department of the City of Milpitas or designee.

Recreational Area. Areas, excluding private single-family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters, or golf courses . Also, “recreation area”.

Recyclable Material. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code.

Recycled Water. Treated or recycled wastewater of a quality suitable for non-potable uses such as landscape irrigation and water features, but not intended for human consumption.

Residence, Private. A house, an apartment unit, accessory dwelling unit, a mobile home, or other similar dwelling occupied for residential purposes.

Review Authority. The body or City staff person responsible for making decisions on zoning and related applications.

Setback. The distance between a property line and a building or structure that must be kept clear or open, except for the encroachments specifically permitted by this Title. See also Section A.6.060 (Measuring Setbacks).

Front Setback. The area extending the full width of the lot as measured from, and perpendicular to, a front lot line.

Interior Side Setback. The area extending from a front setback line to a rear setback line as measured from, and perpendicular to, an interior lot line.

Street Side Setback. The area extending from a front setback line to a rear setback line as measured from, and perpendicular to, a street side lot line.

Rear Setback. The area extending the full width of the lot as measured from, and perpendicular to, a rear lot line. Also see “lot lines” (rear lot line).

Slope. See “natural land slope”.

Special Event. Any indoor or outdoor event that consists of any combination of the following:

1. A parade or assembly consisting of persons, animals, and/or vehicles, which is intended to assemble or travel in unison on any street, and which does not comply with applicable traffic regulations, laws, or controls.
2. An organized assemblage of persons at a plaza, park, or paseo, gathered for a common purpose under the direction or control of a person or organization.
3. An activity which involves blocking off a street or other use of a street which obstructs the normal street traffic.

4. An activity or event on a public right-of-way, plaza, paseo, park, or private property which involves:
 - The placement or erection of equipment or temporary structures, including but not limited to a booth, tent, canopy, stage, barricade, fencing, generator, heating equipment, sound amplifier, vehicle, or float;
 - The use of live animals, fireworks, pyrotechnics, electrical power and/or cabling, or equipment or materials that can create a risk of damage to public or private property or injury to persons;
 - Cooking or the sale, preparation for sale or commercial distribution of food or beverages; or
 - The sale of commercial merchandise, excluding commercial special events and sales consistent with C.10.230.D.4 (Commercial Special Events and Sales).
5. Examples of Special Events include, but are not limited to, concerts, parades, carnivals, fairs, festivals, block parties, public dances, street fairs, community events, sporting or athletic events, parties, meals, mobile food vending events, celebrations, and receptions.

Special Event Venue. The outdoor area for which a Special Event Permit has been issued.

Specific Plan. A detailed plan for the development of a specific area as described in California Government Code section 65450. Specific plans are a tool to implement the General Plan. A specific plan documents the proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks, and other essential facilities proposed to be located within or needed to support the land uses described in the plan, as well as implementation and financing methods and added benefits to the City and the community.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

Street. A permanently reserved thoroughfare which affords principal means of access to abutting property.

Structural Alteration. Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Structure. Anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground.

Turf. A groundcover surface of mowed grass. Turf may be natural (e.g., annual bluegrass, Kentucky bluegrass, perennial ryegrass, Bermudagrass, Kikuyu grass, seashore Paspalum) or synthetic.

Two-unit Project. The development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot. Also known as an "SB 9 unit" (see California Government Code section 65852.21).

Universal Design. An environment, or dwelling unit, designed and built to be accessed and used by all persons, regardless of ability or mobility.

Usable Open Space. Any outdoor open space, consistent with Section C.2.090 (Open Space), and which is not used as storage or for movement of motor vehicles.

Urban Lot Split. The subdivision of an existing, legally subdivided lot into two lots as allowed by Milpitas Municipal Code Section XI-1-31 (Urban Lot Splits).

Use. The purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Use, Allowed. See “allowed use”.

Use, Primary. See “primary use”.

Valley Transportation Authority (VTA). The Santa Clara Valley Transportation Authority.

Vehicle Parking Space. See “parking space, vehicle”.

Walkway. A created surface, such as brick, stone, concrete, asphalt, pavers or similar material, intended to facilitate pedestrian or bicycle passage, and not used for vehicular parking purposes.

Wireless Telecommunications Terms.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.

Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

- The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
- The term includes any structure other than a tower that, at the time the relevant application is filed with the state or local government, supports or houses equipment described above that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing the support.
- The term does not include any structure that, at the time the relevant application is filed with the state or local government, does not support or house equipment described in above.

Colocation. Mounting or installing a wireless telecommunication facility on a pre-existing structure; and/or modifying a structure for the purpose of mounting or installing a wireless telecommunications facility on that structure. For the purposes of eligible facilities requests, colocation means the mounting or installation of transmission equipment on an existing tower or base station.

Commercial Wireless Communication Facility. A wireless communication facility operated by a for-profit business or for-profit purposes.

Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- Colocation of new transmission equipment;
- Removal of transmission equipment; or
- Replacement of transmission equipment.

Fixed Wireless Signal. Any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, CB radio, and Digital Audio Radio Service (DARS) signals.

Hub or Relay Antenna. Any antenna that is used to receive or transmit fixed wireless signals for the distribution of fixed wireless services to multiple customer locations as long as the antenna serves a customer on whose premises it is located but excludes any hub or relay antenna that is used to provide any telecommunications services or services that are provided on a commingled basis with telecommunications services.

Lattice Tower. A type of tower; a three- or more-legged structure designed and erected on the ground to support wireless telecommunication antennas and connecting appurtenances.

Monopole. A type of tower; a structure of single pole (non-lattice) design and erected on the ground to support wireless telecommunications antennas and connecting appurtenances.

Noncommercial Wireless Communication Facility. A wireless communication facility operated by a government agency, a nonprofit organization, a for-profit business for nonprofit purposes or a private citizen for personal use. This use includes all amateur radio facilities.

Satellite Dish or Non-Satellite Dish. A sub-type of antenna incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped, and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, Television Receive Only (TVROs), and satellite microwave antennas.

Small Wireless Facilities. Facilities that meet each of the following conditions:

- The facilities:
 - Are mounted on structures 50 feet or less in height including their antennas as defined in this Section;
 - Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna), is no more than three cubic feet in volume;
- All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- The facilities do not require antenna structure registration under 47 C.F.R. section 17.4;
- The facilities are not located on Tribal lands, as defined under 36 C.F.R. section 800.16(x); and
- The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. section 1.1307(b).

Stealth Design. Improvements or treatments added to a wireless telecommunication facility which are intended to make the facility look like something other than a wireless tower or base station or to mask or blend the proposed facility into the existing structure or visual backdrop, in such a manner as to render it minimally visible to the casual observer.

Stealth Wireless Communications Facility. Any antenna that is designed to be architecturally integrated into a building and is architecturally consistent with the building design. Examples include a steeple, cupola or tower element on a building and do not include flag poles, monopoles or other structures designed to house antenna and resemble natural features.

Telecommunication Facility, Major. A communication facility that, due to size, scale, location, or other characteristics, is likely to have some detectable impact on adjacent uses or on the environment, including aesthetic or visual impacts, or that may have a cumulative impact citywide or on the regional environment due to the number of sites included or in combination with other projects. This definition includes freestanding antenna structures, including monopoles and towers, or the placement of a network of wireless communication facilities throughout an area onto existing structures, or other facilities which, as determined by the Director, warrant this classification.

Telecommunication Facility, Minor. A communication facility which by its size, scale, location, design, or combination of such measures, allows the facility to be aesthetically integrated into the surrounding environment so as not to be readily seen or recognized as a communication facility and is not likely to have some detectable impact on adjacent uses or on the environment.

Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Yard. See “setback”.

Zone. A specifically delineated area in the city within which regulations and requirements in this Title uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning Administrator. The person designated to perform the duties and exercise the powers of the Zoning Administrator as set forth in this Title, or designee.

Chapter E.4 Definitions of Uses

This Chapter provides definitions for all uses established in the use tables in Part XIII-B (Zone Regulations).

Accessory Dwelling Unit (ADU). As defined by California Government Code section 66313, an ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU also includes an efficiency unit as defined in California Health and Safety Code section 17958.1 and a manufactured home as defined by California Health and Safety Code section 18007.

Accessory Dwelling Unit, Junior (JADU). A type of accessory dwelling unit defined by California Government Code section 66313 as a residential unit that is consistent with the following:

- Is no more than 500 square feet in size;
- Is contained entirely within an existing or proposed single-family structure;
- Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed primary dwelling; and
- Includes an efficiency kitchen.

Accessory Use. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use.

Adult-Oriented Business. See "adult-oriented business terms" in Chapter E.2 (Definitions of Terms).

Advanced Manufacturing. The use of innovative technologies to create existing and new products or to improve products and processes. Advanced manufacturing focuses on the rapid transfer of science and technology into production activities and may incorporate high technology elements such as information, automation, computation, software, sensing, artificial intelligence, machine learning, and networking. Advanced manufacturing may include storage space for raw materials and/or finished goods that actively supports the primary use.

Agriculture. See "cultivated agriculture."

Agricultural Processing Plant, Commercial. Facility that transforms, processes, and packages livestock or livestock products, or agricultural commodities, into goods that are used for intermediate or final consumption including goods for nonfood use. Includes animal slaughter.

Agricultural Supply Sales. An establishment or place of business primarily engaged in the retail or wholesale sale from the premises of farm supply, feed, grain, fertilizers, pesticides, and similar goods as well as the provision of agriculturally related services with incidental storage on a lot other than where the service is rendered.

Alcoholic Beverage Sales. Any beverage sales use that includes the sale of alcoholic beverages for off-premise consumption. This includes retail sales of liquor, beer, wine, and spirits and can be combined with a retail sales establishment such as a grocery store or convenience store, or it can be a stand-alone liquor store or wine shop.

Animal Husbandry. The care and raising of large livestock, including horses, cattle, swine, goats, sheep, alpacas, and similar animals. This includes any animal-related production uses incidental to the foregoing, such as grazing, grooming, shearing, and milking, but excludes animal slaughter, meat cutting and packing, stockyards or the commercial feeding of garbage or offal to swine or other animals.

Assembly. See "community assembly".

Auto Broker. An auto dealer or auto buying service as defined in California Vehicle Code section 166, who engages in the business of arranging, negotiating, assisting, or effectuating the purchase of a new or used motor vehicle, not owned by the dealer, on behalf of another. This use is limited to office work and does not include storage or parking of vehicles onsite.

Bank and Credit Union. Financial institutions, including federally-chartered banks, savings associations, industrial loan companies, and credit unions that provide retail banking services to individuals and businesses. Includes only those institutions engaged in the on-site circulation of money, and whose deposits are insured by the state or federal government and/or a state or federal sponsored entity, including credit unions.

Bar or Nightclub. Businesses serving beverages for consumption on the premises as a primary use, including serving alcohol such as beer, wine, and spirits. Dancing and live entertainment may also be conducted within the establishment. This use does not include microbreweries. See “food preparation” for tasting rooms that are accessory and subordinate to a brewery, winery, or distillery.

Bed and Breakfast. A residential property with one or more bedrooms dedicated to rental for a fee for overnight lodging of periods of 30 consecutive days or fewer and where meals may be provided to guests. A bed and breakfast is typically either owner-occupied or has the manager or proprietor of the lodging business living on the premises. This use type excludes short-term rentals.

Boarding House. An establishment where housing is provided for compensation, generally for stays of more than 30 days, for up to eight persons. Boarding houses typically have individual rooms for guests, shared bathroom facilities, and a single common kitchen. Meals may be served for guests and included as part of the cost of lodging.

Breweries, Distilleries, and Wineries. An establishment engaged in the brewing, distilling, and production of beer, wine, or other spirits. Tasting rooms that are accessory and subordinate to a brewery, winery, or distillery may be included in this use. This use does not include microbreweries.

Business and Professional Office. Offices of firms or organizations providing professional, executive, business, management, or administrative services, including but not limited to accounting, architectural, computer software design, engineering, consulting, graphic design, insurance, interior design, real estate, legal, and tax preparations offices. Also includes co-working spaces designed to accommodate individuals and organizations that provide such services.

Business Support Services. Establishments primarily within structures that provide other businesses with ancillary services that further or facilitate the other businesses' primary activity, including but not limited to commercial art and design (production); copying and quick-printing services; equipment rental businesses within structures; janitorial services; mailbox rentals; mail advertising services (reproduction and shipping); outdoor advertising services; protective services (other than office-related); rental, repairs and distribution of office or business equipment; and window cleaning.

Caretaker's Residence. A dwelling unit occupied by employees or caretakers of the primary use on the site.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries only when operated in conjunction with and within the boundary of such cemetery.

Check Cashing Business. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains

from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code section 1789.33. Check cashing businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money order incidental to their main purpose or business.

Child Care Center. Establishments providing non-medical care for children on a less than 24-hour basis other than large/small family child care homes. This classification includes licensed nursery schools, preschools, and day care facilities for children, and any other day care facility licensed by the State of California. This use does not include after school program, summer camp, and tutoring facilities.

Civic/Government. Governmental facilities not otherwise included in other land use types, such as court facilities and post offices, together with storage and maintenance of City and public agency vehicles.

Collection Facility. A center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public where limited sorting and storing of such items is conducted on-site.

College/University, Private. A private college or university, excluding trade or vocational schools.

Commercial Athletic Facility. A facility for physical fitness training or athletic type games and sports, such as but not limited to, health clubs, tennis, gymnasiums, handball courts, racquetball courts; also including ancillary uses when incidental to the primary use, such as but not limited to, steam baths, weight training, aerobic classes, massage, saunas, and the retailing of athletic supplies to be used in the facility.

Commercial Fueling Facility. See “fueling facility, commercial”.

Commissary or Catering. A fixed-location kitchen where food is stored and prepared for off-site vending or delivery. Commissaries may include shared-use commercial kitchens, private commercial kitchens, restaurant kitchens, and kitchens associated with civic and community organizations such as churches or social clubs. Also, includes catering service establishments.

Community Assembly. A facility for public or private meetings including clubs and lodges, community centers, senior centers, religious assembly facilities, convention centers, civic and private auditoriums, union halls, meeting halls for clubs and other membership organizations. This includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities (see indoor sports and recreation) or facilities such as day care centers and schools, which are separately defined.

Major. Community assembly use that is over 2,000 gross square feet and has capacity for more than 200 seats.

Minor. Community assembly use that is 2,000 gross square feet or less and has capacity for no more than 200 seats.

Community Garden. Use of land for the cultivation, growing and harvesting of vegetables, herbs, flowers, and fruits, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. Community gardens are typically owned and operated by public or non-profit agencies, and each garden plot is used and kept by an individual or a household. Excludes animal keeping or animal husbandry.

Construction Yard and Equipment Rental. Storage of construction materials or equipment on a site other than a construction site. Includes rental of large construction equipment and machinery. This classification may include parking/storage of contractor vehicles.

Convenience Store. A retail establishment selling food, beverages, and small convenience items such as personal hygiene products, cigarettes, magazines, and other everyday consumer items. Food and beverage products sold primarily consist of packaged and canned goods, prepared foods and hot drinks for immediate consumption, fountain beverages, etc., with less than 10 percent of net retail floor area allocated for the sale of fresh fruits, fresh vegetables, fresh meat and dairy products, and other similar perishable items. Convenience stores are smaller in floor area than supermarkets/grocery stores (typically 4,000 square feet or less) and have long or late hours of operation (open before 7:00 a.m. or after 10:00 p.m.).

Correctional Facility. A facility where people are held, generally as punishment for various crimes. This includes the detention/incarceration of people awaiting trial and/or who have been convicted of civil or criminal offenses; inmates and detainees under 24-hour supervision by the California Department of Corrections and Rehabilitation; and juvenile detention facilities. This use also includes parole offices.

Court Dwelling. See “dwelling, court”.

Cultivated Agriculture. The planting, growing, and harvesting of crops or plants, or the preparation of land for this purpose, of more than one-half acre of land for viticulture, horticulture, pasturage, floriculture, or similar farming where a crop or final product is produced (but not necessarily offered for sale) for consumption. This use excludes community gardens.

Custom and Artisan Manufacturing. An establishment primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Includes, but is not limited to metalworking, pottery and ceramic studios, film processing, photo finishing, printmaking, lithography, glass furnace, or woodworking.

Data Center. A facility dedicated to the storage of computer and information technology systems and associated components for the storage, retrieval, and transmittal of electronic information.

Drive-Through Facility. A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed and/or used to provide goods and services to drivers while they remain seated in their vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and pharmacies, but shall not include drive-in movies, service stations, or car wash operations.

Dwelling, Court. A residential development in which there are several freestanding single-family or two-family dwellings with separate walls clustered on a single lot. Units are typically arranged to face around a common open space or drive aisle. If subdivided, a maintenance agreement or homeowners association may govern common areas like driveways or open space.

Dwelling, Multi-Family. A building containing three or more dwelling units.

Dwelling, Single-Family. A dwelling unit designed for occupancy by one household, where all rooms are internally connected and internally accessible via habitable space, located on a separate lot from any other unit (except accessory dwelling units, where permitted), and have only one kitchen. This includes individual manufactured housing units installed on a foundation system pursuant to California Health and Safety Code section 18551, and the use of a single-family residential structure

as employee housing for six or fewer employees consistent with California Health and Safety Code section 17021.5.

Dwelling, Two-Family. A residential building containing two dwelling units, both of which are located on a single parcel. The dwelling units are attached and may be located on separate floors or side-by-side. Excludes accessory dwelling units (see “accessory dwelling unit”).

Elderly and Long-term Care. Establishment that provides 24-hour medical, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed by the California Department of Public Health. Includes, but is not limited to skilled nursing facilities, rest homes, and convalescent hospitals. Does not include a residential care facility or hospital.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay as set forth in the California Health and Safety Code section 50801(e), as may be amended.

Employee/Farmworker Housing. As described in California Health and Safety Code section 17021.6 and 17008, any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

Family Child Care Home, Large. As defined by Health and Safety Code section 1596.78, a home in which the provider regularly provides care, protection, and supervision for up to 14 children for less than 24 hours per day.

Family Child Care Home, Small. As defined by Health and Safety Code section 1596.78, a home in which the provider regularly provides care, protection, and supervision for eight or fewer children for less than 24 hours per day.

Farmers’ Market. An establishment offering for sale produce, prepared food items, and other artisan/craft goods and merchandise by certified growers and producers authorized to sell, directly to consumers, products that are produced on land the producer controls or taken in consignment from other producers. Excludes flea markets.

Firearms Dealer. An establishment engaged in the selling, dealing in, trading, or transferring firearms.

Fleet-Based Service. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles. This includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, home cleaning services, pedicab services, and similar businesses. This does not include towing operations (see “vehicle storage”), taxi or delivery services with two or fewer fleet vehicles on-site (see “business support services”), facilities that handle third party goods for local or worldwide delivery (see “freight and trucking yard”) or last mile parcel processing/redistribution facilities (see “parcel hub”).

Food and Beverage Processing and Preparation. Cooking, processing, packaging, bottling, and shipping of food products and/or non-alcoholic beverages for off-site sales. This does not include breweries, wineries, and distilleries; the slaughtering of live animals; or large-scale operations (see “commercial agricultural processing plant”).

Freight and Trucking Yard. Facilities that handle third party goods for local or worldwide freight, courier, local messenger, and postal services by truck or rail. This includes fulfillment centers and

parcel sorting centers, which provide storage and distribution of e-commerce products to consumers or end-users, either directly or through a parcel hub.

Fueling Facility, Commercial. A fueling facility designed for commercial customers which dispenses gasoline, diesel, or similar vehicle fuels, and which is not open to the general public, has no cash sales and provides no personal services on-site. This excludes mobile fueling.

Funeral Parlor and Mortuary. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory or mortuary. This use does not include cemeteries.

Grocery Store, Large. Retail establishments that primarily sell food, but also may sell other convenience and household goods, and may include a delicatessen or specialty food shop, baked goods, frozen foods, fruits, vegetables, meats, cheeses, dairy, and prepared food, and which occupy more than 25,000 square feet of gross floor area, but not more than 80,000 square feet of gross floor area.

Grocery Store, Small. Retail establishments with gross floor area less than 25,000 square feet that primarily sell food products, such as fresh fruits and vegetables, meats and seafood, dairy products, baked goods, packaged and prepared foods, and frozen foods, but that may also sell other convenience and household goods. May also include a delicatessen or other specialty food shop.

Group Living Accommodation. A building or portion of a building designed for or accommodating a residential use by persons not living together as a household. This use includes dormitories, convents and monasteries, and other types of organizational housing. This use does not include residential care facilities, nursing homes, hotels, single-room occupancy residences, or boarding houses, which are defined separately. Group living accommodations typically provide shared living quarters without separate kitchen or bathroom facilities for each room or unit.

Guest Ranch. Short-term lodging provided to visitors on property where agricultural activities take place (e.g., animal husbandry, cultivated agriculture) and that is not considered to be another lodging uses.

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

Hospital. A state-licensed facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Hotel. A commercial establishment providing lodging accommodations for a fee for transient guests, generally for stays of 30 days or fewer, with access to rooms or units primarily from interior lobbies, courts or halls. A hotel may include limited facilities for storage and preparation of food and beverages within individual rooms, such as coffee makers, mini refrigerators and microwave ovens.

Indoor Entertainment. Predominantly spectator uses conducted within an enclosed building. Typical uses include movie theaters, enclosed sports arenas, live performing arts venues, escape rooms, and video game activities and competitions such as e-sports.

Indoor Sports and Recreation. Predominantly participant sports conducted within an enclosed building. Typical uses include indoor bowling alleys, billiard parlors, ice and roller skating rinks, go-kart tracks, indoor shooting ranges, and trampoline parks. Excludes operations where activities are primarily class- or appointment-based such as yoga studios and personal trainers.

Industry, General. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials, where operations are conducted primarily within an enclosed building. Includes, but is not limited to operations such as biomass energy conversion; textile mills; furniture and related product manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; plastics and rubber products manufacturing; and nonmetallic mineral product manufacturing.

Industry, Heavy. Manufacturing of products that include petroleum products, metals and/or metal processing, and hazardous chemicals. Includes automobile assembly and manufacturing and tire retreading or recapping.

Industry, Light. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. Includes, but is not limited to, operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; electronics manufacturing not included under advanced manufacturing; and production apparel manufacturing.

Instruction Services. An establishment that offers specialized programs in improvement, information, and personal growth and development such as photography, fine arts, crafts, music, yoga, martial arts, dance, driving schools, health and wellness, and academic tutoring. Attendance is typically limited to hourly classes rather than full-day instruction. These establishments do not grant diplomas or degrees, though instruction may provide credits for diplomas or degrees granted by other institutions. Retail sales are permitted as an accessory use.

Group. Group instruction includes 10 or more students or clients at any one time.

Private/Small Group. Private instruction includes fewer than 10 students or clients at any one time.

Intermediate Processing Facility. A facility that receives, sorts, compresses or bales, and stores recyclable materials for efficient transfer to other processing facilities or to an end user.

Junior Accessory Dwelling Unit. See Accessory Dwelling Unit, Junior.

Kennel. Facilities for keeping, boarding, training, breeding, or maintaining for commercial purposes, four or more dogs, cats, or other household pets more than four months of age and not owned by the kennel owner or operator for 24 hours or more.

Large Format Retail. Retail establishments over 80,000 square feet in size that sell merchandise and/or bulk goods primarily for individual consumption, including, but not limited to, department stores, home improvement stores, membership warehouses which emphasize bulk sales to the general public as well as to other businesses, and other big box format stores. Large format retail uses may include a grocery store sales component. Excludes home improvement stores with outdoor nursery or garden centers (see nursery and garden center).

Library/Museum. Public or quasi-public facilities primarily engaged in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. Includes, but is not limited to aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, and museums. May also include accessory retail uses such as gift/book shops, and restaurants.

Live-Work Unit. An integrated housing unit and working space that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the California Building Code. Living space includes, but is not limited to, a sleeping area, a food preparation area, and a full bathroom. The working space is reserved for and regularly used by one or more occupants of the unit.

Low Barrier Navigation Center. Consistent with California Government Code section 65660, a service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health, shelter, and housing services.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar large items. This classification excludes maintenance and repair of vehicles or boats (see vehicle repair and maintenance) and personal items such as apparel, shoes, and jewelry (see Repair/Cleaning/General Services, Small).

Massage Establishment. 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. Also includes, but is not limited to, any business providing off-premises massage services.

Massage Establishment, Accessory. An establishment that provides massage which is incidental to the primary business, where the owner of the primary business is responsible for the massage services and conduct of the massage technician(s) employed at the location.

Medical Office/Clinic. Office use providing consultation, diagnosis, therapeutic, preventive, or corrective medical treatment services by doctors, dentists, chiropractors, optometrists, psychotherapists, alternative healing practitioners such as acupuncturists, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental laboratories and research within the office that supports the on-site patient services is considered part of the office use. This use includes urgent care facilities. Excludes independent research laboratory facilities and hospitals (see medical support laboratory and see hospital).

Medical Support Laboratory. A facility for scientific laboratory analysis of medical resources. The analysis is generally performed for medical providers to support the medical provider's work on behalf of patients.

Microbreweries. A limited production brewery where beer is brewed, sold, and consumed on site and meets all applicable California Department of Alcoholic Beverage Control regulations. This use includes tasting rooms where alcoholic beverages are sold and consumed on site. Food service is subordinate to the sale of alcoholic beverages.

Mini-Storage or Self-Storage. Facilities offering enclosed storage with individual access for personal affects, furniture, and household goods. Typical provided in small individual units (e.g., 400 square feet or less) that are available for rental by the general public.

Mining and Quarrying. An operation that extracts gravel, sand, other construction aggregates, or minerals from the ground. Includes quarries and gravel pits.

Mobile Food Vending. The selling or offering to sell products from a mobile food vehicle, which includes the following uses:

Ice Cream Truck. A motorized vehicle selling ice cream or other frozen dairy or non-dairy dessert products on streets and in other public places.

Mobile Food Park. Site with two or more mobile food vehicles located together on the same parcel and operating at the same time for more than seven consecutive days.

Mobile Food Vending (Individual Vehicle). A motorized, wheeled vehicle or towed vehicle designed and equipped to store, prepare, serve and sell food, but which does not include ice cream trucks or mobile food vending wagons or pushcarts as regulated in Milpitas Municipal Code Subsection V-100-10.11 (Unlawful Parking—Peddlers, Vendors).

Mobile Fueling. A commercial service that offers on-demand fueling of motor vehicles at a specified location instead of at a service station. Mobile fueling may be provided to individual customers via the use of a mobile app, with fuel delivered to a home, office, or other location requested by the customer. Mobile fueling may also be provided for operators of fleet vehicles at a fixed, semi-permanent or permanent location.

Mobile Home Park. A development designed for and occupied by manufactured/mobile housing units consistent with the requirements of California Health and Safety Code section 18200 to 18700. A mobile home park includes facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile home units/spaces through a subdivision, cooperative, condominium, or other form of resident ownership.

Motel. A building or group of attached or detached buildings providing lodging accommodations for a fee for transient guests, for stays of 30 days or fewer, with access to each room or unit through an exterior door. Motels are distinguished from hotels primarily in that the former provide direct independent access to, and adjoining parking for, guest rooms and do not provide 24-hour guest services.

Multi-Family Dwelling. See “dwelling, multi-family”.

Nursery and Garden Center. An establishment primarily engaged in selling nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown offsite. This classification includes commercial and wholesale greenhouses and nurseries offering plants for sale.

Outdoor Entertainment. Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include outdoor theaters, partially enclosed sports arenas, racing facilities, outdoor concert facilities, amphitheaters, drive-in movie theaters, aquatic parks, and amusement parks.

Outdoor Sports and Recreation. Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include commercial driving ranges, outdoor shooting and/or archery ranges, miniature golf courses, golf courses, outdoor go-karts, swimming pools, and tennis courts. This use excludes public golf courses, public swimming pools, and public tennis court or other public sport court facilities (e.g., basketball, pickleball, etc.) (see “park/playground”); and excludes common recreational facilities as accessory to a multi-family residential project or use.

Parcel Hub. A ‘last mile’ facility warehouse or similar establishment for the processing and/or redistribution of parcels or products to end-user customers. A parcel hub’s primary function is

moving a shipment from one mode of transport to vehicles with rated capacities less than 10,000 pounds, for delivery directly to consumers or end-users primarily within a 10-mile radius.

Park/Playground. Parks, playgrounds, trails, wildlife preserves, and related open spaces. This includes public playing fields, sports courts, picnic facilities, and related food concessions or community recreational buildings and structures.

Parking Lot. Open parking area(s) provided on property other than a public street, alley, or right-of-way that is the primary use on the lot (i.e., the parking lot is not providing the required off-street parking for land uses on the lot). May include park and ride lots. Use of the parking lot may be subject to a fee.

Parking Structure. A building or structure containing parking spaces that is the primary use on the lot (i.e., the parking structure is not providing the required off-street parking for land uses on the lot). May be located above or below grade, and use of the parking structure may be subject to a fee. May include park and ride structures.

Pawnbroker. A place of business where personal property is received and for which money is advanced, with the right of privilege granted to the person to whom said money is advanced to reclaim such property upon repayment of said money.

Personal Services. A commercial establishment which provides services of a personal or aesthetic nature directly to consumers, including but not limited to barber and beauty shops, nail salons, tanning salons, hair removal salons, tattoo and body piercing studios, spa/wellness center (excluding massage establishments), medical spas, and personal trainers.

Pet Day Care and Sales. Facilities for providing non-medical care for four or more dogs, cats, or other household pets not owned by the pet day care owner or operator, included but not limited to grooming services, on a less than 24-hour basis. This use includes retail sales of household pets and pet supplies, but excludes pet supply stores that do not sell animals or provide on-site animal services. Also excludes home-based pet day care services for a fee, such as dog walking services.

Primary Processing Facility. A facility that processes recyclable materials and acts as a final destination for recyclable materials.

Public Safety. Facilities providing public safety and emergency response services, including police and fire protection, with incidental storage, training, and maintenance facilities.

Public Utility. Facilities for the production, storage, treatment, transmission and/or distribution of electricity, natural gas, water, wastewater, and telecommunications and other similar essential services. Also includes service facilities, electric transmission and distribution substations, and public utility service centers.

Repair/Cleaning/General Services, Small. A commercial establishment that performs cleaning, repair, and alteration of small consumer and household items, including but not limited to dry cleaning pick-up stores without equipment that uses chemical solvents, laundromats (self-service laundries), photocopying and photo finishing services, tailor shops, watch and jewelry repair, shoe repair, home electronics repair, and locksmiths. Does not include repair of vehicles or boats (see vehicle repair and maintenance), personal services (see personal services), or maintenance and repair of large or bulky items (see maintenance and repair services).

Research and Development (R & D). Industrial or scientific research for the design, development, engineering and testing of high technology, clean technology, industrial, or scientific products. May include limited manufacturing as necessary for the production of prototypes, but excludes the full-

scale manufacturing of final products. May also include storage space for raw materials and/or finished goods that actively supports the primary use.

Residential Care Facility. Consistent with Health and Safety Code section 1502, a facility licensed by the State of California to provide living accommodations and 24-hour care for persons requiring personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are group homes or shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions.

Resilience Hub. A community-serving facility designed to support residents and coordinate resource distribution and services before, during, or after a natural hazard event. Resilience hubs provide information as well as services and supplies, including but not limited to community gathering space, emergency supplies, basic medical care, internet access, and electronic device charging. They are typically outfitted with a solar and back-up battery storage system that can operate off the power grid and maintain power to the facility during grid outages.

Restaurant, Full Service. Restaurants that provide cooked-to-order food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may also be provided.

Restaurant, Limited Service. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where no table service is provided. This includes, but is not limited to cafeterias, fast-food restaurants, carryout sandwich shops, limited-service pizza parlors and delivery shops, self-service restaurants, snack bars, and takeout restaurants. This use includes cafes, coffee shops, and bakeries with a retail storefront component.

Restaurant with Alcohol Service. Either a limited service restaurant that includes beer and wine service for on-site consumption and/or has a separate bar area; or a full service restaurant that includes liquor service for on-site consumption, and/or has a separate bar area.

Retail, Limited. An establishment which offers the sale of a limited line of merchandise that is generally necessary or desirable for everyday living or everyday business activities. Examples include small grocery stores offering primarily prepared or pre-packaged food and beverage items, small drugstores and variety stores, small stationery, office supply stores, shops selling other small household goods, and walk-out retail stores. This classification excludes convenience stores.

Retail Stores, General Merchandise. The retail sale or rental of merchandise not specifically listed under another use definition. This includes department stores, clothing stores, furniture stores, pharmacies, pet supply stores, flower shops (florist), art supply stores, music stores, book stores, and other businesses retailing (or renting) toys, hobby materials, handcrafted items, formalwear, music equipment and instruments, jewelry, cameras, candy, gifts and novelties, electronic equipment, sporting goods, hardware, appliances, antiques, art, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories, excluding vehicle service and installation (see vehicle repair and maintenance). Excludes large format retail and other sales-related uses more specifically described in other use definitions.

Riding Academy and Public Stables. Stables leased for the keeping of horses which may also include areas for horse riding and horse riding lessons.

Salvage and Wrecking. The dismantling of wrecked or decommissioned vehicles, appliances, or other metal products where usable parts are sold for use in operating vehicles and the unusable metal parts are sold to metal-recycling companies.

School, Private. A private institution of learning for students offering instruction in those courses of study required by the California Education Code and maintained in compliance with the standards set by the State Board of Education. This use includes kindergarten, elementary school, middle or junior high school, or high school.

School, Public. A public institution of learning for students offering instruction in those courses of study required by the California Education Code and maintained in compliance with the standards set by the State Board of Education. This use includes kindergarten, elementary school, middle or junior high school, and high school.

Service Station. Any premises used for supplying automotive fuel and oil at retail, direct to the customer, including minor accessories and services for automobiles such as tire air pumps and window washing, but not including automobile repairs.

Short-Term Rental (STR). The use of a dwelling unit, including, without limitation, a single-family, two-family, or multi-family dwelling unit, mobile home, or any portion of such dwellings, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of 30 or fewer calendar days, counting portions of days as full calendar days.

Single-Family Dwelling. See “dwelling, single-family”.

Single-Room Occupancy (SRO) Residence. A multi-tenant building consisting of single room dwelling units that are the primary residence of its occupants, containing either individual or shared kitchen and bathroom facilities. These units are small, generally less than 350 square feet.

Smoke/Tobacco Shop. A retail establishment primarily engaged in the selling of smoking and tobacco products and accessories, and other products, devices and components reasonably assumed to be used for smoking and/or the inhalation or ingestion of any substances. Tobacco products may include but are not limited to cigarettes, cigars, loose leaf tobacco, tobacco pipes, electronic smoking devices and accessories, vaporizers and accessories and any other product, device or component used in the inhalation of tobacco, nicotine or other substance. For the purposes of this definition only, "primarily engaged" means when 30 percent or more of products sold at the retail establishment are smoking and tobacco products and accessories, and other products, devices and components reasonably assumed to be used for smoking and/or the inhalation or ingestion of any substance.

Supportive Housing. Consistent with California Health and Safety Code section 50675.14, housing with no limit on length of stay, that is occupied by the target population as defined in U.S.C. section 11302 of Title 42, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Trade and Vocational School. An establishment where postsecondary education or training is received in a trade or craft, business, commerce, language, or other similar activity or occupational pursuit that is not otherwise described as a college/university, school, or instruction services. This use includes culinary schools.

Transitional Housing. Consistent with California Government Code section 65582, buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program

recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Transportation Passenger Terminal/Facility. Facilities for passenger transportation operations, including rail stations, bus terminals, and associated service facilities, but does not include terminals serving airports or heliports.

Two-Family Dwelling. See “dwelling, two-family”.

Vehicle Rental. Establishment providing for the rental of automobiles. Includes rental of passenger vehicles and light trucks/vans under 14,000 pounds and incidental repair/servicing and cleaning of rental vehicles. This use does not include car-sharing operations.

Vehicle Repair and Maintenance, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the sale, installation, and servicing of related equipment and parts. This classification includes the servicing and repair of engines, body and fender, transmission, axles, wheels and brake, tire sales and installation, tire treading and recapping, and vehicle painting. Excludes vehicle dismantling or salvaging (see “salvage and wrecking”) and tire retreading or recapping (see “industry, heavy”). All activities listed under Vehicle Repair and Maintenance, Minor may also be included in major uses.

Vehicle Repair and Maintenance, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to an automotive accessories and supply store, and quick-service oil, tune-up and brake and muffler shops, auto glass sales and replacement, window tinting, stereo and alarm sales, and tire sales where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors, or hazardous materials, and repair of heavy trucks, limousines, or construction vehicles (see “vehicle repair and maintenance, major”). It also excludes towing services (see “vehicle storage”) and fueling stations (see “service station”).

Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated incidental repair services and parts sales, but excluding body repair and painting. Includes, but is not limited to, automobile dealers and recreational vehicle sales agencies.

Vehicle Sales, Limited. A small-format showroom for the retail sale of automobiles and light trucks, typically within a retail storefront setting. Uses can include storage of no more than five vehicles onsite for display and/or test driving, which may be stored either indoors or outdoors on the same lot. Incidental vehicle repair services and parts sales are not permitted.

Vehicle Storage. The use of a site for the short-or long-term storage of automobiles, trucks, motorcycles, and/or other vehicles. Includes towing and impound lots.

Vehicle Washing. Washing, waxing, detailing, and/or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Veterinary Clinic. Medical care for household pets on a commercial basis with no overnight (24-hour) accommodation of animals.

Veterinary Hospital or Services. Medical care for household pets on a commercial basis with 24-hour accommodation of animals, but does not include kennels. Also includes overnight (24-hour) accommodation of small animals for grooming services.

Warehousing and Distribution. A facility, primarily within an enclosed building, for the storage of commercial or industrial goods, products and materials and the associated on-site sorting, packing, staging, shipping, receiving, and distributing of goods to wholesale and retail outlets, including ancillary truck parking and dispatching. Also includes long-term, passive storage of furniture, household goods, or other commercial goods; and of industrial equipment, products, and materials. Warehousing and distribution facilities may include, but are not limited to, wholesale distribution, distribution centers, moving and transfer storage, cross-dock facilities, package handling centers, order fulfillment centers, and logistics centers. Excludes storage of raw materials and/or finished products as part of an active primary use (e.g., advanced manufacturing uses; general industry uses; light industry uses; research and development uses). Excludes parcel hubs.

Wholesale Sales. The selling and/or distributing of merchandise to retailers; industrial, commercial, or institutional buyers; or other wholesalers; or acting as agents or brokers in the buying and selling of merchandise to or for such entities.

Wireless Telecommunications Facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, telecommunication towers or similar structures supporting the equipment, equipment buildings, parking area and other accessory development. Also see wireless telecommunications terms in Chapter E.2 (Definitions of Terms).

Chapter E.6 Definitions of Sign Terms

This Chapter provides definitions for signs referred to in Chapter C.8 (Signs).

Abandoned Sign. A sign that identifies a business, lessor, owner, product, service, or activity that is no longer on the premises where the sign is displayed.

Changeable Copy. A portion of a permanent sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign.

Flag. A fabric sheet of square, rectangular, or triangular shape that is typically mounted on a pole.

Fluorescent Colors. The range of colors created through a synthetic pigmentation process in which ultraviolet light is absorbed and emitted at a different range within the color spectrum of the individual colors.

Freestanding. A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

Impact Resistive Plastic. Any plastic material capable of resisting 50 foot pounds of force as tested in accordance with American National Standards Institute (ANSI) and Underwriters Laboratory (UL) 972 Multiple Impact Test or any similar test procedure.

Incidental Sign. A sign which provides incidental information, including security, credit card acceptance, business hours, open/closed, directions to services and facilities, or menus.

Light-Emitting Diode (LED). A semiconductor diode that emits light when a voltage is applied to it.

Logo. A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business or product.

Neon. An illumination source created when a glass tube filled with neon or other similar gas emits light when energized. The tube can be bent to form letters, symbols, or other shapes.

Pan Channel Letters. A specific type of permanent sign letter consisting of a metal pan enclosure fabricated in the shape of a letter. The metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to wall of a building. The sign face is usually made of colored plastic attached to the metal pan to seal it off from pests and harsh weather.

Pan Channel Letters, Reverse. A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter, numeral, or other shape in which the metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to a wall. The sign face is made of the same solid opaque materials as the sides of the letters so that the front and sides of the sign letters do not emit light (e.g., halo-lit or reverse-lit signs).

Raceway. A metal electrical enclosure that forms a physical pathway for electrical wiring and components. An electric-sign raceway may serve as a visible mounting structure for a wall sign attached to the front of a storefront fascia.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object,

person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Permanent Sign. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Awning Sign. Any permanent sign that is part of or attached to an awning, or other fabric, plastic or structural protective cover located over a door, entrance, window, storefront, or outdoor service area.

Billboard Sign. A permanent, large format advertising displays or signs intended for viewing from extended distances, generally more than 50 feet.

Blade Sign. A permanent sign mounted to the wall of building by means of a bracket and which is typically hung perpendicular to the wall of the building.

Canopy Sign. A permanent sign that is painted on or mounted to a canopy, typically used to accent building entries.

Directional Sign. A permanent sign erected to inform the viewer of the approximate route, direction, or location of a facility or tenant.

Directory Sign. A permanent sign on a multi-tenant site or building providing information including a list of tenants and occupants, addresses, and suite numbers or a map of the building or complex. These signs are typically internal to a site and oriented to pedestrians or motorists circulating in a parking lot rather than vehicles travelling on a public street.

Electronic Message Sign. A permanent sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. A single- or two-color LED sign is not an electronic message sign.

Monument Sign. A permanent freestanding sign, with a solid base that is at least 60 percent of than the width of the sign face.

Post Sign. A permanent sign mounted on either a single post or two or more posts.

Projecting Sign. A permanent sign that is perpendicular to the face of a building and projects outward from the building face.

Service Station Island Canopy Sign. A permanent sign mounted on or under a service station island canopy, including on a fascia.

Wall Sign. A permanent sign attached directly to an exterior wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall or the fascia to which it is attached.

Window Sign, Permanent. A permanent sign posted, painted, placed, or affixed in, on, or within a window, or otherwise exposed to public view through a window. Also see window sign, temporary.

Portable Sign. A sign not permanently attached to the ground, a building, structure, or other immovable object.

A-Frame or Upright Sign. A portable pedestrian-oriented sign constructed with two sides that is self-supported.

Feather Banner. A portable sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole.

Sign Walker. A person attired or decorated with insignia, images, costumes, masks, or other symbols that display messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign. Sign walkers may be also referred to as human mascots, sign spinners, or human signs.

Window Sign, Temporary. A temporary sign posted, painted, placed, or affixed in, on, or within a window, or otherwise exposed to public view through a window.

Yard Sign, Type I. A small portable sign typically constructed of corrugated plastic and supported on an H-shaped wire frame.

Temporary Sign. A sign intended for limited period of display which is not permanently affixed to a structure or window.

Balloon Sign. A temporary sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.

Banner Sign. A temporary sign constructed of cloth, bunting, plastic, paper, or similar material and securely attached to a wall or support structure. Flags are not considered temporary banners.

Yard Sign, Type II. A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

Yard Sign, Type III. A temporary sign that is large and typically wooden which is mounted on two posts installed securely in the ground.

Sign Program. A specific set of design standards established for the purpose of unifying the design and appearance of a variety of signs associated with a multi-tenant or multi-use project, building, or complex of buildings.

Sign Projection. The distance by which a sign extends over public property or beyond the building line.

Sign Surface. The surface of the sign upon, against or through which the message is displayed or illustrated.

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. 38.858, 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. 38.858, 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 1, 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. 38.858, 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 or 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

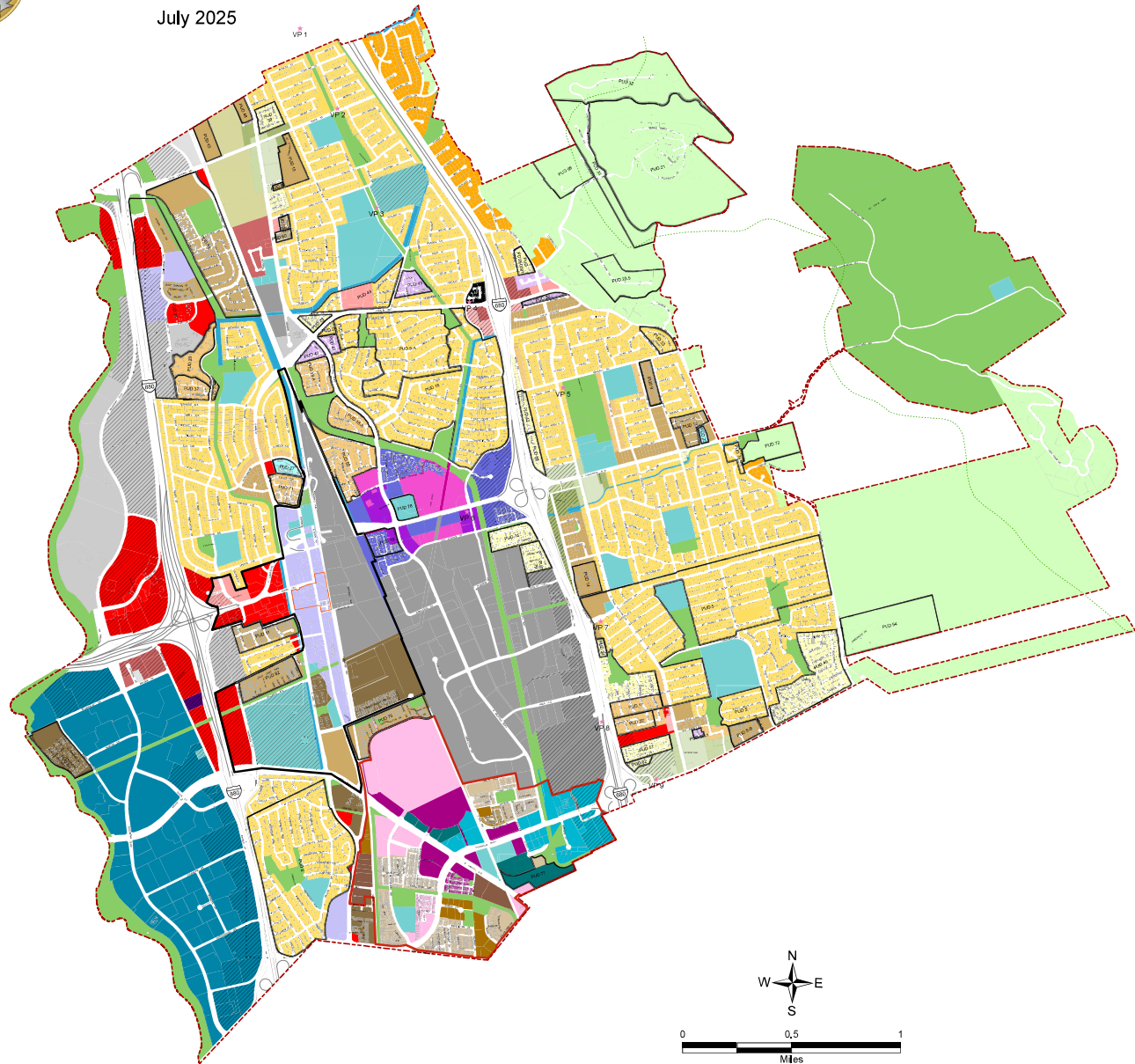
In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The City Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS ZONING MAP

July 2025

Exhibit 1: Zoning Map Amendment



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)
 - Town Center (TC1)
 - Town Center (TC2)
 - Town Center (TC3)
 - Neighborhood Commercial Mixed Use (NCMU1)
 - Neighborhood Commercial Mixed Use (NCMU2)
 - Neighborhood Commercial Mixed Use (NCMU3)
 - 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 of the Midtown Specific Plan
- Midtown Specific Plan Area
- Metro 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 AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager, or Designee, to Execute a Design Services Agreement with Bennett Engineering for Street Resurfacing Project 2026, CIP No. 4307 (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)
Category:	Consent Calendar-Community Development
Meeting Date:	9/2/2025
Recommendation:	Approve and authorize the City Manager, or designee, to execute a Design Services Agreement with Bennett Engineering in an amount not to exceed \$509,112 for the Street Resurfacing Project 2026, CIP No. 4307.

BACKGROUND:

The Traffic and Transportation Engineering Division within the Public Works Department is responsible for planning and managing the Citywide Street Resurfacing Program. The streets identified annually for the repair, rehabilitation, and/or reconstruction are based on the Pavement Technical Assessment Program (P-TAP) report developed by the Metropolitan Transportation Commission (MTC). The P-TAP report provides agencies with recommendations to optimize the pavement condition rating, and the use of funding received from the County and State, which includes Gas Tax, Measure B, SB1 RMRA, and Vehicle Registration Fee. According to the 2024 P-TAP report, the City's Pavement Condition Index (PCI) stands at 71, classified as "Good Condition" and above the Bay Area's average of 67. The City's goal is to maintain a minimum PCI rating of 70.

The Street Resurfacing Project 2026, CIP No. 4307 (Project) is included in the adopted 2026-2030 Capital Improvement Program to improve and enhance the accessibility and safety of streets for pedestrians, cyclists, and daily commuters. The Project provides for the design and construction of asphalt concrete improvements consisting of grind and overlay, cape, crack and slurry sealing, and spot repairs; concrete improvements including repairs to curb, gutter, and sidewalk and curb ramp replacement in compliance with the Americans with Disabilities Act; pedestrian improvements at adjacent signalized intersections; upgrades to the bike lanes according to the 2022 Trail, Pedestrian, Bicycle Master Plan; and reinstallation of striping and pavement delineation. Staff completed the design consultant selection process through a Request for Proposals in June of 2025 for the following scope of work and is ready to execute a Design Service Agreement. This scope of work is the same as approved by the Mayor and City Council as part of the adopted Capital Improvement Program budget on June 3, 2025:

- Design consultant to complete the design for construction of Street Resurfacing Project 2026. Planned streets include Yellowstone Avenue from South Park Victoria Drive to Landess Avenue; South Park Victoria Drive from Yosemite Drive to Yellowstone Avenue; Acadia Avenue; Glacier Avenue; Lassen Avenue; Olympic Drive; Platt Avenue and Court; Saratoga Avenue; and Big Basin Drive.
- Design consultant to complete planning for street resurfacing project in 2027 and 2028 to define project scopes to guide funding decisions. Planned neighborhoods under consideration include (but may be subject to change): (1) north of Peter Gill Memorial Park between Paseo Refugio, Escuela Parkway, Tramway Drive, and North Hillview Drive; and (2) North Abbott Avenue from Redwood Avenue to Heath Street and adjacent streets.

ANALYSIS:

In accordance with City Municipal Code I-2-3.13 – Contracting for Consultant, a Request for Proposals (RFP 4307) was released on April 4, 2025, to seek a design consultant with expertise in providing planning, design, and construction services related to the street resurfacing program. The scope of work is described in the Design Service Agreement – Exhibit A (Attachment 1). It will include asphalt and concrete improvements, ADA curb ramp upgrades, signalized intersection improvements pertaining to detection cameras and pedestrian access, and updating striping and signage for bike lanes, travel lanes, and pedestrian areas.

The RFP was publicly posted on the City's eProcurement system, OpenGov Procurement, in accordance with the City Municipal Code I-2-3.09 - Request for Proposals Procedure. Upon release, 43 firms downloaded the RFP documents. Five (5) consultants submitted proposals by the published closing date of April 30, 2025.

The RFP was evaluated and scored according to the criteria outlined in the solicitation. Following the initial scoring, the two highest-ranked firms were invited to participate in an oral interview to discuss their proposal further, provide clarifications, and answer questions. Bennett Engineering was determined to be the best value proposer in accordance with the RFP evaluation criteria. Scores for the proposals are as follows:

Evaluation Criteria	Max Points	Bennett Engineering	Sanbell Bay Area	Kimley - Horn	Wilsey Ham	Pavement Engineering
Cover Letter	5	4.30	4.33	4.00	4.33	3.33
Company Profile	30	25.50	24.00	23.49	25.50	21.51
Execution Plan	30	26.10	25.50	23.49	23.01	18.99
References	5	4.35	4.33	3.50	3.50	3.50
Personnel Assigned	15	12.75	12.75	12.75	11.25	11.75
Proposed Compensation	15	13.50	10.50	12.00	9.00	9.00
Total Score	100	86.50	81.41	79.23	76.59	68.08

Next Step and Project Schedule

Upon City Council approval of the Design Service Agreement, Bennett Engineering will start the design of the Project in October 2025, which is anticipated to be completed by April of 2026. The construction is expected to begin in June/July of 2026. Construction is anticipated to require four months and should be completed by Fall of 2026. In addition, planning of the annual street resurfacing project for 2027 and 2028 is anticipated to be completed by the Spring of 2026 to start the design in the Summer of 2026.

Additional Street Resurfacing Program Project Status Updates

While not part of this design project, Dempsey Road will be resurfaced by the summer of 2026 following the completion of the Dempsey Road Water Main Replacement, CIP No. 7118. In addition, Great Mall Parkway Phase 2, CIP No. 4300 will be packaged with the Dempsey Road street resurfacing as the project was not selected to received grant funding from California Transportation Commission Local Partnership Program.

City Council awarded a construction contract on May 6, 2025 for Street Sealing Project 2024, CIP No. 4305, which is anticipated to be completed by the end of September 2025. The streets includes E. Calaveras Blvd. from I-680 to Evans Rd, N. Park Victoria Dr. from E. Calaveras to Jacklin Rd., Temple Ave. from East Calaveras Blvd. to Wylie Dr., Courtland Ct. & Ave., Jungfrau Ct., Bee Ct., Matterhorn Ct., Big Bear Ct., Hay Ct., Chewpon Ave. Beacon Dr., Canton Dr. from Roswell Drive and Bixby Drive, Lawton Dr., Roswell Dr. from Canton Dr. to the end of the cul-de-sac, and Sepulveda Ct.

POLICY ALTERNATIVE(S):

Alternative 1: Not approving the Design Service Agreement with Bennett Engineering.

Pros: None

Cons: The completion of design will be delayed by a minimum of six (6) months, missing the construction season of 2026. The construction of the Project will have to be postponed to 2027. The schedule for the planning of the annual street resurfacing projects in 2027 and 2028 will also be delayed, impacting the 5-year workplan of the Citywide Street Resurfacing Program.

Reason for Not Recommending: The Project is critical to maintaining the City's goal of its overall Pavement Condition Index (PCI) of 70 and long-term pavement performance. Postponing the design for the Project in 2026 and planning of 2027 and 2028 will impact the 5-year workplan of the Citywide Street Resurfacing Program, the overall Pavement Condition Index, and delay making needed improvements for streets in need.

FISCAL IMPACT:

As of July 31, 2025, the available funding in Street Resurfacing Project 2026, CIP No. 4307 is \$4,956,235, which is funded by Measure B, SB1 RMRA, and the Vehicle Registration Fee. There is sufficient funding allocated to the project for this Design Service Agreement with Bennett Engineering in an amount not to exceed \$509,112.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Project entails the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, and is exempt from CEQA pursuant to Cal. Code Regs., tit. 14, § 15301. The project further entails replacement or reconstruction of existing facilities where the new facilities will be located on the same site as the facilities replaced and will have substantially the same purpose and capacity as the structure replaced and are exempt from CEQA pursuant to Cal. Code Regs., tit. 14, § 15302. A Notice of Exemption will be filed with the County of Santa Clara prior to the award of construction contract.

ATTACHMENT(S):

(a) Design Services Agreement

**CITY OF MILPITAS
DESIGN SERVICES AGREEMENT
CONTRACT NO.**

1. PARTIES AND DATE.

This Agreement is made and entered into as _____, 2025 by and between the City of Milpitas, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 ("City"), and **BENNETT ENGINEERING a CORPORATION** with its principal place of business at **1082 Sunrise Avenue, Suite 100, Roseville, CA, 95661** (hereinafter referred to as "Designer"). City and Designer are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. RECITALS.

2.1 City. City is a municipal corporation organized under the laws of the State of California, with power to contract for services necessary to achieve its purpose.

2.2 Designer. Designer desires to perform and assume responsibility for the provision of certain professional design services required by the City on the terms and conditions set forth in this Agreement. Designer warrants that it is fully licensed, qualified, and willing to perform the services required by this Agreement; provided, however, that if Designer is a corporation or other organization, the Project Designer designated pursuant to Section 3.2, and not the Designer itself, shall be fully licensed to practice as an architect and/or engineer in the State of California.

2.3 Project. City desires to engage Designer to render such services for the **CP 4307 STREET RESURFACING 2026 DESIGN** ("Project") as set forth in this Agreement.

3. TERMS

3.1 Employment of Designer.

3.1.1 Scope of Services. Designer promises and agrees to furnish to City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional design and related services necessary for the full and adequate completion of the Project consistent with the provisions of this Agreement (hereinafter referred to as "Services"). The Services are more particularly described throughout this Agreement, including Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, any exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations. All Services performed by Designer shall be subject to the sole and discretionary approval of the City, which approval shall not be unreasonably withheld.

3.1.2 Term. The term of this Agreement shall be from **August 13, 2025**, to **December 31, 2028**, unless earlier terminated as provided herein. The City reserves the right to review the Designer's performance at the end of each year and cancel all or part of the Agreement.

3.2 Project Designer; Key Personnel.

3.2.1 Project Designer. Designer shall name a specific individual to act as Project Designer, subject to the approval of City. Designer hereby designates **Carlton D. Allen III** (License No. **Civil Engineer - 76694**) to act as the Project Designer for the Project. The Project Designer shall: (1)

maintain oversight of the Services; (2) have full authority to represent and act on behalf of the Designer for all purposes under this Agreement; (3) supervise and direct the Services using his or her best skill and attention; (4) be responsible for the means, methods, techniques, sequences and procedures used for the Services; (5) adequately coordinate all portions of the Services; and (6) act as principal contact with City and all contractors, consultants, engineers and inspectors on the Project. Any change in the Project Designer shall be subject to the City's prior written approval, which approval shall not be unreasonably withheld. The new Project Designer shall be of at least equal competence as the prior Project Designer. In the event that City and Designer cannot agree as to the substitution of a new Project Designer, City shall be entitled to terminate this Agreement for cause.

3.2.2 Key Personnel. In addition to the Project Designer, Designer has represented to the City that certain additional key personnel, engineers and consultants will perform the Services under this Agreement. Should one or more of such personnel, engineers or consultants become unavailable, Designer may substitute others of at least equal competence upon written approval of the City. In the event that City and Designer cannot agree as to the substitution of key personnel, engineers or consultants, City shall be entitled to terminate this Agreement for cause. As discussed below, any personnel, engineers or consultants who fail or refuse to perform the Services in a manner acceptable to the City, or who are determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project or a threat to the safety of persons or property, shall be promptly removed from the Project by the Designer at the request of the City.

3.3 Hiring of Consultants and Personnel.

3.3.1 Right to Hire or Employ. Designer shall have the option, unless City objects in writing after notice, to employ at its expense architects, engineers, experts or other consultants qualified and licensed to render services in connection with the planning and/or administration of the Project, and to delegate to them such duties as Designer may delegate without relieving Designer from administrative or other responsibility under this Agreement. Designer shall be responsible for the coordination and cooperation of Designer's architects, engineers, experts or other consultants. All consultants, including changes in consultants, shall be subject to approval by City in its sole and reasonable discretion. Designer shall notify City of the identity of all consultants at least fourteen (14) days prior to their commencement of work to allow City to review their qualifications and approve to their participation on the Project in its sole and reasonable discretion.

3.3.2 Qualification and License. All architects, engineers, experts and other consultants retained by Designer in performance of this Agreement shall be qualified to perform the Services assigned to them, and shall be licensed to practice in their respective professions, where required by law.

3.3.3 Standards and Insurance. All architects, engineers, experts and other consultants hired by Designer shall be required to meet all of the same standards and insurance requirements set forth in this Agreement, unless other standards or requirements are approved by the City in writing. Unless changes are approved in writing by the City, Designer's agreements with its consultants shall contain a provision making them subject to all provisions stipulated in this Agreement.

3.3.4 Assignments or Staff Changes. Designer shall promptly obtain written City approval of any assignment, reassignment or replacement of such architects, engineers, experts and consultants, or of other staff changes of key personnel working on the Project. As provided in the Agreement, any changes in Designer's consultants and key personnel shall be subject to approval by City.

3.3.5 Draftsman and Clerical Support. Draftsmen and clerical personnel shall be retained by Designer at Designer's sole expense.

3.4 Standard of Care.

3.4.1 Standard of Care. Designer shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals qualified to perform the Services in the same discipline in the State of California, and shall be responsible to City for damages sustained by the City and delays to the Project as specified in the indemnification provision of this Agreement. Without limiting the foregoing, Designer shall be fully responsible to the City for any increased costs incurred by the City as a result of any such delays in the design or construction of the Project. Designer represents and maintains that it is skilled in the professional calling necessary to perform the Services. Designer warrants and represents that all of its employees, architects, engineers, experts and other consultants shall have sufficient skill and experience to perform the Services assigned to them. Finally, Designer represents that it, its employees, architects, engineers, experts and other consultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services assigned to or rendered by them and that such licenses and approvals shall be maintained throughout the term of this Agreement. As provided for in the indemnification provisions of this Agreement, Designer shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Designer's failure to comply with the standard of care provided for herein.

3.4.2 Performance of Employees. Any employee or consultant who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee or consultant who fails or refuses to perform the Services in a manner acceptable to the City, shall be promptly removed from the Project by the Designer and shall not be re-employed to perform any of the Services or to work on the Project.

3.5 Laws and Regulations.

3.5.1 Knowledge and Compliance. Designer shall keep itself fully informed of and in compliance with all applicable local, state and federal laws, rules and regulations in any manner affecting the performance of the Services or the Project, and shall give all notices required of the Designer by law. Designer shall be liable, pursuant to the standard of care and indemnification provisions of this Agreement, for all violations of such laws and regulations in connection with its Services. If the Designer performs any work knowing it to be contrary to such laws, rules and regulations, Designer shall be solely responsible for all costs arising therefrom. Designer shall defend, indemnify and hold City, its officials, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

3.5.2 Drawings and Specifications. Designer shall cause all drawings and specifications to conform to any applicable requirements of federal, state and local laws, rules and regulations, including the Uniform Building Code, in effect as of the time the drawings and specifications are prepared or revised during the latest phase of the Services described in Exhibit "A" attached hereto. Any significant revisions made necessary by changes in such laws, rules and regulations after this time may be compensated as Additional Services which were not known or reasonably should not have been known by Designer. Designer shall cause the necessary copies of such drawings and specifications to be filed with any governmental bodies with approval jurisdiction over the Project, in accordance with the Services described in Exhibit "A" attached hereto. For the preparation of all such drawings and specifications, the Designer shall use Computer Aided Design Drafting ("CADD") (e.g., AutoCAD) or other technology acceptable to the Designer and City.

3.5.3 Americans with Disabilities Act. Designer will use its best professional efforts to interpret all applicable federal, state and local laws, rules and regulations with respect to access, including those of the Americans with Disabilities Act (“ADA”). Designer shall inform City of the existence of inconsistencies of which it is aware or reasonably should be aware between federal and state accessibility laws, rules and regulations, as well as any other issues which are subject to conflicting interpretations of the law, and shall provide the City with its interpretation of such inconsistencies and conflicting interpretations. Unless Designer brings such inconsistencies and conflicting interpretations to the attention of the City and requests City’s direction on how to proceed, the Designer’s interpretation of such inconsistencies and conflicting interpretations shall be the sole responsibility and liability of Designer, and the Designer shall correct all plans, specifications and other documents prepared for the Project at no additional cost if its interpretations are shown to be incorrect. In the event that the Designer request’s City’s direction on how to proceed with respect to any inconsistent and/or conflicting interpretation, the Designer shall be responsible to the City only pursuant to the indemnification provisions of this Agreement.

3.5.4 Permits, Approvals and Authorizations. Designer shall provide City with a list of all permits, approvals or other authorizations required for the Project from all federal, state or local governmental bodies with approval jurisdiction over the Project. Designer shall then assist the City in obtaining all such permits, approvals and other authorizations. The costs of such permits, approvals and other authorizations shall be paid by the City.

3.5.5 Water Quality Management and Compliance.

(a) Compliance with Water Quality Laws, Ordinances and Regulations. Designer shall keep itself and all subcontractors, staff, and employees fully informed of and in compliance with all local, state and federal laws, rules and regulations that may impact, or be implicated by the performance of the Services including, without limitation, all applicable provisions of the City’s ordinances regulating water quality and storm water; the Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*); the California Porter-Cologne Water Quality Control Act (Cal Water Code §§ 13000-14950); and any and all regulations, policies, or permits issued pursuant to any such authority. Designer shall additionally comply with the lawful requirements of the City, and any other municipality, drainage district, or other local agency with jurisdiction over the location where the Services are to be conducted, regulating water quality and storm water discharges.

(b) Standard of Care. Designer warrants that all employees and subcontractors shall have sufficient skill and experience to perform the work assigned to them without impacting water quality in violation of the laws, regulations and policies described in Sections 3.5.5(a) of this Agreement. Designer further warrants that it, its employees and subcontractors will receive adequate training, as determined by the City, regarding these requirements as they may relate to the Services.

(c) Liability for Non-compliance.

(i) Indemnity: Failure to comply with laws, regulations, and ordinances listed in Sections 3.5.5(a) of this Agreement is a violation of federal and state law. Notwithstanding any other indemnity contained in this Agreement, Designer agrees to indemnify and hold harmless the City, its officials, officers, agents, employees and authorized volunteers from and against any and all claims, demands, losses or liabilities of any kind or nature which the City, its officials, officers, agents, employees and authorized volunteers may sustain or incur for noncompliance with the laws, regulations, and ordinances listed above, arising out of or in connection with the Services, except for liability resulting from the sole established negligence, willful misconduct or active negligence of the City, its officials, officers, agents, employees or authorized volunteers.

(ii) Defense: City reserves the right to defend any enforcement action or civil action brought against the City for Designer's failure to comply with any applicable water quality law, regulation, or policy. Designer hereby agrees to be bound by, and to reimburse the City for the costs associated with, any settlement reached between the City and the relevant enforcement entity.

(iii) Damages: City may seek damages from Designer for delay in completing the Services caused by Designer's failure to comply with the laws, regulations and policies described in Section 3.5.5(a) of this Agreement, or any other relevant water quality law, regulation, or policy.

3.6 Independent Contractor.

3.6.1 Control and Payment of Subordinates. City retains Designer on an independent contractor basis and Designer is not an employee of City. Designer is not an employee for state tax, federal tax or any other purpose, and is not entitled to the rights or benefits afforded to City's employees. Any additional personnel performing the Services under this Agreement on behalf of Designer shall also not be employees of City, and shall at all times be under Designer's exclusive direction and control. Designer shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Designer shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.7 Schedule of Services.

3.7.1 Designer Services. Designer shall fully and adequately complete the Services described in this Agreement and in Exhibit "A" attached hereto and incorporated herein by reference.

3.7.2 Timely Performance Standard. Designer shall perform all Services hereunder as expeditiously as is consistent with professional skill and care, as well as the orderly progress of the Project work so as not to be the cause, in whole or in part, of delays in the completion of the Project or in the achievement of any Project milestones, as provided herein. Specifically, Designer shall perform its Services so as to allow for the full and adequate completion of the Project within the time required by the City and within any completion schedules adopted for the Project. Designer agrees to coordinate with City's staff, contractors and consultants in the performance of the Services, and shall be available to City's staff, contractors and consultants at all reasonable times.

3.7.3 Performance Schedule. Designer shall prepare an estimated time schedule for the performance of Designer's Services, to be adjusted as the Project proceeds. Such schedule shall be subject to the City's review and approval, which approval shall not be unreasonably withheld, and shall include allowances for periods of time required for City's review and approval of submissions, and for approvals of authorities having jurisdiction over Project approval and funding. If City and Designer cannot mutually agree on a performance schedule, City shall have the authority to immediately terminate this Agreement. The schedule shall not be exceeded by Designer without the prior written approval of City. If the Designer's Services are not completed within the time provided by the agreed upon performance schedule, or any milestones established therein, it is understood, acknowledged and agreed that the City will suffer damage for which the Designer will be responsible pursuant to the indemnification provision of this Agreement.

3.7.4 Excusable Delays. Any delays in Designer's work caused by the following shall be added to the time for completion of any obligations of Designer: (1) the actions of City or its employees; (2) the actions of those in direct contractual relationship with City; (3) the actions of any governmental agency having jurisdiction over the Project; (4) the actions of any parties not within the reasonable control

of the Designer; and (5) any act of God or other unforeseen occurrence not due to any fault or negligence on the part of Designer. Neither the City nor the Designer shall be liable for damages, liquidated or otherwise, to the other on account of such delays.

3.7.5 Request for Excusable Delay Credit. The Designer shall, within fifteen (15) calendar days of the beginning of any excusable delay, notify the City in writing of the causes of delay (unless City grants in writing a further period of time to file such notice prior to the date of final payment under the Agreement). City will then ascertain the facts and the extent of the delay, and grant an extension of time for completing the Services when, in its sole judgment, the findings of fact justify such an extension. The City's findings of fact thereon shall be final and conclusive on the parties. Extensions of time shall apply only to that portion of the Services affected by the delay and shall not apply to other portions of the Services not so affected. The sole remedy of Designer for extensions of time shall be an extension of the performance time at no cost to the City. If Additional Services are required as a result of an excusable delay, the parties shall mutually agree thereto pursuant to the Additional Services provision of this Agreement. Should Designer make an application for an extension of time, Designer shall submit evidence that the insurance policies required by this Agreement remain in effect during the requested additional period of time.

3.8 Additional Designer Services.

3.8.1 Request for Services. At City's request, Designer may be asked to perform services not otherwise included in this Agreement, not included within the basic services listed in Exhibit "A" attached hereto, and/or not customarily furnished in accordance with generally accepted design practice.

3.8.2 Definition. As used herein, "Additional Services" mean: (1) any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary for the Designer to perform at the execution of this Agreement; or (2) any work listed as Additional Services in Exhibit "A" attached hereto. Designer shall not perform, nor be compensated for, Additional Services without prior written authorization from City and without an agreement between the City and Designer as to the compensation to be paid for such services. City shall pay Designer for any approved Additional Services, pursuant to the compensation provisions herein, so long as such services are not made necessary through the fault of Designer pursuant to the indemnification provision of this Agreement.

3.8.3 Examples of Additional Services. Such Additional Services shall not include any redesign or revisions to drawings, specifications or other documents when such revisions are necessary in order to bring such documents into compliance with applicable laws, rules, regulations or codes of which Designer was aware or should have been aware pursuant to the laws and regulations provision of this Agreement above. Such Additional Services may include, but shall not be limited to:

(a) Separately Bid Portions of Project. Plan preparation and/or administration of work on portions of the Project separately bid.

(b) Furniture and Interior Design. Assistance to City, if requested, for the selection of moveable furniture, equipment or articles which are not included in the Construction Documents.

(c) Fault of Contractor. Services caused by delinquency, default or insolvency of contractor, or by major defects in the work of the contractor, provided that any such services

made necessary by the failure of Designer to detect and report such matters when it reasonably should have done so shall not be compensated.

(d) Inconsistent Approvals or Instructions. Revisions in drawings, specifications or other documents when such revisions are inconsistent with written approvals or instructions previously given and are due to causes beyond the control of Designer.

(e) Legal Proceedings. Serving as an expert witness on City's behalf or attending legal proceedings to which the Designer is not a party.

(f) Damage Repair. Supervision of repair of damages to any structure.

(g) Extra Environmental Services. Additional work required for environmental conditions (e.g. asbestos or site conditions) not already contemplated within the Designer's services for the Project.

3.9 City Responsibilities. City's responsibilities shall include the following:

3.9.1 Data and Information. City shall make available to Designer all necessary data and information concerning the purpose and requirements of the Project, including scheduling and budget limitations, objectives, constraints and criteria. As part of the budget limitation information, the City shall provide the Designer with a preliminary construction budget ("City's Preliminary Construction Budget").

3.9.2 Project Survey. If required pursuant to the scope of the Project and if requested by Designer, City shall furnish Designer with, or direct Designer to procure at City's expense, a survey of the Project site prepared by a registered surveyor or civil engineer, any other record documents which shall indicate existing structures, land features, improvements, sewer, water, gas, electrical and utility lines, topographical information and boundary dimensions of the site, and any other such pertinent information.

3.9.3 Bid Phase. Distribute Construction Documents to bidders and conduct the opening and review of bids for the Project.

3.9.4 Testing. Retain consultant(s) to conduct chemical, mechanical, soils, geological or other tests required for proper design of the Project, and furnish such surveys, borings, test pits, and other tests as may be necessary to reveal conditions of the site which must be known to determine soil condition or to ensure the proper development of the required drawings and specifications.

3.9.5 Required Inspections and Tests. Retain consultant(s) to conduct materials testing and inspection or environmental/hazardous materials testing and inspection pursuant to any applicable laws, rules or regulations.

3.9.6 Fees of Reviewing or Licensing Agencies. Directly pay or reimburse the payment of all fees required by any reviewing or licensing agency, or other agency having approval jurisdiction over the Project.

3.9.7 City's Representative. The City hereby designates the City Manager, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of the City for all purposes under this Agreement. The City Manager hereby designates **Christian Di Renzo, Public Works Director** or his or her designee, as the City's contact for the implementation of the Services hereunder. Designer shall not accept direction or orders from any person other than the City's Representative or his or her designee.

3.9.8 Review and Approved Documents. Review all documents submitted by Designer, including change orders and other matters requiring approval by the City Council or other officials. City shall advise Designer of decisions pertaining to such documents within a reasonable time after submission, so as not to cause unreasonable delay as provided in the excusable delay provisions of this Agreement above.

3.10 Compensation.

3.10.1 Designer's Compensation for Basic Services. City shall pay to Designer, for the performance of all Services rendered under this Agreement, the total not to exceed amount of **FIVE HUNDRED NINE THOUSAND AND ONE HUNDRED TEWLEVE** Dollars (**\$509,112**) ("Total Compensation"). This Total Compensation amount shall be based upon, and may be adjusted according to, the fee schedule and related terms and conditions attached hereto as Exhibit "B" and incorporated herein by reference. The Total Compensation, as may be adjusted upon mutual agreement, shall constitute complete and adequate payment for Services under this Agreement.

3.10.2 Payment for Additional Services. At any time during the term of this Agreement, City may request that Designer perform Additional Services. As used herein, Additional Services means any work which is determined by City to be necessary for the proper completion of the Project, but which the Parties did not reasonably anticipate would be necessary at the execution of this Agreement. Any additional work in excess of this amount must be approved by the City. If authorized, such Additional Services will be compensated at the rates and in the manner set forth in Exhibit "C" attached hereto and incorporated herein by reference, unless a flat rate or some other form of compensation is mutually agreed upon by the parties. If City requires Designer to hire consultants to perform any Additional Services, Designer shall be compensated therefore at the rates and in the manner set forth in Exhibit "C" attached hereto and incorporated herein by reference, unless a flat rate or some other form of compensation is mutually agreed upon by the parties. City shall have the authority to review and approve the rates of any such consultants. In addition, Designer shall be reimbursed for any expenses incurred by such consultants pursuant to the terms and conditions of Section 3.10.3.

3.10.3 Reimbursable Expenses. Reimbursable expenses are in addition to compensation for the Services and Additional Services. Designer shall not be reimbursed for any expenses unless authorized in writing by City, which approval may be evidenced by inclusion in Exhibit "C" attached hereto. Such reimbursable expenses shall include only those expenses which are reasonably and necessarily incurred by Designer in the interest of the Project. Designer shall be required to acquire prior written consent in order to obtain reimbursement for the following: (1) extraordinary transportation expenses incurred in connection with the Project; (2) out-of-town travel expenses incurred in connection with the Project; (3) fees paid for securing approval of authorities having jurisdiction over the Project; (4) bid document duplication costs in excess of \$1,000.00; and (5) other costs, fees and expenses in excess of \$1,000.00.

3.10.4 Payment to Designer. Designer's compensation and reimbursable expenses shall be paid by City to Designer no more often than monthly. Such periodic payments shall be made based upon the percentage of work completed, and in accordance with the phasing and funding schedule provided in Exhibit "B" and the compensation rates indicated in Exhibit "C" attached hereto and incorporated herein by reference. In order to receive payment, Designer shall present to City an itemized statement which indicates Services performed, percentage of Services completed, method for computing the amount payable, and the amount to be paid. The statement shall describe the amount of Services provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement, as well as those expenses for which reimbursement is requested for that statement period. The amount paid to Designer shall never exceed the percentage amounts authorized by the phasing and funding schedule located in Exhibit "B" attached hereto. City shall, within thirty (30) days of receiving

such statement, review the statement and pay all approved charges thereon pursuant to the provisions of Civil Code Section 3320. Disputed amounts shall be resolved by the parties in a mutually agreeable manner.

Payments made for Additional Services shall be made in installments, not more often than monthly, proportionate to the degree of completion of such services or in such other manner as the parties shall specify when such services are agreed upon, and in accordance with any authorized fee or rate schedule. In order to receive payment, Designer shall present to City an itemized statement which indicates the Additional Services performed, percentage of Additional Services completed, method for computing the amount payable, and the amount to be paid. The statement shall describe the amount of Additional Services provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. City shall, within thirty (30) days of receiving such statement, review the statement and pay all approved charges thereon pursuant to the provisions of Civil Code Section 3320. Disputed amounts shall be resolved by the parties in a mutually agreeable manner.

Upon cancellation or termination of this Agreement, Designer shall be compensated as set forth in the termination provision herein.

3.10.5 Withholding Payment to Designer. The City may withhold payment, in whole or in part, to the extent reasonably necessary to protect the City from claims, demands, causes of action, costs, expenses, liabilities, losses, damages, or injuries of any kind to the extent arising out of or caused by the negligence, recklessness, or willful misconduct protected under the indemnification provisions of this Agreement. Failure by City to deduct any sums from a progress payment shall not constitute a waiver of the City's right to such sums. The City may keep any moneys which would otherwise be payable at any time hereunder and apply the same, or so much as may be necessary therefor, to the payment of any expenses, losses, or damages as determined by the City, incurred by the City for which Designer is liable under the Agreement or state law. Payments to the Designer for compensation and reimbursable expenses due shall not be contingent on the construction, completion or ultimate success of the Project. Payment to the Designer shall not be withheld, postponed, or made contingent upon receipt by the City of offsetting reimbursement or credit from parties not within the Designer's reasonable control.

3.10.6 Prevailing Wages. Designer is aware of the requirements of California Labor Code Sections 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Designer agrees to fully comply with and to require its consultants to fully comply with such Prevailing Wage Laws. City shall provide Designer with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Designer shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Designer's principal place of business and at the Project site. Designer shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure of the Designer or its consultants to comply with the Prevailing Wage Laws. It shall be mandatory upon the Designer and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

3.10.7 Registration. If the Services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Designer and all subconsultants performing such Services must be registered with the Department of Industrial Relations. Designer shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

3.10.8 Labor Compliance. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Designer’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Designer or any subcontractor that affect Designer’s performance of Services, including any delay, shall be Designer’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Designer caused delay and shall not be compensable by the City. Designer shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Designer or any subcontractor.

3.11 Notice to Proceed.

Designer shall not proceed with performance of any Services under this Agreement unless and until the City provides a written notice to proceed.

3.12 Termination, Suspension and Abandonment.

3.12.1 Grounds for Termination; Designer’s Termination for Cause. City hereby reserves the right to suspend or abandon, at any time and for any reason, all or any portion of the Project and the construction work thereon, or to terminate this Agreement at any time with or without cause. Designer shall be provided with at least seven (7) days advanced written notice of such suspension, abandonment or termination. In the event of such suspension, abandonment or termination, Designer shall be paid for Services and reimbursable expenses rendered up to the date of such suspension, abandonment or termination, pursuant to the schedule of payments provided for in this Agreement, less any claims against or damages suffered by City as a result of the default, if any, by Designer. Designer hereby expressly waives any and all claims for damages or compensation arising under this Agreement, except as set forth herein, in the event of such suspension, abandonment or termination. Designer may terminate this Agreement for substantial breach of performance by the City such as failure to make payment to Designer as provided in this Agreement.

3.12.2 City’s Suspension of Work. If Designer’s Services are suspended by City, City may require Designer to resume such Services within ninety (90) days after written notice from City. When the Project is resumed, the Total Compensation and schedule of Services shall be equitably adjusted upon mutual agreement of the City and Designer.

3.12.3 Documents and Other Data. Upon suspension, abandonment or termination, Designer shall provide to City all preliminary studies, sketches, working drawings, specifications, computations, and all other Project Documents, as defined below, to which City would have been entitled at the completion of Designer’s Services under this Agreement. Upon payment of the amount required to be paid to Designer pursuant to the termination provisions of this Agreement, City shall have the rights, as

provided in this Agreement hereinafter, to use such Project Documents prepared by or on behalf of Designer under this Agreement. Designer shall make such documents available to City upon request and without additional compensation other than as may be approved as a reimbursable expense.

3.12.4 Employment of other Designers. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.13 Ownership and Use of Documents; Confidentiality.

3.13.1 Ownership. All plans, specifications, original or reproducible transparencies of working drawings and master plans, preliminary sketches, design presentation drawings, structural computations, estimates and any other documents prepared pursuant to this Agreement, including, but not limited to, any other works of authorship fixed in any tangible medium of expression such as writings, physical drawings and data magnetically or otherwise recorded on computer diskettes (hereinafter referred to as the "Project Documents") shall be and remain the property of City. Although the official copyright in all Project Documents shall remain with the Designer or other applicable subcontractors or consultants, the Project Documents shall be the property of City whether or not the work for which they were made is executed or completed. Within thirty (30) calendar days following completion of the Project, Designer shall provide to City copies of all Project Documents required by City. In addition, Designer shall retain copies of all Project Documents on file for a minimum of fifteen (15) years following completion of the Project, and shall make copies available to City upon the payment of reasonable duplication costs. Before destroying the Project Documents following this retention period, Designer shall make a reasonable effort to notify City and provide City with the opportunity to obtain the documents.

3.13.2 Right to Use. Designer grants to City the right to use and reuse all or part of the Project Documents, at City's sole discretion and with no additional compensation to Designer, for the following purposes:

- (a) The construction of all or part of this Project.
- (b) The repair, renovation, modernization, replacement, reconstruction or expansion of this Project at any time;
- (c) The construction of another project by or on behalf of the City for its ownership and use;

City is not bound by this Agreement to employ the services of Designer in the event such documents are used or reused for these purposes. City shall be able to use or reuse the Project Documents for these purposes without risk of liability to the Designer or third parties with respect to the condition of the Project Documents, and the use or reuse of the Project Documents for these purposes shall not be construed or interpreted to waive or limit City's right to recover for latent defects or for errors or omissions of the Designer.

Any use or reuse by City of the Project Documents on any project other than this Project without employing the services of Designer shall be at City's own risk with respect to third parties. If City uses or reuses the Project Documents on any project other than this Project, it shall remove the Designer's seal from the Project Documents and hold harmless Designer and its officers, directors, agents and employees from claims arising out of the negligent use or re-use of the Project Documents on such other project.

3.13.3 License. This Agreement creates a non-exclusive and perpetual license for City to copy, use, modify or reuse any and all Project Documents and any intellectual property rights therein. Designer shall require any and all subcontractors and consultants to agree in writing that City is granted a non-exclusive and perpetual license for the work of such subcontractors or consultants performed pursuant to this Agreement.

3.13.4 Right to License. Designer represents and warrants that Designer has the legal right to license any and all copyrights, designs and other intellectual property embodied in the Project Documents that Designer prepares or causes to be prepared pursuant to this Agreement. Designer shall indemnify and hold City harmless pursuant to the indemnification provisions of this Agreement for any breach of this Section. Designer makes no such representation and warranty in regard to previously prepared designs, plans, specifications, studies, drawings, estimates or other documents that were prepared by design professionals other than Designer and provided to Designer by City.

3.13.5 Confidentiality. All Project Documents, either created by or provided to Designer in connection with the performance of this Agreement, shall be held confidential by Designer to the extent they are not subject to disclosure pursuant to the Public Records Act. All Project Documents shall not, without the written consent of City, be used or reproduced by Designer for any purposes other than the performance of the Services. Designer shall not disclose, cause or facilitate the disclosure of the Project Documents to any person or entity not connected with the performance of the Services or the Project. Nothing furnished to Designer which is otherwise known to Designer or is generally known, or has become known, to the related industry shall be deemed confidential. Designer shall not use City's name or insignia, photographs of the Project, or any publicity pertaining to the Services or the Project in any magazine, trade paper, newspaper, television or radio production or other similar medium without the written consent of City.

3.14 Indemnification.

3.14.1 To the fullest extent permitted by law, Designer shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Designer, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Designer's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Designer's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Designer, the City, its officials, officers, employees, agents, or volunteers.

3.14.2 If Designer's obligation to defend, indemnify, and/or hold harmless arises out of Designer's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Designer's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Designer, and, upon Designer obtaining a final adjudication by a court of competent jurisdiction, Designer's liability for such claim, including the cost to defend, shall not exceed the Designer's proportionate percentage of fault.

3.15 Insurance. Designer shall not commence work under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under Exhibit "D" (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Designer shall not

allow any subconsultant to commence work on any subcontract until it has provided evidence satisfactory to the City that the subconsultant has secured all insurance required therein.

3.16 Records.

Designer shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Designer shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Designer shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of five (5) years from the date of final payment under this Agreement.

3.17 Standardized Manufactured Items.

Designer shall cooperate and consult with City in the use and selection of manufactured items on the Project, including but not limited to, paint, hardware, plumbing, mechanical and electrical equipment, fixtures, roofing materials and floor coverings. All such manufactured items shall be standardized to City's criteria to the extent such criteria do not interfere with building design.

3.18 Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described herein. Any additional or subsequent construction at the site of the Project, or at any other City site, will be covered by, and be the subject of, a separate Agreement for design services between City and the designer chosen therefor by City.

3.19 Mediation.

Disputes arising from this Agreement may be submitted to mediation if mutually agreeable to the parties hereto. The type and process of mediation to be utilized shall be subject to the mutual agreement of the parties.

3.20 Successors and Assigns.

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Designer shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

3.21 Asbestos Certification.

Designer shall certify to City, in writing and under penalty of perjury, that to the best of its knowledge, information and belief no asbestos-containing material or other material deemed to be hazardous by the state or federal government was specified as a building material in any construction document that the Designer prepares for the Project. Designer shall require all consultants who prepare any other documents for the Project to submit the same written certification. Designer shall also assist the City in ensuring that contractors provide City with certification, in writing and under penalty of perjury, that to the best of their knowledge, information and belief no material furnished, installed or incorporated into the Project contains asbestos or any other material deemed to be hazardous by the state or federal government. These certifications shall be part of the final Project submittal. Designer shall include statements in its

specifications that materials containing asbestos or any other material deemed to be hazardous by the state or federal government are not to be included.

3.22 No Third Party Rights.

This Agreement shall not create any rights in, or inure to the benefits of, any third party except as expressly provided herein.

3.23 Governing Law.

This Agreement shall be construed in accordance with, and governed by, the laws of the State of California. Venue shall be in Santa Clara County.

3.24 Exhibits and Recitals.

All exhibits and recitals contained herein and attached hereto are material parts of this Agreement and are incorporated as if fully set forth.

3.25 Severability.

Should any provision in the Agreement be held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect.

3.26 Non-Waiver.

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

3.27 Safety.

Designer shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Designer shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of its employees, consultant and subcontractors appropriate to the nature of the work and the conditions under which the work is to be performed.

3.28 Harassment Policy.

Designer shall provide a copy of the City's Harassment Policy to each of its employees assigned to perform the tasks under this Agreement. Designer shall submit to the City's Personnel Manager a statement signed by each of its employees who are assigned to perform the Services under this Agreement certifying receipt of City's Harassment Policy and certifying that they have read the Harassment Policy. A finding by the City that any of Designer's employees has harassed a City employee shall be grounds for appropriate discipline, up to and including such employee's removal from performance of this Agreement at City's request.

3.29 Delivery of Notices.

All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

CITY:

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, California 95035
Attn: Roberto Alonzo
Public Work Division Manager

DESIGNER:

Bennett Engineering Services
1619 S. Main Street, Suite 106
Milpitas, California, 95035
Attn: Carlton D. Allen
Principal – Director of Transportation Services

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.30 Time of Essence.

Time is of the essence for each and every provision of this Agreement.

3.31 City's Right to Employ Other Consultants.

City reserves right to employ other consultants, including designers, in connection with this Project or other projects.

3.32 Prohibited Interests.

3.32.1 Solicitation. Designer maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Designer, to solicit or secure this Agreement. Further, Designer warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Designer, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability.

3.32.2 Conflict of Interest. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.33 Equal Opportunity Employment.

Designer represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or any other classification protected by federal or state law. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Designer shall also comply with all relevant provisions of City's minority business enterprise program, affirmative action plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.34 Labor Certification.

By its signature hereunder, Designer certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.35 Wage Theft Certification.

3.35.1 Designer, and any subconsultant it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

3.35.2 BY SIGNING THIS AGREEMENT, DESIGNER AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT DESIGNER OR ITS SUBCONSULTANTS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. DESIGNER FURTHER AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, DESIGNER AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT DESIGNER OR ITS SUBCONSULTANT(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

3.35.3 If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Designer or a subconsultant it employs to perform work under this Agreement has violated any applicable wage and hour law, or Designer learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Designer shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Designer or its subconsultant(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Designer or its subconsultant is subject to a payment or other alternative plan, the Designer or its subconsultant shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

3.35.4 For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

3.35.5 Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

3.35.6 Notice provided to the City shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

3.36 Subcontracting.

As specified in this Agreement, Designer shall not subcontract any portion of the Services required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to each and every provision of this Agreement.

3.37 Supplemental Conditions.

Any supplemental conditions shall be attached as an exhibit to this Agreement, and that exhibit shall be incorporated herein by reference.

3.38 Entire Agreement.

This Agreement, with its exhibits, contains the entire agreement of the parties hereto, and supersedes any and all other prior or contemporaneous negotiations, understandings and oral or written agreements between the parties hereto. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. Furthermore, any modification of this Agreement shall only be effective if in writing signed by all parties hereto.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR DESIGN SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND BENNETT ENGINEERING SERVICES**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF MILPITAS

Approved By:

Deanna J. Santana, City Manager

Date

Approved As To Form:

Christopher Creech, Acting City Attorney

Approved:

Luz Cofresí-Howe
Finance Director/Risk manager

Approved As To Content:

Christian Di Renzo
Public Works Director

BENNETT ENGINEERING SERVICES

Leo Rubio

Signature

Leo Rubio

Name

President/CEO

Title

22/07/2025

Date

EXHIBIT “A”

DESIGNER’S SCOPE OF SERVICES

IV.I EXECUTION PLAN: SCOPE OF WORK

ASSUMPTIONS:

- ▶ The pavement rehabilitation method employed will remain as an overlay and is therefore exempt from C.3 requirements.
- ▶ All improvements will occur in the existing City right-of-way
- ▶ No drainage system upgrades are planned as part of this project.
- ▶ Utility relocations are limited to lid and cover adjustments. If FDR or another deeper pavement rehabilitation method is selected, the project may require potholing to confirm the depths of existing utilities.

TASK 1. Project Administration and Coordination

Subtask 1.1. Project Development Team Meetings and Schedule

BENEN shall develop and facilitate the Project Development Team (PDT) meetings with representatives from subconsultants and appropriate City staff as determined by the City. BENEN shall prepare all meeting agendas and meeting minutes and distribute these to the Project Team. BENEN shall provide a Project schedule, using Microsoft Project, showing the activities and milestones outlined in our Project scope. The activities will show beginning and ending dates, duration, and dependency on other tasks. BENEN shall identify the critical path elements to keep the Project delivery on schedule. The schedule will be refined and maintained on a regular basis and as decisions are made throughout the life of the Project.

ASSUMPTIONS:

- ▶ A total of six (6) meetings including kick-off meetings

DELIVERABLES:

- ▶ Schedule updates – Microsoft Project
- ▶ Meeting notices, agendas, minutes, and sign-in-sheets.

Subtask 1.2. Monthly Invoices and Status Reports

A draft status report will be submitted by BENEN for approval prior to the submittal of the first invoice. BENEN shall prepare and submit monthly invoices and status reports to the City. The status reports will include Project tasks completed, and deliverables submitted for that month's invoice. BENEN shall provide the City with a list of issues that may affect the Project design, budget, or schedule as soon as such issues are known. In addition, monthly invoices shall be accompanied by a budget summary indicating a task breakdown for budget, percent complete, spent to date, and remaining budget. Invoices will include employee rates, expenses per task, and a copy of any subconsultant invoices.

DELIVERABLES:

- ▶ Draft status report, monthly invoices, and status reports

Subtask 1.3. Quality Control

The team will prepare a quality control plan—utilizing both our existing internal controls and the guidelines set by the City—and we will provide technical resources necessary to ensure that deliverables are complete and meet the City's requirements. Reviews will be conducted by experienced staff who are not directly involved with the design or preparation of the deliverables. The review will be documented using a review form indicating the reviewer's name, date of the review, and the resolution of any comments. This task includes providing quality control reviews for the 30% submittal.

TASK 2. Utility Coordination

Subtask 2.1. Utility Investigations

For the 2026 Project, BENEN will send Utility “A” letters with a Project location/limit map and a City approved letter requesting verification of the location, size, and depth of each facility within the Project area. BENEN shall identify all public or private utilities that may be affected by the Project and identify any utilities requiring relocation. BENEN will also work with utility companies to determine the liability for relocation costs.

ASSUMPTIONS:

- ▶ No potholing is included in this phase of the project

DELIVERABLES:

- ▶ Utility tracking matrix

Subtask 2.2. Utility Relocation Coordination

During final design, BENEN will request relocation plans from utility companies requiring adjustment/relocation. Relocation plans can be on a City plan sheet with a signature from the utility company. Once the owner concurs with the liability listed, the City will then issue a Utility "C" Letter that clearly defines the impacted facility, the owner's conflict resolution plan, estimated completion date, and liability.

BENEN will then send a copy of the Final Plans ("C" Plans) with the Utility "C" Letter directing the utility company to initiate relocation construction.

Should relocation of any private utility facilities be required, such as valve boxes, lids, covers, etc. it is assumed that there is a franchise agreement in place and that no utility agreements will be needed. BENEN will coordinate with private utility companies for proposed relocation within existing or new City right-of-way. In addition, it is assumed that no new water or sewer facilities will be constructed as part of the project.

ASSUMPTIONS:

- ▶ No utility agreements needed

DELIVERABLES:

- ▶ Utility "B" Letters
- ▶ Utility "C" Letters
- ▶ Summary of impacts and resolutions

TASK 3. Field Investigation and Document Research for Design

Subtask 3.1. Document Research

BENEN will map existing utility information and create the project utility base file.

DELIVERABLES:

- ▶ Utility Base Map in CAD

Subtask 3.2. Field Investigation

BENEN will field verify utility information and existing pavement conditions, measure flowline slopes for proposed curb ramp replacements, identify areas for sidewalk replacement, and identify areas for curb and gutter replacement.

ASSUMPTIONS:

- ▶ All work will be within the back of walk limits and City ROW. No topographic survey or boundary resolution is included in this scope.

DELIVERABLES:

- ▶ Flow line field notes

Subtask 3.3. 2026 Geotechnical Investigation

Based on the preliminary treatments indicated in the RFP, Geocon anticipates that mill and overlay, cape seal, and slurry seal will be the predominant rehabilitation methods. Patching and crack sealing may be sufficient for streets in good overall condition. Isolated dig-out repairs are also expected. The investigation will focus on roadway areas anticipated to be rehabilitated through mill and overlay.

If BENEN and Geocon determine that the preliminary treatment methods per the Pavement Management Report and tabulated in RFP Attachment A are not suitable options for pavement rehabilitation, alternative methods such as full depth reclamation (FDR) will be recommended. If FDR or other measures besides mill and overlay are selected for pavement rehabilitation, we will request a contract amendment to authorize additional field investigation, laboratory testing, and geotechnical consultation to evaluate and develop alternative recommendations, as applicable.

Geocon's investigation will include a field exploration program, laboratory testing, and the preparation of a formal report and related geotechnical consultation services. We propose the following scope of services:

- ▶ Perform a site reconnaissance to review project limits and site logistics, evaluate drill rig access and mark out core locations in the field for subsequent utility clearance.
- ▶ Notify subscribing utility companies via Underground Service Alert (USA) a minimum of 48 hours (as required by law) prior to pavement coring operations.
- ▶ Provide traffic control measures during field operations as needed and/or in accordance with City of Milpitas encroachment permit requirements. As outlined above, Geocon has made assumptions regarding permit requirements and the level of traffic control that will be required by the City. They assume a typical two-man traffic control crew with associated cones and signage will be sufficient for their field exploration on Yellowstone Avenue and S. Park Victoria Drive, and basic cones and signage will be sufficient for their field exploration on the other residential roadways.

- ▶ Retain the services of a California C-57 licensed driller to perform up to approximately 32 pavement cores to observe pavement section component thicknesses and visually classify subgrade soil type. Geocon will collect disturbed bulk samples of the subgrade soil for further laboratory testing. Geocon assumes their cores can be completed within three working days, during normal business hours, Monday through Friday. They have assumed they will be restricted to working hours of 9am to 3pm on Yellowstone Avenue and S. Park Victoria Drive, but that working hours from 8am to 5pm will be acceptable on other residential roadways.
- ▶ Upon completion, backfill the core holes with compacted soil and aggregate base cuttings. The holes will be capped with compacted cold patch asphalt or quick-set concrete dyed black.
- ▶ Perform laboratory tests on selected samples to evaluate pertinent geotechnical parameters. Laboratory testing assignments will be based on the soils conditions encountered in our field exploration; testing for gradation and plasticity is anticipated.
- ▶ Prepare formal correspondence with the results of their limited investigation. The report will include (but not be limited to) the following:
 - Site vicinity map
 - Site plans showing core locations
 - Tabulation of pavement section thickness and subgrade soil type at each core location
 - Core photographs
 - Laboratory test results
 - Opinions on the applicability of the tabulated mill and overlay thicknesses in the RFP.
- ▶ Geocon will submit a draft report for City review followed by an electronic copy (PDF format) of their final correspondence.

ASSUMPTIONS:

- ▶ City will provide a no-cost encroachment permit for the work.
- ▶ Work hour restrictions will not be more restrictive than detailed in our scope of services above.
- ▶ Permits beyond those discussed herein will not be required.
- ▶ Prevailing wage requirements will apply to our coring and traffic control subcontractors, and to our field engineer during coring operations.
- ▶ The scope of services detailed in this proposal does not include the evaluation or identification of environmental contamination.

DELIVERABLES:

- ▶ Draft and Final 2026 Geotechnical Investigation Report

Subtask 3.4. 2027 Geotechnical Investigation

Based on the preliminary treatments indicated in the RFP, Geocon anticipates that mill and overlay, cape seal, and slurry seal will be the predominant rehabilitation methods. Patching and crack sealing may be sufficient for streets in good overall condition. Isolated dig-out repairs are also expected. The investigation will focus on roadway areas anticipated to be rehabilitated through mill and overlay.

If BENEN and Geocon determine that the preliminary treatment methods per the Pavement Management Report and tabulated in RFP Attachment A are not suitable options for pavement rehabilitation, alternative methods such as full depth reclamation (FDR) will be recommended. If FDR or other measures besides mill and overlay are selected for pavement rehabilitation, we will request a contract amendment to authorize additional field investigation, laboratory testing, and geotechnical consultation to evaluate and develop alternative recommendations, as applicable.

Geocon's investigation will include a field exploration program, laboratory testing and the preparation of a formal report and related geotechnical consultation services. We propose the following scope of services:

- ▶ Perform a site reconnaissance to review project limits and site logistics, evaluate drill rig access and mark out core locations in the field for subsequent utility clearance.
- ▶ Notify subscribing utility companies via Underground Service Alert (USA) a minimum of 48 hours (as required by law) prior to pavement coring operations.
- ▶ Provide traffic control measures during field operations as needed and/or in accordance with City of Milpitas encroachment permit requirements. As outlined above, we have made assumptions regarding permit requirements and the level of traffic control that will be required by the City. We have assumed a typical two-man traffic control crew with associated cones and signage will be sufficient for our field exploration on Santa Rita Avenue, Dundee Avenue, and Paseo Refugio, and basic cones and signage will be sufficient for our field exploration on the other residential roadways.
- ▶ Retain the services of a California C-57 licensed driller to perform up to approximately 22 pavement cores to observe pavement section component thicknesses and visually classify subgrade soil type. We will collect bulk samples of the subgrade soil for further laboratory testing. We have assumed our cores can be completed within

two working days, during normal business hours, Monday through Friday. We have assumed we will be restricted to working hours of 9am to 3pm on Santa Rita Avenue, Dundee Avenue, and Paseo Refugio, but that working hours of 8am to 5pm will be acceptable on other residential roadways.

- ▶ Upon completion, backfill the core holes with compacted soil and aggregate base cuttings. The holes will be capped with compacted cold patch asphalt or quick-set concrete dyed black.
- ▶ Perform laboratory tests on selected samples to evaluate pertinent geotechnical parameters. Laboratory testing assignments will be based on the soils conditions encountered in our field exploration; testing for gradation and plasticity is anticipated.
- ▶ Prepare a formal correspondence with the results of our limited investigation. The report will include (but not be limited to) the following:
 - Site vicinity map
 - Site plans showing core locations
 - Tabulation of pavement section thickness and subgrade soil type at each core location
 - Core photographs
 - Laboratory test results
 - Opinions on the applicability of the tabulated mill and overlay thicknesses in the RFP.
- ▶ Geocon will submit a draft report for your review followed by an electronic copy (PDF format) of our final correspondence.

ASSUMPTIONS:

- ▶ City will provide no-cost encroachment permit for the work.
- ▶ Work hour restrictions will not be more restrictive than detailed in our scope of services above.
- ▶ Permits beyond those discussed herein will not be required.
- ▶ Prevailing wage requirements will apply to our coring and traffic control subcontractors, and to our field engineer during coring operations.
- ▶ The scope of services detailed in this proposal does not include the evaluation or identification of environmental contamination.

DELIVERABLES:

- ▶ Draft and Final 2027 Geotechnical Investigation Report

Subtask 3.5. 2028 Geotechnical Investigation

Based on the preliminary treatments indicated in the RFP, Geocon anticipates that mill and overlay, cape seal, and slurry seal will be the predominant rehabilitation methods. Patching and crack sealing may be sufficient for streets in good overall condition. Isolated dig-out repairs are also expected. The investigation will focus on roadway areas anticipated to be rehabilitated through mill and overlay.

If BEN|EN and Geocon determine that the preliminary treatment methods per the Pavement Management Report and tabulated in RFP Attachment A are not suitable options for pavement rehabilitation, alternative methods such as full depth reclamation (FDR) will be recommended. If FDR or other measures besides mill and overlay are selected for pavement rehabilitation, we will request a contract amendment to authorize additional field investigation, laboratory testing, and geotechnical consultation to evaluate and develop alternative recommendations, as applicable.

Geocon's investigation will include a field exploration program, the preparation of a formal report and related geotechnical consultation services. We propose the following scope of services:

- ▶ Perform a site reconnaissance to review project limits and site logistics, evaluate drill rig access and mark out core locations in the field for subsequent utility clearance.
- ▶ Notify subscribing utility companies via Underground Service Alert (USA) a minimum of 48 hours (as required by law) prior to pavement coring operations.
- ▶ Provide traffic control measures during field operations as needed and/or in accordance with City of Milpitas encroachment permit requirements. As outlined above, we have made assumptions regarding permit requirements and the level of traffic control that will be required by the City. We have assumed a typical two-man traffic control crew with associated cones and signage will be sufficient for our field exploration on N. Abbott Avenue, Marylinn Drive, and Dixon Landing Road, and basic cones and signage will be sufficient for our field exploration on the other residential roadways.
- ▶ Retain the services of a California C-57 licensed driller to perform up to approximately 26 pavement cores to observe pavement section component thicknesses and visually classify subgrade soil type. We will collect disturbed bulk samples of the subgrade soil for further laboratory testing. We have assumed our cores can be completed within two working days, during normal business hours, Monday through Friday. We have assumed we will be restricted to working hours of 9am to 3pm on N. Abbott Avenue and Dixon Landing Road, but that working hours of 8am to 5pm will be acceptable on other residential roadways.

- ▶ Upon completion, backfill the core holes with compacted soil and aggregate base cuttings. The holes will be capped with compacted cold patch asphalt or quick-set concrete dyed black.
- ▶ Perform laboratory tests on selected samples to evaluate pertinent geotechnical parameters. Laboratory testing assignments will be based on the soils conditions encountered in our field exploration; testing for gradation and plasticity is anticipated.
- ▶ Prepare a formal correspondence with the results of our limited investigation. The report will include (but not be limited to) the following:
 - Site vicinity map
 - Site plans showing core locations
 - Tabulation of pavement section thickness and subgrade soil type at each core location
 - Core photographs
 - Laboratory test results
 - Opinions on the applicability of the tabulated mill and overlay thicknesses in the RFP.
- ▶ We will submit a draft report for your review followed by an electronic copy (PDF format) of our final correspondence.

ASSUMPTIONS:

- ▶ City will provide no-cost encroachment permit for the work.
- ▶ Work hour restrictions will not be more restrictive than detailed in our scope of services above.
- ▶ Permits beyond those discussed herein will not be required.
- ▶ Prevailing wage requirements will apply to our coring and traffic control subcontractors, and to our field engineer during coring operations.
- ▶ The scope of services detailed in this proposal does not include the evaluation or identification of environmental contamination.

DELIVERABLES:

- ▶ Draft and Final 2028 Geotechnical Investigation Report

TASK 4. Planning Design

Subtask 4.1. 2026 30% Concepts and Estimate

BENEN will coordinate with the City to confirm the proposed Project improvements, including the pavement rehabilitation method recommended strategies, limits of the sidewalk, curb, and gutter replacement, utility adjustments, concrete repairs, and right-of-way considerations, to develop Geometric Approval Drawings (GAD). The GADs will be prepared as a roll plot. BENEN will also verify existing traffic signal information and evaluate the need to add Accessible Pedestrian Signals (APS) at the following intersections:

- ▶ Yellowstone Avenue and Landess Avenue
- ▶ Yellowstone Avenue and Westridge Drive
- ▶ Yellowstone Avenue and S. Park Victoria Drive
- ▶ Yosemite Drive and S. Park Victoria Drive

DELIVERABLES:

- ▶ Draft GAD – PDF roll plot (36" wide)
- ▶ Final GAD – PDF roll plot (36" wide)
- ▶ Estimate of Probable Construction Costs at 30% level

Subtask 4.2. 2027 and 2028 30% Concepts and Estimate

BENEN will work with the City to confirm the proposed Project improvements and develop Geometric Approval Drawings (GAD). The GADs will be prepared as a roll plot.

DELIVERABLES:

- ▶ Draft GAD – PDF roll plot (36" wide)
- ▶ Final GAD – PDF roll plot (36" wide)
- ▶ Estimate of Probable Construction Costs at 30% level
- ▶ Identify priorities to assess feasibility to align with available funding
- ▶ Graphics and estimates to support funding applications for grant opportunities

TASK 5. 2026 Construction Documents

Subtask 5.1. 2026 60% Plans and Estimate (P&E)

Based on approved Preliminary Engineering Plans, the BENEN team will prepare 60% P&E utilizing AutoCAD, City of Milpitas Design Standards, and applicable codes. Construction Drawings shall include:

- ▶ Title Sheet with General Notes, Legend, Abbreviations, Site Map, and Sheet Index
- ▶ Typical Cross Sections
- ▶ Layouts

- ▶ Construction Details
- ▶ Pavement Delineation and Sign Plans
- ▶ Traffic Signal Plans and Details
- ▶ Blueprint for a Clean Bay (provided by City)

Layouts will be prepared at a scale not smaller than 1" = 20'.

DELIVERABLES:

- ▶ PDF copy of the Plans and Estimate
- ▶ Excel copy of Estimate

Subtask 5.2. 2026 90% Plans, Specifications, and Estimate (PS&E)

BENEN will respond to comments and prepare/submit plans, specifications, and estimates to the City for review and comment as detailed above. Specifications will be prepared using a City provided standard front-end document and in CSI format.

DELIVERABLES:

- ▶ PDF copy of the Plans, Specifications, and Estimate
- ▶ Word copy of Specifications
- ▶ Excel copy of Estimate
- ▶ Response to Comments Matrix

Subtask 5.3. 2026 Final PS&E

BENEN will respond to comments, prepare and submit Plans, Specifications, and Estimate to the City for review and comment as detailed above. The final submittal plan will be on mylar, stamped and signed by a California-registered PE.

DELIVERABLES:

- ▶ PDF copy of the Plans (22"x 34"), Specifications, and Estimate
- ▶ AutoCAD copy of Plans
- ▶ Two (2) full size paper copies of plans, wet signed
- ▶ Excel copy of Estimate
- ▶ Two (2) copies of Specifications, wet signed
- ▶ Word copy of Specifications
- ▶ Response to Comments Matrix

TASK 6. 2026 Bid Support

BENEN will provide senior staff to assist the City with addressing bidder questions, attend the pre-bid meeting, and provide design support for addenda during the bidding phase.

ASSUMPTIONS:

- ▶ One (1) pre-bid meeting.

TASK 7. 2026 Construction Support (OPTIONAL)

Subtask 7.1. Design Support During Construction

BENEN will provide senior staff to assist the City with RFIs, address questions, review submittals, attend meetings, and make project site reviews during the construction phase.

BENEN will also prepare as-built drawings from notes and markups from the contractor and Chirardelli's Resident Engineer.

ASSUMPTIONS:

- ▶ Four (4) RFIs and four (4) field site visits.

DELIVERABLES:

- ▶ PDF and AutoCAD versions of the as-built plans

Subtask 7.2. Pre-Construction Services

Chirardelli's Resident Engineer will organize a pre-construction conference with the Contractor, subcontractors, City staff, Designer, construction management (CM) team members, and other interested parties to discuss the project and the work involved. This conference will provide a forum for answering questions from the Contractor and other interested parties as well as address issues and coordinate tasks that need to be performed before work commences. Chirardelli's Resident Engineer will prepare an agenda and meeting minutes.

Subtask 7.3. Construction Services

Chirardelli's Resident Engineer will manage the day-to-day administration of the project. The Resident Engineer, as appropriate, will be the first point of contact with the Contractor, representing the City and the construction management team. The Resident Engineer will:

- ▶ Prepare letters to the Contractor giving formal direction and instruction, when necessary
- ▶ Coordinate with the City, providing informational updates and requesting input, as needed
- ▶ Manage and perform project inspection

- ▶ Document progress and operations with daily photographs
- ▶ Coordinate, manage and review materials sampling and testing activities
- ▶ Monitor project safety and verify compliance with laws, orders, and regulations
- ▶ Review labor compliance documents
- ▶ Prepare punch lists, as necessary

Contract Administration: Ghirardelli's Resident Engineer will review and respond to submittals and RFIs in coordination with the City's Project Manager; review and monitor the Contractor's schedule; coordinate the review of traffic control plans and inspection of traffic control measures; review the Contractor's compliance with all permits, stormwater regulations and permits (SWPPP), and environmental documents; review the Contractor's compliance with health and safety standards and regulations and reporting of non-compliance; and monitor record documents to ensure proper maintenance and completion by the Contractor. At the conclusion of each week's work, a Weekly Statement of Working Days (WSWD) will be submitted to both the Contractor and City staff.

Project Coordination/Meetings: Ghirardelli's Resident Engineer will hold weekly meetings with the Contractor, City staff and other interested parties. The Resident Engineer will prepare and distribute weekly project meeting agendas and minutes to attendees. Our Resident Engineer will be in close communication with the City Project Manager to coordinate project issues and keep the City informed regarding the project status.

Ghirardelli will also coordinate with utility agencies and other third parties and arrange meetings for specific issues, as needed.

Scheduling: Ghirardelli's Resident Engineer will review the Contractor's baseline schedule and determine its conformance with the plans and specifications. We will also review the monthly schedule updates and look ahead schedules to verify that the project is on schedule. Any slippage will be discussed with the contractor and the City Project Manager so that action can be taken to minimize delays to project completion.

Monthly Progress Payments: Ghirardelli will prepare a progress payment estimate each month and will include the quantity and amount to pay, quantity and amount paid to date, and the quantity and amount remaining for each contract item and change order. We will submit source documents justifying the quantities to be paid with each progress estimate.

The Resident Engineer and inspection staff will prepare source documents for payment for work performed for each item listed in the Engineer's Estimate. These source documents will include calculations, field measurements, and counts to document the exact quantity(s) of item work performed each progress pay period. These source documents will be filed in the project records and will be the basis for payment as well as the auditable permanent project records.

Submittals and RFIs: Our Resident Engineer will review Submittals and RFIs and coordinate with the City Project Manager and the Designer to respond in a timely manner. By Ghirardelli's close monitoring of and coordinating the response to Submittals and RFIs, we will help to prevent potential project delays and impacts. Document logs will be maintained for correspondence, submittals/shop drawings, RFIs, RFCs, change orders, and disputes and potential claims.

Construction Inspection: Close adherence to the plans, details, and all applicable specifications is required to properly construct and administer the project. Inspection activities include, but are not limited to, maintaining continuous City coordination, issuing notices of non-compliance, maintaining strict adherence to all local policies, conducting a daily review of the construction operations, and adhering to all applicable contract specifications and standards to include City, State and Federal.

Ghirardelli's Inspector will prepare a daily report for each construction day. The inspector's daily reports (including the reports from material testers) will be provided to the Resident Engineer. This information will be used for the preparation and evaluation of the monthly progress estimates, non-compliance issues, construction delays, compliance tests, CPM schedule review, liquidated damages, and claims. The daily reports will include the following information:

- ▶ Date, project identification, contractor's name, subcontractor's name(s), and time of inspections.
- ▶ Conditions (weather, moisture, soil, etc.): Any inclement weather conditions that hampered or delayed the contractor's operations
- ▶ Activities detail: Scheduled activities including starting and completion dates; bid item numbers of all activities should be listed in the daily report
- ▶ Difficulties encountered by the contractor
- ▶ Construction issues (disputes, questions in the field, etc.)
- ▶ Deficiencies and violations (including construction work, safety, labor, etc.)
- ▶ Major material and equipment deliveries to the site (type, quantity, means of delivery, and condition of materials)
- ▶ Record of manpower, construction equipment, and materials testing locations and results

Change Orders: Ghirardelli's Resident Engineer will prepare Change Orders, as necessary, in accordance with the Caltrans Construction Manual, Caltrans Local Assistance Procedures Manual and the City's Project Manager's instructions. Change Order approval or Authority to Proceed will be secured from the City before any work of the change is performed.

Materials Sampling and Testing (Field and Lab):

Geocon will provide the following for construction support:

- ▶ Provide geotechnical consultation as needed during project construction including reviewing and responding to submittals and RFIs.
- ▶ Review the streets scheduled for rehabilitation and mark out locations for dig-out repairs in the field. We have assumed our marking can be completed within two working days, during normal business hours, Monday through Friday.
- ▶ Ghirardelli's Inspector will coordinate materials sampling and testing services with the City's designated materials firm. All materials testing (field and laboratory) will be performed at the frequency established by the contract documents including the City's Quality Assurance Plan (QAP). Ghirardelli's Inspector will review the test reports for compliance and maintain the required documentation, including a non-conformance log to assure that all failed tests are retested until meeting compliance.

Subtask 7.4. Post-Construction Services

Ghirardelli will work closely with the Designer, City staff and other stakeholders to help to ensure that the project closeout proceedings are performed quickly, accurately and consistently, in accordance with all pertinent policies and procedures. We will review and monitor the Contractor's submittal information respective to the closeout, such as "as-built" information, punch list preparation, final progress payment, warranties, guarantees, etc. Our inspector will perform a final inspection and ensure all items from the punch list are completed.

Ghirardelli's Resident Engineer and Inspector will provide City staff with an original set of construction documents, cataloged in accordance with the Caltrans file management system, which includes all documented correspondence, diaries, reports, photos, correspondence, contract documents, labor compliance, materials, material tests, change orders, progress payment and survey records, etc. for storage by the City. All contract documents will be digitized and filed electronically.

EXHIBIT "C"

COMPENSATION RATES AND REIMBURSABLE EXPENSES

1. HOURLY COMPENSATION RATES.



BENNETT ENGINEERING SERVICES

Professional Staff Rate Schedule | 2024/2025 Fiscal Year

Billing Classifications	Rate Class	Charge Rate
ENGINEER / SURVEYOR		
	10	\$295
	9	\$280
	8	\$261
	7	\$242
	6	\$226
	5	\$213
	4	\$199
	3	\$187
	2	\$176
	1	\$166

Billing Classifications	Rate Class	Charge Rate
DESIGNER/TECH		
	7	\$190
	6	\$176
	5	\$157
	4	\$139
	3	\$124
	2	\$111
	1	\$97
PROJECT ADMINISTRATOR		
	5	\$166
	4	\$144
	3	\$122
	2	\$97
	1	\$83

- ▶ Direct expenses (including, but not limited to, mileage, reproduction, postage, online assessor mapping fees, etc.) and subconsultant costs will be billed at cost plus fifteen percent (15%) for administration, coordination, and handling.
- ▶ Standard hourly rates do not apply to a demand to perform work during an overtime period. Work required to be performed during an overtime period (as mandated by California law) will be charged at a 50% premium. Work mandated by Prevailing Wage laws will be charged accordingly.
- ▶ Hourly rates include all compensation for wages, salary-related benefits, overhead, general office administration, and profit. Direct project administrative hours will be billed at the rate shown above.
- ▶ Classifications may be added or removed as-needed without notice.
- ▶ Changes in the requested scope of work or projected schedule may result in the revision of the proposed fees and amendment to the total contract amount.
- ▶ Rates are subject to change annually effective July 1, 2025.

Bennett Engineering Services | 2024 - 2025 Rate Schedule

2. REMURSIBLE EXPENSES

Not Applicable.

EXHIBIT "D"

INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. **Those that have an "X" indicated in the space before the requirement apply to Design Services Agreement.**

Designer shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Designer, its agents, representatives, employees or subcontractors.

Designer shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Designer shall furnish City with copies of original endorsements affecting coverage required by this Exhibit D. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Designer's insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

 Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

 X Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

 Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

 X Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Designer has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

 Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than \$5,000,000.00 combined single limit for bodily injury and property damage.

____ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Designer, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

X Insurance appropriate to the Designer's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

____ (If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

____ Insurance appropriate to the Designer's profession, with limit no less than _____ per occurrence or claim, _____ aggregate

Workers' Compensation Insurance:

X Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Designer provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Builder's Risk (Course of Construction):

____ Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions. If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Pollution Legal Liability:

____ Designer's legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000.00 per occurrence or claim and \$2,000,000.00 policy aggregate.

If the Designer maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Designer. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Cyber Liability Insurance

____ Cyber Liability Insurance with limits not less than \$1,000,000 per claim.

Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Designer in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy

violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network security.

The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

Surety Bonds:

Designer shall provide the following Surety Bonds:

☐ Bid Bond
☐ Performance Bond
☐ Payment Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

X Additional Insured Status and Primary/Non-Contributory Language:

Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and its elected and appointed officials, officers, attorneys, agents employees and volunteers as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

Loss Payee Status – Builder's Risk/Course of Construction Insurance (applicable to Construction Contracts only)

Designer may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

X Notice of Cancellation, Suspension or Otherwise Voiding Policies:

Each insurance policy required above shall contain or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice by certified mail, return receipt requested to the City.

X Waiver of Subrogation:

Designer hereby grants to City a waiver of any right to subrogation which any insurer of said Designer may acquire against the City by virtue of the payment of any loss under such insurance. Designer agrees to

obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Designer, its employees, agents and subcontractors.

____ Completed Operations

For Construction Agreements, Designer shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Designer fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Designer.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions ("SIR"):

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Designer to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Designer shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Designer must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.

4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Designer's Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Designer's Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Designer shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Designer shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Designer and City in the same manner and to the same extent as Designer is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Designer shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Designer's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Designer's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

BENEN_Design Services Agreement_CP4307_SR2026_UNSigned

Final Audit Report

2025-07-22

Created:	2025-07-22
By:	Theresa Allen (tallen@ben-en.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbpGUsaCQbbX2YamTX6cpwT8uPgsVlxnv

"BENEN_Design Services Agreement_CP4307_SR2026_UNSigned" History

-  Document created by Theresa Allen (tallen@ben-en.com)
2025-07-22 - 10:56:35 PM GMT
-  Document emailed to Leo Rubio (lrubio@ben-en.com) for signature
2025-07-22 - 10:56:45 PM GMT
-  Email viewed by Leo Rubio (lrubio@ben-en.com)
2025-07-22 - 10:58:31 PM GMT
-  Document e-signed by Leo Rubio (lrubio@ben-en.com)
Signature Date: 2025-07-22 - 10:59:42 PM GMT - Time Source: server
-  Agreement completed.
2025-07-22 - 10:59:42 PM GMT



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution to Accept the Completed Public Improvements for the Bridge Point Silicon Valley Project, Approve a Reduction of the Faithful Performance Bond for the Project, and Authorize the City Engineer to Release the Remaining Portion of the Bond After the One-Year Warranty Period (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)
Category:	Consent Calendar-Community Development
Meeting Date:	9/2/2025
Recommendation:	(1) Adopt a resolution to accept the completed public improvements for the Bridge Point Silicon Valley Project, (2) Approve a reduction in the faithful performance bond to \$120,260; and (3) Authorize the City Engineer to release the remaining portion of the bond after the one-year warranty period without further City Council action, provided all required warranty work has been completed to the satisfaction of the City Engineer.

BACKGROUND:

On [April 20, 2021](#), the City Council approved an Improvement Agreement with Bridge Point Milpitas LLC (Developer) for the Bridge Point Silicon Valley Project (Project) to construct two office buildings totaling 788,625 square feet of floor area, site and public Improvements, and parking lot on a 34.5-acre site located at 225 North McCarthy Boulevard. The public improvements constructed along North McCarthy Boulevard included three (3) fire service laterals and driveway approaches, abandonment of wet utility services, and replacement of a paved left-turn pocket with a landscaped median.

ANALYSIS:

The Developer has successfully completed all required public improvements for the Project in accordance with the City-approved Public Improvement Plans, No. 2-1332. The completed public improvements are now ready for acceptance by the City Council and thereby commencing the one-year warranty period. Staff recommends City Council adopt a Resolution (Attachment 1) granting acceptance of the public improvements, and to approve a reduction of the performance bond to \$120,260.00, which is 25% of the security's original value, and grant authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

POLICY ALTERNATIVE(S):

Alternative: Not approve a resolution granting acceptance of public improvements including the reduction of the faithful performance bond.

Pros: None

Cons: Not granting acceptance of public improvements would limit public use of improvements and does not promote orderly completion and closeout of the Project. Also, not granting acceptance would be in conflict with the City's obligation under the Improvement Agreement.

Reason for Not Recommending: Granting acceptance of the completed public improvements would allow public use of the improvements and allows for the completion and closeout of the Project as required by the Improvement Agreement. Staff recommends the City Council adopt the resolution granting acceptance of public improvements.

FISCAL IMPACT:

Public improvements completed as part of the Project will be perpetually owned and maintained by the City following acceptance by the City Council and completion of the one-year warranty period. The Public Works Department will be responsible for maintenance of the improvements and any required additional funding for ongoing maintenance will be requested through future budget appropriations as the City Council adopts the annual operating budget for the Public Works Department.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

On February 11, 2009, the Planning Commission held a duly noticed public hearing on the Project's development applications and reviewed an Environmental Impact Report prepared for the Project in accordance with the California Environmental Quality Act, which identifies the potential for significant effects on the environment from development of the Project and unanimously recommended that the City Council approve the project. On March 3, 2009, the City Council held a duly noticed public hearing on the Project's development applications and reviewed the EIR, found the Project's potential significant environmental impacts would not be detrimental to its surrounding neighborhood because the Project meets all requirements of the City's Zoning Ordinance and General Plan, and approved the Project. Granting acceptance of public improvements and reducing the faithful performance bond for public improvements are not considered projects under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment. Further, environmental analysis of the public improvements to be constructed was reviewed at the time the overall project, including the Improvement Agreement, was considered and approved by the City Council.

ATTACHMENT(S):

(a) Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING
ACCEPTANCE AND REDUCING PERFORMANCE BOND OF BRIDGE POINT
SILICON VALLEY PROJECT AND GRANTING AUTHORIZATION TO THE CITY
ENGINEER TO RELEASE THE PERFORMANCE BOND AFTER THE ONE-YEAR
WARRANTY PERIOD**

WHEREAS, the City Council of the City of Milpitas on April 20, 2021 approved the plans and specifications for Bridge Point Silicon Valley Project, (the “Project”) to be completed by Bridge Point Milpitas, LLC as part of its development at 225 North McCarthy Boulevard; and

WHEREAS, the City of Milpitas has heretofore entered into an improvement agreement on April 20, 2021 with Bridge Point Milpitas LLC, for the Project; and

WHEREAS, Bridge Point Milpitas, LLC, as Principal, and Harco National Insurance Company, as Surety, executed and posted a certain Performance Bond Number 0792982 conditioned upon the faithful performance of the provisions of said improvement agreement and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said public improvements for the Project have been completed and the improvement agreement provides that the security shall extend for a period of one year after the date of acceptance of said improvements to cover the warranty period of said improvements under said agreement; and

WHEREAS, the City Council is willing to consent to a reduction in the penal sum of said security during said one year warranty period; and

WHEREAS, the City Engineer of the City of Milpitas has made a final inspection of said improvements for the Project and recommends that the City Council of the City of Milpitas accept the same as constructed in accordance with the approved plans and specifications.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other 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.
2. Those certain public improvements constructed as part of the Project, are hereby accepted as constructed in accordance with the approved plans and specifications upon recommendation of the City Engineer of the City of Milpitas.
3. The penal sum of the faithful performance bond securing said improvements may be reduced to the sum of \$120,260.00, upon request of Principal and Surety, with said penal sum as reduced to apply from the date of completion and acceptance of said improvements and to extend for the balance of the term of one year of said security. Provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquish by City of any obligations imposed upon the developer or his surety, or sureties, by law or by the above referend public improvement agreement, save and except as expressly set forth herein.
4. The City Council grants authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

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



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the City Manager to Execute Purchase Orders with Multiple Vendors for Public Works Related On-Call Services (Staff Contact: Luz Cofresí-Howe, Finance Director, 408-586-3111; and Christian De Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/2/2025
Recommendation:	Authorize the City Manager, or designee, to (1) Negotiate and execute purchase orders with twenty-five (25) vendors for Public Works related on-call maintenance and repair services – including parts, specialty equipment, and materials as required – for a five-year term in a total amount not to exceed \$8,335,342, subject to the appropriation of funds; and (2) Adjust the not-to-exceed amounts between vendors in specified services areas as required.

BACKGROUND:

The City facilities and infrastructure, such as buildings, streets, parks, medians, sewer and water, etc., require maintenance, repairs, and related services on a periodic and sometimes unexpected basis to ensure public safety, protect City assets, and maintain efficient operations. Services include, but are not limited to, the following:

- (1) **Facilities Maintenance, Repairs, and Related Services:** Comprehensive maintenance and repair services for various facility components, ensuring optimal functionality, safety, maintain City operations, and aesthetics of buildings and structures.
- (2) **Street Maintenance, Repairs, and Related Services:** Comprehensive repair services for streets, sidewalks, and related infrastructure to ensure safe and efficient transportation networks.
- (3) **Parks, Trails, and Median Renovation, Maintenance, Repairs, and Related Services:** Comprehensive repair, renovation, and construction services for parks, trails, and street medians to ensure safety of users and enhance public spaces and recreational areas.
- (4) **Utilities - Water and Sewer Maintenance, Repairs, and Related Services:** Comprehensive maintenance, repair, and upgrade services for water and sewer systems to ensure efficient and reliable utility operations.

ANALYSIS:

On May 28, 2025, the City released an Invitation for Bid (IFB 25-1056) for On-Call Services for Public Works. The scope of work required various contractor licensing based on the area of work for which vendors were submitting a bid response. The intent of this IFB was to award multiple contracts based on license and service area to the lowest-priced responsive and responsible bidders.

The IFB was publicly noticed on the [City's website](#) and [OpenGov](#), the City e-procurement website, in accordance with City Municipal Code. Upon release, 2,183 firms received notification of the IFB, and 157 firms downloaded the IFB documents. Thirty (30) vendors submitted responses by the published closing date of July 2, 2025, three (3) were disqualified for being non-responsive.

California State Contractor Licensing was confirmed for the remaining twenty-seven (27) bidders and, based on the bid responses, an intent to award was issued on July 11, 2025. Staff recommends awards of contracts to twenty-five (25) of the twenty-seven (27) responsive and responsible bidders for a 5-year term in a total amount not to exceed \$8,335,342. The two responsive, responsible vendors to whom staff is not

recommending awards proffered higher bids than other vendors providing the same respective services. Two of the vendors are located in the City of Milpitas. A list of vendors is provided in Attachment A.

By proactively executing purchase orders with the awarded vendors for on-call services in advance of needing the services, City staff will have access to the resources required to respond quickly when needs arise in these service areas. Allowing staff to shift funds by service area between awarded vendors as required will provide staff with the flexibility to address any vendor performance issues during the service period, add funds to a purchase order if a particular job requires more funding, etc., without losing access to the City Council-approved contracting authority.

POLICY ALTERNATIVE(S):

Alternative 1: Do not award bid for on-call services

Pros: None

Cons: Delay in responding to critical maintenance and repair needs to City assets and infrastructure, which could impact City operations and public safety.

Reason for Not Recommending: This would restrict the Public Works Department's ability to maintain City operations and ensure public safety. Work would be paused until a solicitation process is completed per incident, resulting in delays in repairs and disruption to City operations. Otherwise, the Public Works Director would need to declare an emergency for urgent health and safety repairs, as indicated in Council Resolution No.9134, to bypass the solicitation process requirement.

FISCAL IMPACT:

The total estimated annual spend for the twenty-five (25) vendors for on-call maintenance and repair services – including parts, specialty equipment, and materials as required – is contemplated to be \$1,570,000, with an estimated total for a five-year term, not-to-exceed amount of \$8,335,342. Funding for the current 2025-26 fiscal year was appropriated through the City Council action adopting the [Proposed Operating Budget](#) and [Proposed Capital Improvement Program Budget](#) on June 3, 2025; thus, respective expenditures will be allocated to the appropriate department or Capital Improvement Program project as applicable. Funding in future fiscal years will be requested as needed and appropriated through the annual budget process. No additional funding is being requested at this time for these on-call services.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action entails contracting for the operation, repair, maintenance, permitting, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use and is exempt from CEQA pursuant to Cal. Code Regs., tit. 14, § 15301. The action also entails contracting for the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced and is exempt from CEQA pursuant to Cal. Code Regs., tit. 14, § 15302. The action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not a project pursuant to Pub. Resources Code, § 21065 and Cal. Code Regs., tit. 14, § 15378. Even if a project, the action is exempt from further CEQA review pursuant to Cal. Code Regs., tit. 14, § 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ATTACHMENT(S):

(a) Recommended Contract Awards by Vendor

ATTACHMENT A

RECOMMENDED CONTRACT AWARDS BY VENDOR

Vendor / Contractor's License(s) / Service Area(s)		Estimated Annual Spend	5-Year Not to Exceed
A&B Mechanical			
C20/C38	Chillers	\$150,000	\$796,370
Backflow Prevention			
C36	Plumbing	\$200,000	\$1,061,827
Bartley Pump PM, LLC, dba PumpMan NorCal			
C61	Pumps	\$220,000	\$1,168,010
BRIXCO Construction, Inc. (Local Vendor)			
C8	Concrete and Sound Wall	\$75,000	\$398,185
C8	Concrete and Pavers	\$75,000	\$398,185
C12	Paving, Asphalt, Repairs, Striping	\$75,000	\$398,185
C12	Tractor Work	\$50,000	\$265,457
C12	Trail Construction	\$75,000	\$398,185
C32	Pavement Marking	\$75,000	\$398,185
		\$425,000	\$2,256,382
Build-X Contracting Corp.			
B	Restoration	\$25,000	\$132,728
B	Minor Construction	\$220,000	\$1,168,010
		\$245,000	\$1,300,738
Cal-West Lighting & Signal Maintenance, Inc.			
C10/C7	Electrical	\$75,000	\$398,185
C10/C7	Traffic Signal Control Systems	\$75,000	\$398,185
C10/C7	Signals & Lights	\$75,000	\$398,185
		\$225,000	\$1,194,555
ConstructiCON Corp. dba CIC			
A	Water Service and Main	\$220,000	\$1,168,010
A	Underground Infrastructure	\$220,000	\$1,168,010
A	Water and Sewer Pipeline	\$220,000	\$1,168,010
A	Architectural/Engineering	\$75,000	\$398,185
A	Hazardous Waste Removal	\$30,000	\$159,274
B	Restoration	\$25,000	\$132,728
B	Minor Construction	\$220,000	\$1,168,010
B	Hazardous Waste Removal	\$30,000	\$159,274
C39	Roofing	\$60,000	\$318,548
		\$1,100,000	\$5,840,049

Vendor / Contractor's License(s) / Service Area(s)		Estimated Annual Spend	5-Year Not to Exceed
Donny Chu Construction, Inc. dba D C Construction			
C6	Cabinetry	\$25,000	\$132,728
C10/C7	Generators	\$220,000	\$1,168,010
C10/C7	Traffic Signal Control Systems	\$75,000	\$398,185
C10/C7	Process Control/Electrical	\$75,000	\$398,185
C15	Flooring and Wood	\$75,000	\$398,185
C33	Building Painting	\$75,000	\$398,185
		\$545,000	\$2,893,478
G E A Builders Inc.			
B	Minor Construction	\$220,000	\$1,168,010
George Bianchi Construction			
B	Restoration	\$25,000	\$132,728
B	Minor Construction	\$220,000	\$1,168,010
C8	Concrete and Sound Wall	\$75,000	\$398,185
C8	Concrete and Pavers	\$75,000	\$398,185
C12	Trail Construction	\$75,000	\$398,185
		\$470,000	\$2,495,293
Ideal Restoration Inc			
C22	Asbestos Abatement	\$100,000	\$530,914
JJG Services Inc. dba Corinthian Electric			
C10/C7	Electrical	\$75,000	\$398,185
C10/C7	Electric, Motor, Control, and Pump	\$75,000	\$398,185
C10/C7	Fiber	\$25,000	\$132,728
		\$175,000	\$929,098
JJ&S Asbestos Removal			
C22	Asbestos Abatement	\$100,000	\$530,914
Koffler Electrical Mechanical Apparatus Repair, Inc.			
C10/C7	Generators	\$220,000	\$1,168,010
C10/C7	Electric, Motor, Control, and Pump	\$75,000	\$398,185
		\$295,000	\$1,566,195
L SHOWME HOME SOLUTIONS dba Murgreen Environmental Company			
C42	CCTV for Sewer and Storm Mains	\$220,000	\$1,168,010
C42	Line Cleaning for Sewer and Storm Mains	\$75,000	\$398,185
		\$295,000	\$1,566,195
Marundee Electric Inc.			
C10/C7	Electrical	\$75,000	\$398,185
Pacific Plumbing & Underground Construction			
C36	Plumbing	\$100,000	\$530,914
C42	CCTV for Sewer and Storm Mains	\$220,000	\$1,168,010
C42	Line Cleaning for Sewer and Storm Mains	\$75,000	\$398,185
		\$395,000	\$2,097,109

Vendor / Contractor's License(s) / Service Area(s)		Estimated Annual Spend	5-Year Not to Exceed
Preston Pipelines Infrastructure LLC (Local Vendor)			
A	Water Service and Main	\$220,000	\$1,168,010
A	Underground Infrastructure	\$220,000	\$1,168,010
A	Water and Sewer Pipeline	\$220,000	\$1,168,010
A	Hazardous Waste Removal	\$30,000	\$159,274
C10/C7	Signals & Lights	\$220,000	\$1,168,010
C42	CCTV for Sewer and Storm Mains	\$220,000	\$1,168,010
C42	Line Cleaning for Sewer and Storm Mains	\$75,000	\$398,185
		\$1,205,000	\$6,397,509
Peninsula Pump & Equipment			
C61	Pumps	\$200,000	\$1,061,827
Roofing Constructors, Inc. dba Western Roofing Service			
C39	Roofing	\$60,000	\$318,548
Ruvalcabo Paving Inc.			
C12	Paving, Asphalt, Repairs, Striping	\$75,000	\$398,185
C12	Tractor Work	\$50,000	\$265,457
C12	Trail Construction	\$75,000	\$398,185
		\$200,000	\$1,061,827
Sierra Controls, LLC			
C7	Process Control/Electrical	\$200,000	\$1,061,827
Suarez & Munoz Construction, Inc.			
C8	Concrete and Pavers	\$75,000	\$398,185
Tucker Construction Inc.			
B	Restoration	\$25,000	\$132,728
B	Minor Construction	\$220,000	\$1,168,010
B	Hazardous Waste Removal	\$30,000	\$159,274
C13	Fencing	\$75,000	\$398,185
C61	Homeless Encampment Clean-up	\$75,000	\$398,185
		\$425,000	\$2,256,382
Yerba Buena Engineering & Construction, Inc.			
A	Water Service and Main	\$220,000	\$1,168,010
A	Underground Infrastructure	\$220,000	\$1,168,010
A	Water and Sewer Pipeline	\$220,000	\$1,168,010
A	Architectural/Engineering	\$75,000	\$398,185
A	Hazardous Waste Removal	\$30,000	\$159,274
B	Minor Construction	\$220,000	\$1,168,010
B	Hazardous Waste Removal	\$30,000	\$159,274
C8	Concrete and Sound Wall	\$75,000	\$398,185
C8	Concrete and Pavers	\$75,000	\$398,185
C12	Paving, Asphalt, Repairs, Striping	\$75,000	\$398,185
C12	Tractor Work	\$50,000	\$265,457
C12	Trail Construction	\$75,000	\$398,185
C12	Hazardous Waste Removal	\$30,000	\$159,274

Vendor / Contractor's License(s) / Service Area(s)		Estimated Annual Spend	5-Year Not to Exceed
Yerba Buena Engineering & Construction, Inc. (cont.)			\$398,185
C61	Athletic Fixed Equipment	\$25,000	\$132,728
C61	Homeless Encampment Clean-up	\$75,000	\$398,185
		<u>\$1,570,000</u>	<u>\$8,335,342</u>

Notes:

- (1) Estimated annual spend by contract and service area provided above was determined by the Public Works Department.
- (2) The five-year not-to-exceed amounts noted above are calculated based on a maximum increase in labor rates of 3% per year, which shall be subject to Vendor request and justification, and City approval.
- (3) Vendor pricing shall be in accordance with Vendor standard and emergency rates by labor classification as submitted in their bid response. All bid pricing is fully loaded and inclusive of all benefits, overhead, travel time, and mileage. The City will not pay additional fees for mileage and/or trip charges.
- (4) The City will only consider requested work to be an emergency if the City requests work start within 24 hours of notification by City.
- (5) The City will pay for work at Vendor's standard hourly rate unless the City specifically requests overtime work be performed to meet a required deadline, in which case, the City will pay at a rate of 1.5x the standard hourly rate for any overtime work.
- (6) If the City specifically requests work be performed on a holiday, the City will pay at 2x the standard hourly rate for any work performed on a holiday.
- (7) Vendors shall provide all equipment that would standardly be considered tools of the trade for each service area awarded to the vendor.
- (8) For work where specialty equipment is required, the Vendor may charge the City a mark-up of no more than 10% over Vendor cost. Any requests for specialty equipment must be approved in advance by the City.
- (9) City will pay a maximum 15% markup over Vendor's cost for any required parts or materials, subject to City's advance approval.
- (10) Any orders for services against the contracts will be subject to the appropriation of funds.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the City Manager to Negotiate and Execute an Agreement with One Day Installation & Repair, Inc for Police Department Locker Room Renovation (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/2/2025
Recommendation:	Approve project plans and specifications, award bid, and authorize the City Manager, or designee, to negotiate and execute a Construction Agreement with One Day Installation & Repair, Inc. for Police Department Locker Room Renovation Project in an amount not to exceed \$700,000, which includes the base bid of \$598,609.25 and a contingency of \$101,390.75 for a maximum compensation of \$700,000, subject to the appropriation of funds, for a term of 270 days.

BACKGROUND:

In Fiscal Year 2023–2024, under Capital Improvement Program (CIP) 3406 – City Building Improvements, the City allocated funding for the comprehensive renovation of the women’s locker room facilities at the Milpitas Police Department, located at 1275 N. Milpitas Blvd (Project). The existing women’s locker room, equipped with only two stalls, does not meet the needs of the Department’s female personnel. The Project will expand shower and storage areas to better accommodate the workforce, including new locker systems designed to securely store body cameras and other equipment.

Renovations will also include modifications to the vestibule entrance to improve accessibility, reconfigured showers with sloped entrances, grab bars, and folding seats, and updated lavatories and toilet compartments to comply with the 2022 California Building Code (CBC) and meet Americans with Disabilities Act (ADA) requirements. Accessibility upgrades will extend beyond the locker room to include accessible paths of travel, re-graded and re-striped ADA parking stalls, and slope and cross-slope adjustments to sidewalks. Additional improvements will update the first-floor corridor to modify or remove fire-rated assemblies as needed for compliance.

ANALYSIS:

On June 6, 2025, the City released an Invitation to Bid (IFB 25-1213) for the Police Department Locker Room Renovation Project (Project). The IFB required specific certifications and licenses to ensure regulatory compliance and the technical capability necessary to perform the work.

The scope of work includes demolition of existing non-compliant finishes and fixtures; installation of new tile flooring, wall finishes, and durable base; and upgrades to mechanical, electrical, and plumbing systems. Plumbing improvements will include new floor drains in showers and updated water and waste lines to support ADA-compliant fixtures. Mechanical upgrades will improve ventilation in locker and shower areas. Electrical work will include updated lighting, modified power to support new fixtures, and coordination of fire alarm and sprinkler deferred submittals. As part of the renovation, a small fitness center will be repurposed and incorporated into the locker room footprint, allowing for expanded shower and storage areas that better meet the needs of Department staff.

Accessibility improvements will ensure compliance with current CBC and ADA standards, including vestibule modifications for maneuvering clearances, compliant shower entrances, new locker configurations for both

personal storage and body camera equipment, and improved accessible routes from parking to the facility. All work will be performed within defined construction limits, maintaining continuity of police operations throughout the renovation.

The IFB was publicly noticed on [OpenGov](#), the City's e-procurement portal, in accordance with City Municipal Code. Upon release, 1,114 companies received notification of the IFB, and 69 companies downloaded the IFB documents. Three (3) vendors submitted bid responses by the published closing date of August 5, 2025. One Day Installation and Repair, Inc (ODIR) submitted the lowest responsible bid in the amount of \$598,690.25. A Notice of Intent to Award was sent to ODIR on August 12, 2025. No bid protests were received in the time allowed by law. The City Council awards bids for public works contracts over \$100,000. (MMC I-2-3.20-6.)

While a formal project schedule will not be prepared until after the bid award in consultation with the contractor, staff anticipates the following estimated that construction will be completed by late February or March 2026.

POLICY ALTERNATIVE(S):

Alternative 1: Approve negotiation and execution of an agreement with ODIR, Inc. for the Police Department Women's Locker Room Renovation Project.

Pros: The Project provides adequate shower, locker, and restroom facilities to meet the needs of the department's female personnel. It expands storage capacity to accommodate body cameras and other operational equipment. The improvements also ensure accessibility and compliance with current ADA and 2022 CBC standards. In addition, the Project enhances operational efficiency by improving workflow and functionality within the facility.

Cons: Without these improvements, the current facilities will remain undersized, non-compliant with accessibility standards, and insufficient to support the department's female staff, which may continue to affect operational efficiency and public safety staff morale.

FISCAL IMPACT:

This agreement will be funded through the CIP 3406 – City Building Improvements, and there is adequate funding for this Project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project entails the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use and is exempt from CEQA pursuant to Cal. Code Regs., tit. 14, § 15301. The project entails replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced and is exempt from CEQA pursuant to Cal. Code Regs., tit. 14, § 15302.

ATTACHMENT(S):

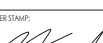
(a) Plan Set

MILPITAS PD WOMEN'S LOCKER ROOM

PERMIT SET

1275 N. MILPITAS BLVD.
MILPITAS, CA 95035

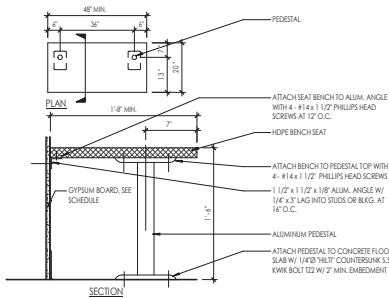


Page 3 of 9 IN BUILDING INFORMATION TECHNOLOGY ORIGINAL DOCUMENT BUILDING WORK SHEET BUILDING - 302, 4th FLOOR, DALLAS, TEXAS (Revised) (Issued) (Rev)	10/11/2017								
DESIGNER STAMP: 									
RECORD DRAWINGS <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Designer: <u>Designer</u></td> <td style="width: 40%;">Date: _____</td> </tr> <tr> <td>Public Works Inspector: _____</td> <td>Date: _____</td> </tr> <tr> <td>Utility/Facility Dept. Head: _____</td> <td>Date: _____</td> </tr> <tr> <td>Project Engineer: _____</td> <td>Date: _____</td> </tr> </table> Public Improvements Initially Accepted by the City Council on: _____ Res. No. _____		Designer: <u>Designer</u>	Date: _____	Public Works Inspector: _____	Date: _____	Utility/Facility Dept. Head: _____	Date: _____	Project Engineer: _____	Date: _____
Designer: <u>Designer</u>	Date: _____								
Public Works Inspector: _____	Date: _____								
Utility/Facility Dept. Head: _____	Date: _____								
Project Engineer: _____	Date: _____								

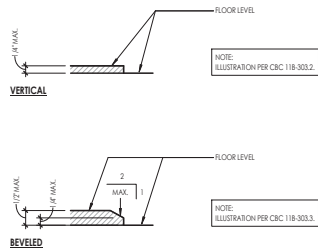
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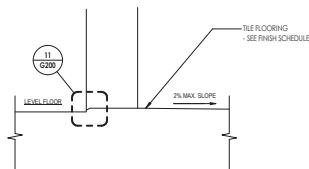
Page 615 of 711



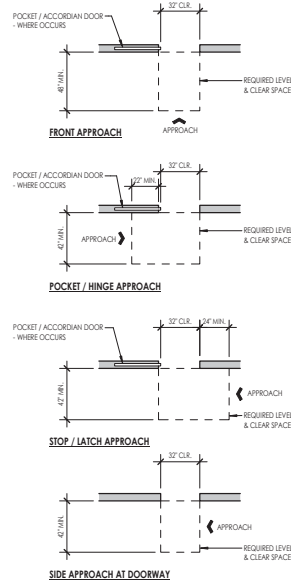
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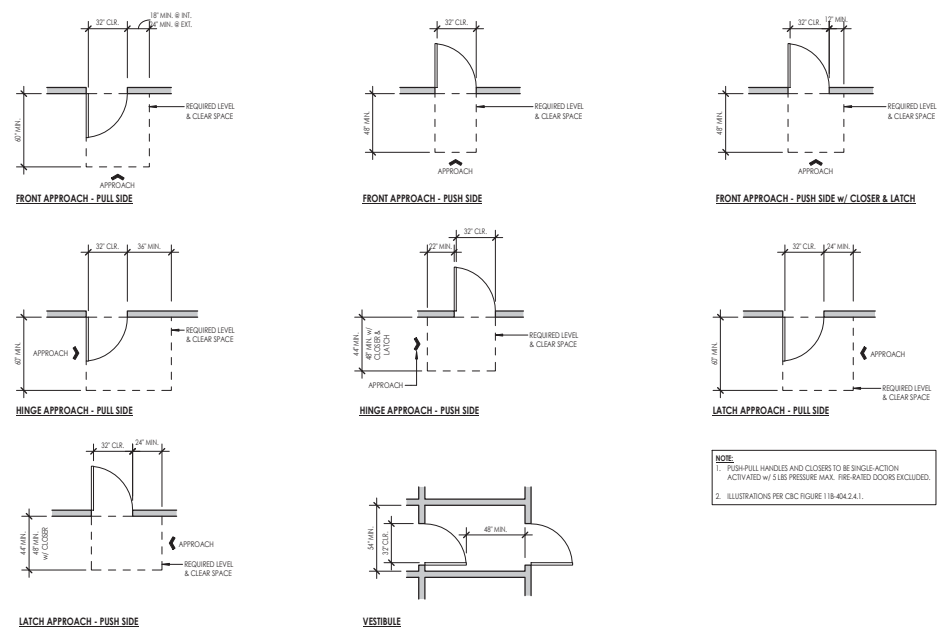
11 CHANGES IN LEVEL
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12 FLOOR TRANSITION AT WOMEN'S SHOWER
G200 1 1/2" x 1'-0"

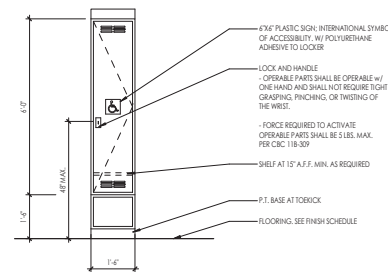


13 POCKET / HINGE APPROACH
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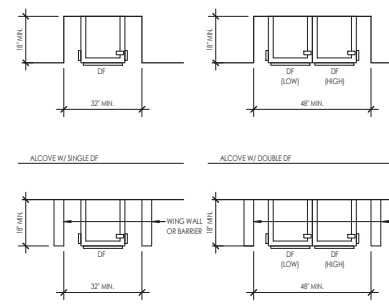


14 LATCH APPROACH - PUSH SIDE
G200 1 1/2" x 1'-0"

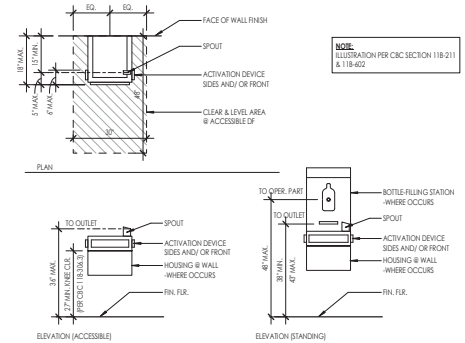
15 MANEUVERING CLEARANCE AT DOORS
G200 1 1/2" x 1'-0"



16 ACCESSIBLE LOCKER
G200 1 1/2" x 1'-0"



17 DF PEDESTRIAN PROTECTION
G200 1 1/2" x 1'-0"



18 DRINKING FOUNTAIN
G200 1 1/2" x 1'-0"



NJ ARCHITECTURE
212 W. HINE STREET, STE #1
LODI, CA 93240
209.400.6980
www.njarchitecture.com



RECORD DRAWINGS

Designer: Designer Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by: _____
The City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____
CHECKED BY: Checker DATE: _____
DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1	PLAN CHECK 2			01.16.2025



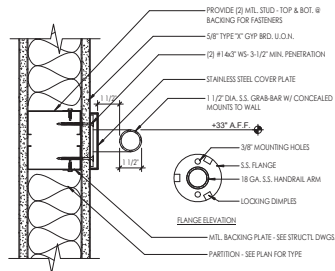
CITY OF MILPITAS
ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD., MILPITAS, CA 95035

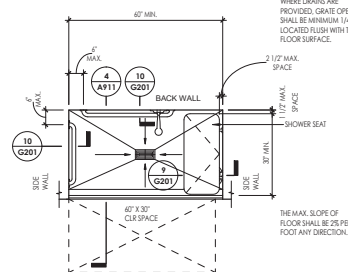
ACCESSIBILITY DETAILS

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Some Turnouts, Public Works Division Manager - Operations

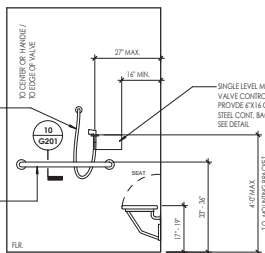
PROJECT NO. 22043
REC. DWG NO. G200
PERMIT SET 01.16.2025
SCALE: As Indicated
SHEET 4 OF 48



10
G201
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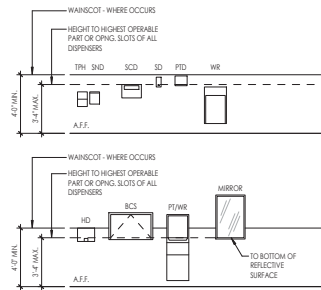
FLOOR PLAN VIEW



ELEVATION VIEW

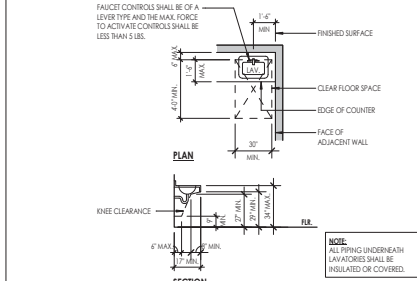
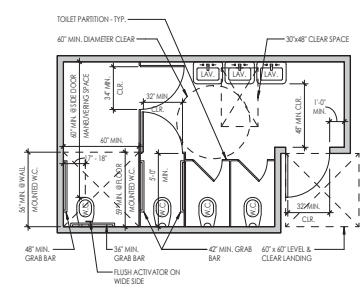
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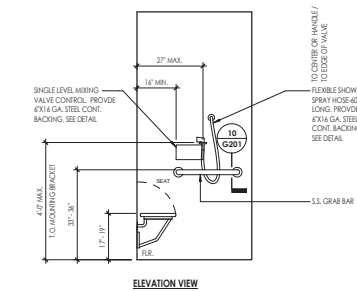
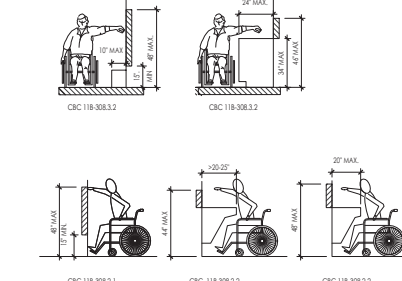
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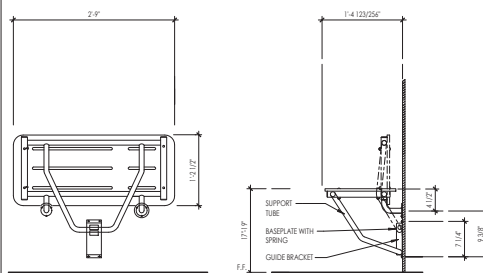


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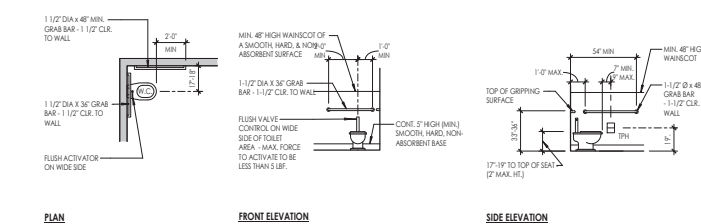


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G201
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6
G201
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RECORD DRAWINGS	
Designer: <i>Designer</i>	Date: _____
Public Works Inspector: _____	Date: _____
Utility/Facility Dept. Head: _____	Date: _____
Project Engineer: _____	Date: _____
Public Improvements Initially Accepted by _____	Date: _____
The City Council on: _____	Res. No. _____

Revisions			
Num.	Description	Engr.	Appr.
1			
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CITY OF MILPITAS ENGINEERING DIVISION		PROJECT NO. 22043
MILPITAS PD WOMEN'S LOCKER ROOM		REC. DWG. NO. G201
1275 N. MILPITAS BLVD., MILPITAS, CA 95035		PERMIT SET 01.16.2025
ACCESSIBILITY DETAILS		SCALE: As Indicated
RECOMMENDED FOR BIDDING BY: _____ DATE: _____		SHEET 5 OF 48
Some Turnouts, Public Works Division Manager - Operations		

DOORS AND HARDWARE:

- ALL ENTRANCES AND EXTERIOR GROUND/FLOOR EXIT DOORS TO BUILDINGS AND FACILITIES SHALL BE MADE ACCESSIBLE TO PERSONS w/ DISABILITIES. DOORWAYS SHALL HAVE A MINIMUM CLEAR OPENING OF 32 INCHES w/ THE DOOR OPEN 90 DEGREES, MEASURED FROM THE FACE OF THE DOOR AND THE OPPOSITE STOP (CJC SECTIONS 1008.1.1, 118-404.2 AND 118-404.3).
- HAND ACTIVATED DOOR OPENING HARDWARE SHALL BE CENTERED BETWEEN 34 INCHES AND 44 INCHES ABOVE THE FLOOR. LATCHING AND LOCKING DEVICES THAT ARE HAND ACTIVATED AND WHICH ARE IN A PATH OF TRAVEL SHALL BE OPERABLE w/ A SINGLE EFFORT BY LEVER-TYPE HARDWARE, PANEIC MAHS, PUSH-PULL, ACTUATING BARS, OR OTHER HARDWARE DESIGNED TO PROVIDE PASSAGE w/OUT REQUIRING THE ABILITY TO GRASP THE OPENING HARDWARE. LOCKED EXIT DOORS SHALL OPERATE AS ABOVE IN EGRESS DIRECTION (CJC SECTIONS 1008.1.9 AND 118-404.2.7).
- EXIT DOORS SHALL BE FURNISHED & INSTALLED w/ ALLOWING ADOLESCENT DOOR TO BE OPENED FROM THE INSIDE w/OUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. PANEIC OF EXIT DOORS SHALL BE FURNISHED & INSTALLED w/ APPROVED AUTOMATIC FUSION BOLTS ON ONE OF THE DOOR LEAVES AND NO SURFACE MOUNTED HARDWARE INSTALLED ON SAME LEAF. THE UNLATCHING OF BOTH DOOR LEAVES SHALL NOT REQUIRE MORE THAN ONE OPERATION.
- PANEIC HARDWARE:** WHEN INSTALLED, SHALL COMPLY w/ THE REQUIREMENTS OF CJC 1008.1.3.1. THE ACTIVATING MEMBER SHALL BE MOUNTED AT A HEIGHT NOT LESS THAN 34 INCHES OR MORE THAN 44 INCHES ABOVE THE FLOOR. THE UNLATCHING FORCE SHALL NOT EXCEED 5 POUNDS WHEN APPLIED IN THE DIRECTION OF TRAVEL. (CJC SECTIONS 1008.1.3, 1008.1.3.1, 101.1, 101.1 AND 118-404.2.9).
- WIDENING AND HEIGHT:** EVERY REQUIRED EXIT DOORWAY SHALL BE OF A SIZE AS TO PERMIT THE INFILTRATION OF A DOOR NOT LESS THAN 3 FEET IN WIDTH AND NOT LESS THAN 6 FEET, 8 INCHES IN HEIGHT WHEN INSTALLED IN EXIT DOORWAYS. EXIT DOORS SHALL BE CAPABLE OF OPENING AT LEAST 90 DEGREES AND SHALL BE SO MOUNTED THAT THE CLEAR WIDTH OF THE EXIT WAY IS NOT LESS THAN 32 INCHES (CJC SECTIONS 1008.1.1 AND 118-404.2.1).
- HINGED DOORS:** THE OPENING WIDTH SHALL BE MEASURED w/ THE DOOR POSITIONED AT AN ANGLE OF 90 DEGREES FROM ITS CLOSED POSITION, WHERE A PAIR OF DOORS IS UTILIZED. AT LEAST ONE OF THE DOORS SHALL MEET THIS OPENING REQUIREMENT. REVOLVING DOORS SHALL NOT BE USED AS A REQUIRED ENTRANCE FOR PERSONS w/ DISABILITIES (CJC SECTIONS 118-404.2.1, 118-404.2.2 AND 118-404.2.3).
- THE MAXIMUM WIDTH OF A SWINGING DOOR LEAF SHALL NOT EXCEED 48 INCHES (CJC SECTION 1008.1.1).
- MAXIMUM EFFORT TO OPERATE DOORS SHALL NOT EXCEED 5 LBS FOR EXTERIOR DOORS AND 5 LBS FOR INTERIOR DOORS, SUCH PULL OR PUSH EFFORT BEING APPLIED AT RIGHT ANGLES TO HINGED DOORS AND AT THE CENTER PLANE OF SLIDING OR FOLDING DOORS. COMPENSATING DEVICES OR AUTOMATIC DOOR OPERATORS MAY BE UTILIZED TO MEET THE ABOVE STANDARDS, WHEN THE DOORS ARE REQUIRED. THE MAXIMUM EFFORT TO OPERATE THE DOOR MAY BE INCREASED NOT TO EXCEED 3 LBS (CJC SECTIONS 1008.1.3, 1008.1.3.1 AND 118-404.2.9).
- DOOR AND GATE SURFACES:** SWINGING DOOR AND GATE SURFACES w/IN 10 INCHES OF THE HIGH-FLOOR OR GROUND MEASURED VERTICALLY SHALL HAVE A SMOOTH SURFACE ON THE PUSH SIDE EXTENDING THE FULL WIDTH OF THE DOOR OR GATE. ANY PARTS CARRYING HORIZONTAL OR VERTICAL JOINTS IN THESE SURFACES SHALL BE w/IN 1/16" INCH OF THE SAME PLANE AS THE OTHER AND BE FREE OF SHARP OR ABRASIVE EDGES. CAVITIES CREATED BY ADDED KICK PLATES SHALL BE CARVED (CJC SECTIONS 118-404.2.10).
- THRESHOLDS SHALL NOT EXCEED 1/2 INCHES IN HEIGHT, w/ A MAXIMUM 1/4 INCH VERTICAL CHANGE IN LEVEL BETWEEN 1/4 INCH AND 1/2 INCH SHALL BE BEVELED w/ A SLOPE NO GREATER THAN 1/2 (30% SLOPE) (CJC SECTION 118-404.2.8).
- EXIT DOORS FROM GROUP "A" OCCUPANCY SHALL NOT BE PROVIDED w/ A LATCH OR LOCK UNLESS IT IS PANEIC HARDWARE (SECTION 1008.1.3).
- RECESSED DOORWAYS SHALL BE ADEQUATELY ANCHORED TO PREVENT INTERFERENCE w/ WHEELCHAIR TRAFFIC (CJC SECTION 118-302.1 AND 118-302.2).
- ALL GATES, INCLUDING TICKET GATES, SHALL MEET ALL APPLICABLE SPECIFICATIONS FOR DOORS (CJC SECTION 118-404.1 AND 118-404.2).
- DOOR CLOSING SPEED:** DOOR AND GATE CLOSING SPEED SHALL COMPLY w/ CJC SECTION 118-404.2.8. DOOR CLOSERS AND GATE CLOSERS SHALL BE ADJUSTED SO THAT FROM AN OPEN POSITION OF 12 DEGREES, THE TIME REQUIRED TO HAVE THE DOOR AT A POSITION OF 12 DEGREES FROM THE LATCH IS 2 SECONDS MINIMUM. DOOR AND GATE SPRING HINGES SHALL BE ADJUSTED SO THAT FROM THE OPEN POSITION OF 70 DEGREES, THE DOOR OR GATE SHALL MOVE TO THE CLOSED POSITION IN 1.5 SECONDS MINIMUM. (CJC SECTIONS 118-404.2.8.1 AND 118-404.2.8.2).
- THE WATER CLOSET COMPARTMENT SHALL BE EQUIPPED w/ A DOOR THAT HAS AN AUTOMATIC CLOSING DEVICE, AND SHALL HAVE A CLEAR, UNRESTRICTED OPENING WIDTH OF 34 INCHES.
- THE INSIDE AND OUTSIDE OF THE COMPARTMENT DOOR SHALL BE EQUIPPED w/ A LOOP OR U-SHAPED HANDLE IMMEDIATELY BELOW THE LATCH. THE LATCH SHALL BE FUL-OVER STYLE, SLIDING DOOR OR OTHER HARDWARE NOT REQUIRING THE USER TO GRASP OR TWIST.
- EXCEPTIONS:** IN GROUPS A, DIVISIONS B, F, M, AND O OCCUPANCIES AND IN ALL CHAIRS, KEY LOCKING HARDWARE MAY BE USED ON THE MAIN EXIT WHEN THE MAIN EXIT CONSISTS OF A SINGLE DOOR OR PAIR OF DOORS IF THERE IS A READILY VISIBLE, DURABLE SIGN ON OR ADJACENT TO THE DOOR STATING THE DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS. THE SIGN SHALL BE IN LETTERS NOT LESS THAN 1 INCH ON A CONTRASTING BACKGROUND, WHEN UNLOCKED, THE SINGLE DOOR OR BOTH LEAVES OF A PAIR OF DOORS MUST BE FREE TO SWING w/OUT OPERATING ANY LATCHING DEVICE. THE USE OF THE EXCEPTION MAY BE REVIEWED BY THE BUILDING OFFICIAL. (FOR HCD 1.6.2) ENFORCING AGENCY FOR CURE CAUSE.

BATHING AND TOILET FACILITIES:

- PASSAGEWAYS LEADING TO SANITARY FACILITIES SHALL HAVE A CLEAR ACCESS AS SPECIFIED IN CJC SECTION 118-402. ALL DOORWAYS LEADING TO SUCH SANITARY FACILITIES SHALL HAVE:
 - AN UNRESTRICTED CLEAR OPENING WIDTH OF 32 INCHES (813 MM).
 - A LEVEL AND CLEAR AREA NOT LESS THAN REQUIRED (CJC TABLE AND FIGURE 118-404.2.1).
 - WARNING SIGNALS (NOT APPLICABLE).
- TOILET FACILITIES (CJC SECTION 118-403):
 - MULTIPLE ACCOMMODATION TOILET FACILITIES SHALL HAVE THE FOLLOWING:
 - CLEARANCE:** A WATER CLOSET FIXTURE LOCATED IN A COMPARTMENT SHALL PROVIDE A MINIMUM 17 INCHES AND 18 INCHES MAXIMUM FROM THE CENTERLINE OF THE WATER CLOSET TO THE WALL, EXCEPT THAT THE WATER CLOSET SHALL BE A MINIMUM 17 INCHES AND 19 INCHES MAXIMUM FROM THE CENTERLINE OF WATER CLOSET TO THE WALL IN AMBULATORY ACCESSIBLE TOILET COMPARTMENTS. A MINIMUM 48 INCHES LONG CLEAR SPACE SHALL BE PROVIDED IN FRONT OF THE WATER CLOSET IF THE COMPARTMENT HAS AN END-OPENING DOOR (FACING THE WATER CLOSET). A MINIMUM 40 INCHES LONG CLEAR SPACE SHALL BE PROVIDED IN A COMPARTMENT w/ THE DOOR LOCATED AT THE SIDE AND OPENING OUT. GRAB BARS SHALL NOT PROJECT MORE THAN 3 INCHES IN THE CLEAR SPACES AS SPECIFIED ABOVE.
 - COMPARTMENT DOORS: WATER CLOSET COMPARTMENT SHALL BE EQUIPPED w/ A DOOR THAT HAS AN AUTOMATIC CLOSING DEVICE, AND SHALL HAVE A CLEAR, UNRESTRICTED OPENING WIDTH OF 30 INCHES WHEN LOCATED AT THE END AND 34 INCHES WHEN LOCATED AT THE SIDE w/ THE DOOR POSITIONED AT AN ANGLE OF 90 DEGREES FROM ITS CLOSED POSITION (CJC SECTION 118-404.1.2). THE INSIDE AND OUTSIDE OF THE COMPARTMENT DOOR SHALL BE EQUIPPED w/ A LOOP OR U-SHAPED HANDLE IMMEDIATELY BELOW THE LATCH. NOTING HEIGHT OF 3 INCHES TO 44 INCHES AS TO THE LATCH OR SHAL BE FUL-OVER STYLE, SLIDING, OR OTHER HARDWARE NOT REQUIRING THE USER TO GRASP OR TWIST. EXCEPT FOR DOOR-OPENING WIDTH AND DOOR SWING. A CLEAR, UNRESTRICTED ACCESS OF NOT LESS THAN 44 INCHES SHALL BE PROVIDED TO WATER CLOSET COMPARTMENTS DESIGNED FOR USE BY PERSONS w/ DISABILITIES AND THE SPACE IMMEDIATELY IN FRONT OF A WATER CLOSET COMPARTMENT SHALL NOT BE LESS THAN 48 INCHES (1219 MM) AS MEASURED AT RIGHT ANGLES TO COMPARTMENT DOOR IN ITS CLOSED POSITION.
 - GRAB BARS (CJC SECTIONS 118-407A, 118-404.3.1 AND 118-404.3.2)
 - LOCATION:** GRAB BARS LOCATED ON EACH SIDE, ON ONE SIDE AND THE BACK OF THE ACCESSIBLE TOILET SEAT OR COMPARTMENT, SHALL BE SECURELY ATTACHED 33 INCHES MINIMUM AND 36 INCHES MAXIMUM ABOVE AND PARALLEL TO THE FLOOR.
 - LENGTH:** SIDE GRAB BARS SHALL BE 48 INCHES MINIMUM LOCATED 12 INCHES MAXIMUM FROM REAR WALL, EXTENDING 54 INCHES MINIMUM FROM THE REAR WALL w/ THE FRONT END POSITIONED 24 INCHES IN FRONT OF THE WATER CLOSET STOOL. REAR GRAB BARS SHALL BE 36 INCHES LONG MINIMUM AND EXTEND FROM THE CENTERLINE OF WATER CLOSET 17 INCHES MINIMUM ON ONE SIDE AND 24 INCHES MINIMUM ON THE OTHER SIDE.
 - DIAMETER OR WIDTH:** THE DIAMETER OR WIDTH OF THE GRIPPING SURFACES OF A GRAB BAR SHALL BE 1-1/4 INCHES TO 2 INCHES (32 MM TO 51 MM) OR THE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE. IF GRAB BARS ARE MOUNTED ADJACENT TO A WALL, THE SPACE BETWEEN THAT WALL AND GRAB BARS SHALL BE 1-1/2 INCHES (38 MM). (CJC FIGURE 118-402.2.8, SECTION 118-409.2).
 - STRUCTURAL STRENGTH:** THE STRUCTURAL STRENGTH OF GRAB BARS, TUB AND SHOWER SEATS, FASTENERS, AND MOUNTING DEVICES SHALL MEET THE REQUIREMENTS OF CJC SECTION 118-409.4. GRAB BARS SHALL NOT ROTATE w/ THEIR FITTINGS. (CJC SECTION 118-409.4).
 - SURFACE:** A GRAB BAR AND ANY WALL OR OTHER SURFACE ADJACENT TO IT SHALL BE FREE OF ANY SHARP OR ABRASIVE ELEMENTS. EDGES SHALL HAVE A MINIMUM RADIUS OF (8 INCH (3.2 MM)). (CJC SECTION 118-409.5).
- TOILET ROOM FIXTURES AND ACCESSORIES
 - LAVATORY FIXTURES:** A CLEAR FLOOR SPACE 30 INCHES BY 48 INCHES SHALL BE PROVIDED IN FRONT OF A LAVATORY TO ALLOW A FORWARD APPROACH. SUCH CLEAR FLOOR SPACE SHALL ADDITION OR OVERLAP AN ACCESSIBLE ROUTE AND SHALL EXTEND A MAXIMUM OF 19 INCHES INTO THE ROOM AND THE SPACE UNDERNEATH THE LAVATORY. (CJC SECTIONS 118-302.3 AND 118-304.2.2, EXCEPTION).
 - MIRRORS SHALL BE MOUNTED w/ THE BOTTOM EDGE OF THE REFLECTIVE SURFACE NO HIGHER THAN 4 INCHES FROM THE FLOOR. MIRRORS NOT LOCATED ABOVE LAVATOIRES OR COUNTERS SHALL BE MOUNTED w/ THE BOTTOM EDGE OF THE REFLECTIVE SURFACE NO HIGHER THAN 3 INCHES FROM THE FLOOR (CJC SECTION 118-403.3).
 - WHERE TOWEL, SANITARY PAPERS, WASTE RECEPTACLE, AND OTHER SIMILAR DISPENSING AND DISPOSAL FIXTURES ARE PROVIDED, AT LEAST ONE OF EACH TYPE SHALL BE LOCATED w/ ALL OPERABLE PARTS, INCLUDING CONTROLS, w/IN 40 INCHES FROM THE FINISHED FLOOR (CJC SECTION 118-403.5).
 - TOILET TISSUE DISPENSERS SHALL BE LOCATED ON THE WALL w/IN 7 INCHES OF THE FRONT EDGE OF THE TOILET SEAT, MOUNTED BELOW THE GRAB BAR, AT A MINIMUM HEIGHT OF 19 INCHES, DISPENSERS THAT CONTROL DELIVERY OR THAT DO NOT PERMIT CONTINUOUS PAPER FLOW SHALL NOT BE USED. LIMIT THE PROJECTION OF A SURFACE OR SIGN RECESSED MOUNTED DISPENSER FROM INDICATING MORE THAN 3 INCHES FROM THE FACE OF THE WALL OR PARTITION, AND NO CLEVER THAN 1-1/2 INCHES TO THE TANGENT POINT OF THE GRAB BAR (CJC SECTION 118-404.7).
 - WHERE URINALS ARE PROVIDED, AT LEAST ONE SHALL HAVE A CLEAR FLOOR SPACE 30 INCHES BY 48 INCHES IN FRONT OF THE URINAL TO ALLOW FORWARD APPROACH (CJC SECTION 118-403.5).

ACCESSIBILITY SIGNAGE:

- INTERNATIONAL SYMBOL OF ACCESSIBILITY: THE FOLLOWING ELEMENTS AND SPACES OF ACCESSIBLE FACILITIES SHALL BE IDENTIFIED BY THE INTERNATIONAL SYMBOL OF ACCESSIBILITY:
 - ACCESSIBLE PARKING SPACES.
 - ACCESSIBLE AREA OF REFUGE.
 - ACCESSIBLE PASSENGER LOADING ZONES.
 - TOILET FACILITIES TOILET AND BATHING FACILITIES.
 - ALL MAIN ENTRY DOORS.
- DOOR SIGNS:** ACCESSIBLE BUILDING ENTRANCES, INCLUDING PUBLIC TOILETS AND BATHING FACILITIES, AND ELEVATORS NOT ON ACCESSIBLE ROUTES SHALL BE PROVIDED A DIRECTIONAL SIGNAGE INDICATING THE ROUTE TO THE NEAREST SHARER ACCESSIBLE ELEMENT. (CJC SECTIONS 118-214.3 AND 118-214.3.2).
- DOORS:** THE INTERNATIONAL SYMBOL OF ACCESSIBILITY SHALL BE THE STANDARD USED TO IDENTIFY FACILITIES THAT ARE ACCESSIBLE TO AND USABLE BY PHYSICALLY DISABLED PERSONS AS SET FORTH IN THESE BUILDING STANDARDS AND AS SPECIFICALLY REQUIRED IN THESE NOTES. (CJC SECTION 118-703.2.2.1).
- COLOR OF SYMBOL:** THE SYMBOL SPECIFIED ABOVE SHALL CONSIST OF A WHITE FIGURE ON A BLUE BACKGROUND. THE BLUE SHALL BE EQUAL TO COLOR NO. 120391 FEDERAL STANDARD 595B. (SECTION 118-703.2.2.1). AN EXCEPTION: THE APPROPRIATE BACKGROUN AGENT MAY APPROVE SPECIAL SIGNS AND IDENTIFICATION NECESSARY TO COMPENSATE FOR UNIQUE DESIGN WHEN IT IS DETERMINED THAT SUCH SIGNS AND IDENTIFICATION PROVIDE ADEQUATE GUIDANCE TO PERSONS w/ DISABILITIES. (CJC SECTION 118-703.2.2.1, EXCEPTION).
- CONTRAST AND BRILLIANCE:** CHARACTER AND SYMBOLS SHALL CONTRAST w/ THEIR BACKGROUND OR DARK CHARACTERS ON A LIGHT BACKGROUND. THE PATTERN OF CHARACTERS AND BACKGROUND OF SIGNS SHALL BE EGGSHELL, WHITE, OR OTHER NON-GLARE FINISH. (CJC SECTION 118-703.2.1 AND 118-703.2.1).
- PROPORTIONS:** CHARACTER SIGNS SHALL BE SELECTED FROM FONTS WHERE THE WIDTH OF THE UPPERCASE LETTER "O" IS 40 PERCENT MINIMUM AND 110 PERCENT MAXIMUM OF THE HEIGHT OF THE UPPERCASE LETTER "T". (CJC SECTION 118-703.3.4).
- CHARACTER HEIGHT:** MINIMUM CHARACTER HEIGHT SHALL COMPLY w/ TABLE 118-703.3.5. VIEWING DISTANCE SHALL BE MEASURED AS THE HORIZONTAL DISTANCE BETWEEN THE CHARACTER AND AN OBSTRUCTION PREVENTING FURTHER APPROACH TOWARDS THE SIGN. CHARACTER HEIGHT SHALL BE BASED ON UPPERCASE LETTER "T". (CJC SECTION 118-703.3.5).
- WHERE PERMANENT IDENTIFICATION IS PROVIDED FOR ROOMS AND SPACES, RAISED LETTERS SHALL ALSO BE PROVIDED AND SHALL BE ACCOMPANIED BY BRAILLE. (CJC SECTION 118-703.2).
- RAISED CHARACTERS AND PICTORIAL SYMBOL SIGNS:** WHEN RAISED CHARACTERS OR SYMBOLS ARE USED, THEY SHALL CONFORM TO THE FOLLOWING REQUIREMENTS. (CJC 118-703.2.4 AND 118-703.4)
 - CHARACTER TYPE:** LETTERS AND NUMBERS ON SIGNS SHALL BE RAISED 1/32 INCH MINIMUM AND SHALL BE SANS-SERIF UPPERCASE CHARACTERS ACCOMPANIED BY GRADE 2 BRAILLE. (CJC SECTION 118-703.2.1, 118-703.2.3 AND 118-703.3).
 - CHARACTER SIZE:** RAISED CHARACTERS OR SYMBOLS SHALL BE A MINIMUM OF 5/8 INCH HIGH TO A MAXIMUM HEIGHT OF 2 INCHES. (CJC SECTION 118-703.3.2).
 - PICTORIAL SYMBOL SIGNS (PICTOGRAMS AND PICTOCHARACTERS):** PICTORIAL SYMBOL SIGNS (PICTOGRAMS) SHALL BE ACCOMPANIED BY THE EQUIVALENT BRAILLE DESCRIPTION PLACED DIRECTLY BELOW THE PICTOGRAM. THE SMALLEST DIMENSION OF THE PICTOGRAM SHALL BE A MINIMUM OF 6 INCHES IN HEIGHT. (CJC SECTION 118-703.4.1).
 - CHARACTER PLACEMENT:** CHARACTERS AND BRAILLE SHALL BE IN A HORIZONTAL FORMAT. BRAILLE SHALL BE PLACED A MINIMUM OF 3/8 INCH AND A MAXIMUM OF 1/2 INCH DIRECTLY BELOW THE TACTILE CHARACTER (PUSH LEFT OR CENTERED). WHEN TACTILE TEXT IS MOUNTED, ALL BRAILLE SHALL BE PLACED TOGETHER BEHIND ALL LINES OF TACTILE TEXT. (CJC SECTION 118-703.3.2).
- BRAILLE:** CONTRACTED (GRADE 2) BRAILLE SHALL BE USED WHEREVER BRAILLE IS REQUIRED IN OTHER PORTIONS OF THESE STANDARDS. DOTS SHALL BE 1/10 INCH IN CENTER IN EACH CELL w/ 2/10 INCH SPACE BETWEEN CELLS DOTS SHALL BE RAISED A MINIMUM OF 1/40 INCH ABOVE THE BACKGROUND. BRAIL DOTS SHALL BE DOCHED OR ROUND. (CJC SECTION 118-703.1.1).
- LOCATING LOCATION AND HEIGHT:** WHERE PERMANENT IDENTIFICATION SIGNS ARE PROVIDED FOR ROOMS AND SPACES, SIGNS SHALL BE INSTALLED ON THE WALL ADJACENT TO THE ARCH SWING OF THE DOOR ON THE APPROACH SIDE OF THE DOOR AS ONE ENTERS. THE ROOM OR OFFICE, WHERE THERE IS NO WALL SPACE ON THE LATCH SIDE, INCLUDING AT DOUBLE END DOORS, SIGNS SHALL BE PLACED ON THE NEAREST ADJACENT WALL, PREFERABLY ON THE RIGHT. SIGNS CONTAINING TACTILE CHARACTERS SHALL BE LOCATED SO THAT A CLEAR FLOOR SPACE OF 18 INCHES MINIMUM BY 18 INCHES MINIMUM, CENTERED ON THE TACTILE CHARACTER, IS PROVIDED BEYOND THE ARC OF ANY DOOR. SWING BETWEEN THE CLOSURE PLACEMENT AND 45 DEGREES OPENING. TACTILE CHARACTERS ON SIGNS SHALL BE LOCATED 48 INCHES MINIMUM ABOVE THE FINISH FLOOR OR GROUND SURFACE, MEASURED FROM THE BASELINE OF THE LOWEST BRAILLE CELL AND 48 INCHES MAXIMUM ABOVE FINISH FLOOR OR GROUND SURFACE, MEASURED FROM THE BASELINE OF THE HIGHEST LINE OF RAISED CHARACTERS. (CJC SECTIONS 118-703.4.1 AND 118-703.4.2).
- DIRECTIONAL SIGNS:** ALL BUILDING ENTRANCES THAT ARE ACCESSIBLE TO AND USABLE BY PERSONS w/ DISABILITIES SHALL BE IDENTIFIED w/ AT LEAST ONE INTERNATIONAL SYMBOL OF ACCESSIBILITY SIGN AND w/ ADDITIONAL DIRECTIONAL SIGNS IDENTIFYING THE SYMBOL, AS REQUIRED AT JUNCTIONS WHERE THE ACCESSIBLE ROUTE OF TRAVEL DIVERGES FROM THE REGULAR CIRCULATION PATH TO BE VISIBLE TO PERSONS TRAVELING ALONG APPROACHING CIRCULATION PATHS. (CJC SECTION 118-214.4).
- INTERIOR SIGNS SHALL BE MADE OF 1/4" VINYL PLATE w/ 1/4" ROUNDED CORNERS, U.O.N.

WALKS AND SIDEWALKS:

- WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL SHALL MEET THE FOLLOWING:
 - ARE CONTINUOUSLY ACCESSIBLE.
 - HAVE MAXIMUM 1/2" CHANGES IN ELEVATION.
 - HAVE MAXIMUM 48" IN WIDTH.
 - HAVE A MAXIMUM 2% CROSS SLOPE.
 - WHERE NECESSARY TO CHANGE ELEVATION AT A SLOPE EXCEEDING 3% (E.G., 1:20) SHALL HAVE RAMPS COMPLYING w/ SECTION 118-405 OR 118-404.4 AS APPROPRIATE.
 - WHERE A WALK CROSSES OR GOES ALONG A VEHICULAR WAY, AND THE WALKING SURFACES ARE NOT SEPARATED BY CURBS, BARRIERS OR OTHER ELEMENTS BETWEEN THE PEDESTRIAN AREAS AND VEHICULAR AREAS SHALL BE DEFINED BY A CONTINUOUS DETECTABLE WARNING WHICH IS 36" WIDE, COMPLYING w/ SECTION 118-704.2.1.5, (SECTION 118-704.2.1.5, 118-403.3, 118-303, 118-403.5, 118-403.5.1) EXCEPTION #3, 118-703.2.1.5.1).
- CONTINUOUS SURFACE:** WALKS AND SIDEWALKS SUBJECT TO THESE REGULATIONS SHALL HAVE A CONTINUOUS COMMON SURFACE, NOT INTERRUPTED BY STEPS OR ABRUPT CHANGES IN LEVEL EXCEEDING 1/2 INCH AND SHALL BE A MINIMUM OF 48 INCHES IN WIDTH. LEVEL CHANGES GREATER THAN 1/4 INCH AND UP TO 1/2 INCH SHALL BE BEVELED w/ A SLOPE NO GREATER THAN 1:2. (CJC SECTION 118-302.2 AND 118-303.3. SURFACES SHALL BE SURF RESISTANT AS FOLLOWS: (CJC SECTION 118-302.1).
 - SLOPES LESS THAN 4 PERCENT: SURF RESISTANT AS DESCRIBED FOR A MEDIUM SALTED FINISH.
 - SLOPES 6 PERCENT OR GREATER: SHALL BE SURF RESISTANT.
 - SURFACE CROSS SLOPES SHALL NOT EXCEED 1:48.
- GRATINGS:** WALKS, SIDEWALKS, AND PEDESTRIAN WAYS SHALL BE FREE OF GRATING WHENEVER POSSIBLE FOR GRATINGS LOCATED IN THE SURFACE OF ANY OF THESE AREAS, GRID OPENINGS IN GRATINGS SHALL BE LIMITED TO 1/2" (13 MM) IN THE DIRECTION OF TRAFFIC FLOW (CJC SECTION 118-302.3).
- CHANGES IN LEVEL:** ABRUPT CHANGES IN LEVEL ALONG ANY ACCESSIBLE ROUTE SHALL NOT EXCEED 1/2 INCH WHEN CHANGES IN LEVEL DO OCCUR. THEY SHALL BE BEVELED w/ A SLOPE NO GREATER THAN 1 UNIT VERTICAL IN 4 UNITS HORIZONTAL. EXCEPT THAT LEVEL CHANGES NOT EXCEEDED 1/2 INCH MAY BE VERTICAL. WHEN CHANGES IN LEVELS GREATER THAN 1/2 INCH ARE NECESSARY THEY SHALL COMPLY w/ THE REQUIREMENTS FOR CURB RAMPS (CJC SECTION 118-304.4).
- WARNING CURBS:** ABRUPT CHANGES IN LEVEL, EXCEPT BETWEEN A WALK OR SIDEWALK AND AN ADJACENT STREET OR DRIVEWAY, EXCEEDING 4 INCHES IN A VERTICAL DIMENSION, SUCH AS AT PLANTERS OR FOUNDATIONS LOCATED IN OR ADJACENT TO WALKS, SIDEWALKS OR OTHER PEDESTRIAN WAYS, SHALL BE IDENTIFIED BY CURBS PROJECTING AT LEAST 6 INCHES IN HEIGHT ABOVE THE WALK OR SIDEWALK SURFACE TO WARN THE BLIND OF A POTENTIAL DROP OFF. WHEN A GUARDRAIL OR HANDRAIL IS PROVIDED, NO CURB IS REQUIRED WHEN A GUIDE RAIL IS PROVIDED. CENTERED 2 INCHES MINIMUM AND 4 INCHES MAXIMUM ABOVE THE SURFACE OF THE WALK OR SIDEWALK. (CJC SECTION 118-303.5).
- PROVIDE A LEVEL AREA NOT LESS THAN REQUIRED. (CJC TABLE AND FIGURE 118-404.2.4.1).
- WALKS w/ CONTINUOUS GRADIENTS SHALL HAVE LEVEL AREAS AT LEAST 5 FEET IN LENGTH AT INTERVALS OF 400 FEET MAXIMUM. (SECTION 118-403.7).
- A 36 INCH WIDE DETECTABLE WARNING MATERIAL SHALL BE PROVIDED AT BOUNDARIES BETWEEN WALKWAYS AND VEHICULAR WAYS. (CJC SECTION 118-705.1.1).

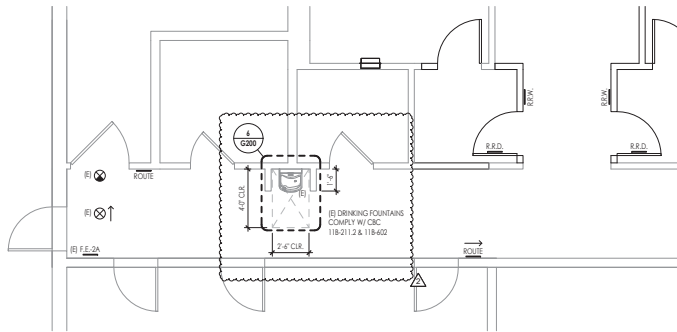
LOCKERS:

- AT LEAST ONE LOCKER AND NOT LESS THAN 5% OF ALL LOCKERS SHALL BE MADE ACCESSIBLE TO PERSONS w/ DISABILITIES. (CJC SECTION 118-225.2.1).
- A CLEAR FLOOR SPACE OF AT LEAST 30 INCHES BY 48 INCHES THAT ALLOWS EITHER A FORWARD OR PARALLEL APPROACH BY A PERSON USING A WHEELCHAIR SHALL BE PROVIDED. (CJC SECTION 118-303).
- HEIGHT:** FOR FORWARD APPROACH, THE MAXIMUM HIGH FORWARD REACH SHALL BE 48 INCHES AND THE MINIMUM LOW FORWARD REACH IS 15 INCHES FOR PARALLEL APPROACH, THE MAXIMUM HIGH SIDE REACH SHALL BE 48 INCHES AND THE LOW SIDE REACH SHALL BE MINIMUM 15 INCHES ABOVE THE FLOOR. (CJC SECTION 118-308).
- HARDWARE:** LATCH & LOCKING HARDWARE SHALL BE OPERABLE w/ ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING, PULLING OR TWISTING OF THE WRIST. THE FORCE REQUIRED TO ACTIVATE CONTROLS SHALL BE NO GREATER THAN 5 POUNDS OF FORCE. (CJC SECTION 118-30.4).

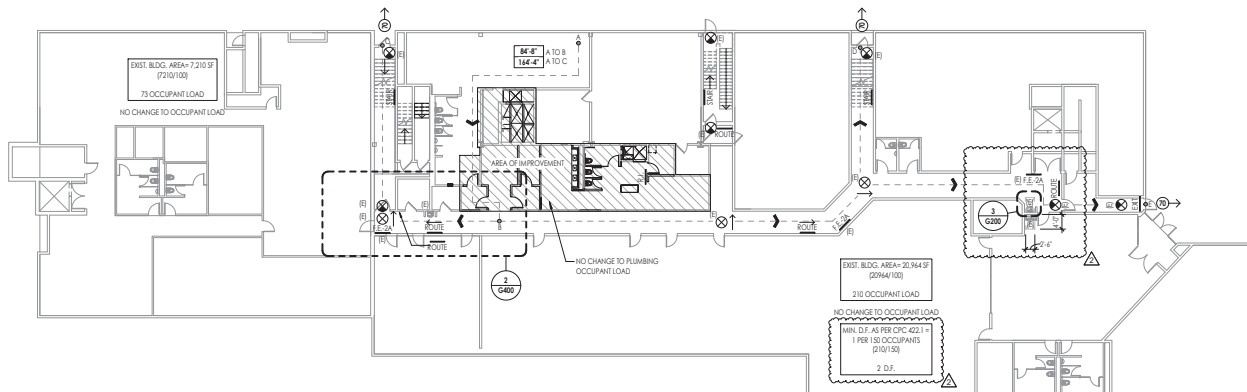
SANITARY FACILITIES IDENTIFICATION:

- DOORWAYS LEADING TO MEN'S SANITARY FACILITIES SHALL BE IDENTIFIED BY AN EQUILATERAL TRIANGLE 1/4 INCH THICK w/ EDGES 12 INCHES LONG AND A VERTEX POINTING UPWARD. WOMEN'S SANITARY FACILITIES SHALL BE IDENTIFIED BY A CIRCLE 1/4 INCH THICK AND 12 INCHES IN DIAMETER. UNDER SANITARY FACILITIES SHALL BE IDENTIFIED BY A CIRCLE 1/4 INCH THICK, 12 INCHES IN DIAMETER w/ A 1 INCH THICK TRIANGLE SUPERIMPOSED ON THE CIRCLE AND w/IN THE 12 INCH DIAMETER. THESE GEOMETRIC SYMBOLS SHALL BE CENTERED ON THE DOOR AT A HEIGHT OF 68 INCHES AND THEIR COLOR AND CONTRAST SHALL BE DISTINCTLY DIFFERENT FROM THE COLOR AND CONTRAST OF THE DOOR.
- SEE ACCESSIBILITY SIGNAGE CRITERIA FOR ADDITIONAL REQUIREMENTS.

 NJA ARCHITECTURE 215 W. HUNTS CREEK, STE #1 LODI, CA 93240 209.402.6900 www.njaarchitecture.com	DESIGNER STAMP 	RECORD DRAWINGS Designer: <u>Designer</u> Date: _____ Public Works Inspector: _____ Date: _____ Utility/Facility Dept. Head: _____ Date: _____ Project Engineer: _____ Date: _____ Public Improvements Initially Accepted by _____ by the City Council on: _____ Res. No. _____		Revisions <table border="1"> <thead> <tr> <th>Num.</th> <th>Description</th> <th>Engr.</th> <th>Appr.</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>7</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>8</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>10</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>11</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>12</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>13</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Num.	Description	Engr.	Appr.	Date	1					2					3					4					5					6					7					8					9					10					11					12					13					CITY OF MILPITAS ENGINEERING DIVISION MILPITAS PD WOMEN'S LOCKER ROOM 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 ACCESSIBILITY GENERAL NOTES RECOMMENDED FOR RECORD BY: _____ DATE: _____ Some Tutorials, Public Works Division Manager - Operations	PROJECT NO. 22043 REC. DWG. NO. G202 PERMIT SET 01.16.2025 SCALE: SHEET <u>6</u> OF <u>48</u>
	Num.	Description	Engr.	Appr.	Date																																																																								
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ENLARGED LIFE SAFETY
1/8" = 1'-0"



LIFE SAFETY
1/8" = 1'-0"

LEGEND:

ROOM NAME	ROOM NAME & REFERENCE NO.
	ACCUMULATED OCCUPANT LOAD
	ROOM OCCUPANT LOAD
	CUMULATIVE OCCUPANT LOAD & EXIT INDICATING DIRECTION OF TRAVEL
	EGRESS PATH OF TRAVEL
	TRAVEL DISTANCE TAG
	COMMON PATH OF EGRESS TRAVEL DISTANCE
	EXIT ACCESS TRAVEL DISTANCE
	EMERGENCY EXIT SIGN w/ 10 MIN. BATTERY BACKUP - BLACK FINISH - S.E.D.
	EMERGENCY EXIT SIGN w/ 10 MIN. BATTERY BACKUP - INDICATING DIRECTION OF TRAVEL - BLACK FINISH - S.E.D.
	PANIC HARDWARE @ DOOR WHERE REQUIRED
	CLASS 2A/B/C FIRE EXTINGUISHER (MIN. RATED) TOP OF FIRE EXTINGUISHER IS TO BE MOUNTED 47'-48" A.F.F. w/ MAX. TRAVEL DISTANCE 75'-0"
	CLASS K FIRE EXTINGUISHER (MIN. RATED) TOP OF FIRE EXTINGUISHER IS TO BE MOUNTED 47'-48" A.F.F. w/ MAX. TRAVEL DISTANCE 30'-0" TO EQUIP.
	"ROOM IDENTIFICATION" SIGN - SEE 1/1 G400
	"EXIT" SIGN - SEE 4/1 G400
	"EXIT ROUTE" SIGN - SEE 4/1 G400
	"EXIT STAIR DOWN" SIGN - SEE 4/1 G400
	"DIRECTIONAL EXIT ROUTE" SIGN - SEE 4/1 G400
	"RESTROOM" WALL SIGN - SEE 8/1 G400
	"RESTROOM" DOOR SIGN - SEE 5/1 G400
	APPROVED RECYCLED "YARN" SIGN PER LOCAL FIRE DEPT. INSTRUCTIONS - FINAL LOCATION TO BE APPROVED BY LOCAL FIRE MARSHAL - MOUNT CENTER OF SIGN AT 6'-0" A.F.F.

CODE COMPLIANCE:

REFERENCE	DESCRIPTION	INTERPRETATION
MINIMUM TRAVEL DISTANCE	MINIMUM TRAVEL DISTANCE	100 FT. MAX. (w/ SPRINKLERS)
CBC TABLE 1006.1.1	COMMON PATH OF TRAVEL	100 FT. MAX. (w/ SPRINKLERS)
CBC TABLE 1017.2	TRAVEL DISTANCE	300 FT. MAX. (w/ SPRINKLERS)
MINIMUM REQUIRED EGRESS	MINIMUM REQUIRED EGRESS	2 MIN. (OCC. LOAD < 500)
CBC TABLE 1006.3.3	NO. OF EXITS REQUIRED	1/3 THE DIAGONAL DIA. MIN. (w/ SPRINKLERS)
CBC 1007.1.1	EXIT ARRANGEMENT SEPARATION	

GENERAL NOTES:

1. U.L.O.N., A SINGLE LEAF SWINGING EXIT DOOR IS 36" WIDE & SHALL ACCOMMODATE 170 OCCUPANTS MAX.
2. U.L.O.N., A DOUBLE LEAF SWINGING EXIT DOOR IS 72" WIDE & SHALL ACCOMMODATE 340 OCCUPANTS MAX.
3. FURNITURE SHALL MAINTAIN 44" MIN. UNOBSTRUCTED PASSWAY IN ALL OCCUPIED SPACES.



NJA ARCHITECTURE
212 W. PINE STREET, STE #1
LODI, CA 93240
209.420.6980
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RECORD DRAWINGS

Designer: Designer Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
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the City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____
CHECKED BY: Checker DATE: _____
DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1	PLAN CHECK 2			01.16.25



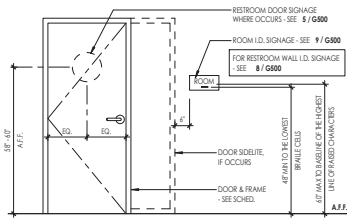
CITY OF MILPITAS
ENGINEERING DIVISION
MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD., MILPITAS, CA 95035

LIFE SAFETY

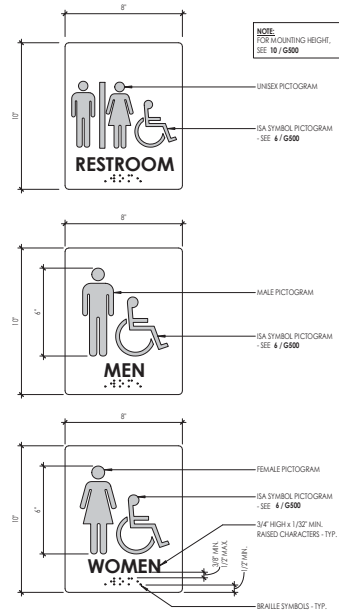
RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Some Turnouts, Public Works Division Manager - Operations

PROJECT NO.
22043
REC. DWG. NO.
G400
PERMIT SET
01.16.2025
SCALE:
As Indicated
SHEET 8 OF 48

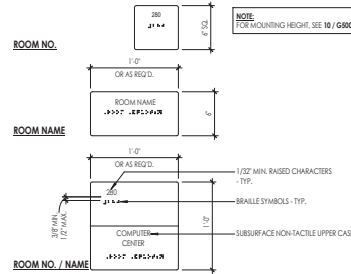
NOTE:
1. A PERSON MAY APPROACH WITHIN 3 INCHES OF SIGNAGE WITHOUT ENCOUNTERING PROTRUDING OBJECTS OR STANDING WITHIN THE SWING OF A DOOR.
2. SIGN SHALL BE LOCATED ON THE WALL ADJACENT TO THE LATCH SIDE OF THE DOOR. WHERE THERE IS NO WALL SPACE ON LATCH SIDE, INSTALL ON THE NEAREST ADJACENT WALL, PREFERABLY ON THE RIGHT.



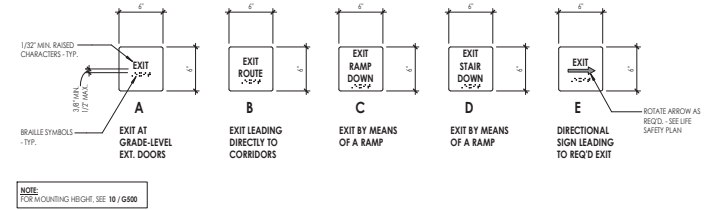
SIGN MOUNTING HEIGHT



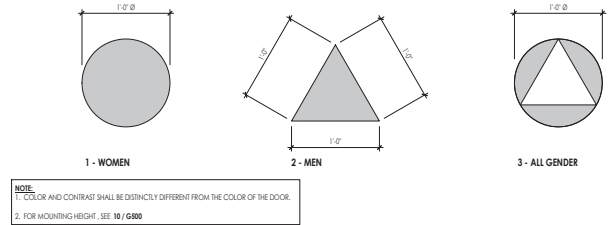
RESTROOM I.D. SIGN - WALL MOUNTED



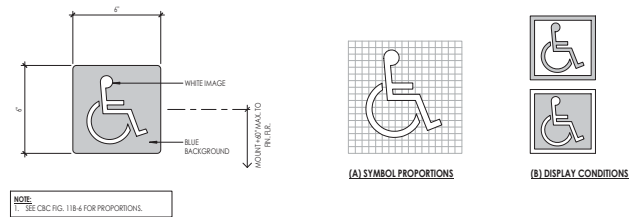
ROOM I.D. SIGN - WALL MOUNT



EXIT SIGNAGE



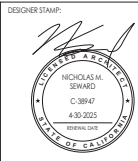
RESTROOM I.D. SIGN - DOOR MOUNTED



INTERNATIONAL SYMBOL OF ACCESSIBILITY SIGN



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CITY OF MILPITAS
ENGINEERING DIVISION
MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD. MILPITAS, CA 95035

SIGNAGE DETAILS

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Tumuluri, Public Works Division Manager - Operations

PROJECT NO.
22043
REC. DWG. NO.
G500
PERMIT SET
01.16.2025
SCALE:
As Indicated
SHEET 9 OF 48

Fresh Concrete and Mortar Application

- Who should use this information?
- Masons and Bricklayers
 - Construction Crews
 - Patio Construction Workers
 - Construction Inspectors
 - General Contractors
 - Home Builders
 - Developers
 - Concrete Delivery/Pumping Workers

Storm Drain Pollution from Fresh Concrete and Mortar Applications

Fresh concrete and cement-related materials that wash into lakes, streams, or estuaries are toxic to fish and the aquatic environment. Disposing of these materials to storm drains or creeks can block storm drains, causes serious problems, and is prohibited by law.

Heavy Equipment Operation

- Who should use this information?
- Vehicle and Equipment Operators
 - Site Supervisors
 - General Contractors
 - Home Builders
 - Developers

Stormwater Pollution from Heavy Equipment on Construction Sites

Poorly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids on the construction site are common sources of storm drain pollution. Fuel spills and leaks by isolating equipment from runoff channels, and by preventing leaks and other maintenance problems. Remove construction equipment from the site as soon as possible.

Earth-Moving and Dewatering Activities

- Who should use this information?
- Bulldozers, Back Hoes, and Grading Machine Operators
 - Dump Truck Drivers
 - Site Supervisors
 - General Contractors
 - Home Builders
 - Developers

Storm Drain Pollution from Earth-Moving Activities

Soil excavation and grading operations loosen large amounts of soil that can flow or blow into storm drains when handled improperly. Sediments in runoff can clog storm drains, smother aquatic life, and destroy habitats in creeks and the Bay. Effective erosion control practices reduce the amount of runoff causing a site and slow the flow with check dams or roughened ground surfaces.

Contaminated groundwater is a common problem in the Santa Clara Valley. Depending on soil types and site history, groundwater pumped from construction sites may be contaminated with toxic (such as oil or solvent) or non-toxic (such as salts) pollutants. These pollutants can harm wildlife in creeks or the Bay, or interfere with wastewater treatment plant operation. Use check dams or ditches to divert runoff from excavations, refer to the Regional Water Quality Control Board's Erosion and Sediment Control

Roadwork and Paving

- Who should use this information?
- Road Crews
 - Driveway/Sidewalk/Parking Lot Construction Crews
 - Soil Coat Contractors
 - Operators of Grading Equipment, Paving Machines, Dump Trucks, Concrete Mixers
 - Construction Inspectors
 - General Contractors
 - Developers
 - Home Builders

Storm Drain Pollution from Roadwork

Road paving, surfacing, and pavement removal happen right in the street, where there are numerous opportunities for asphalt, seal, oil, or excavated material to illegally enter storm drains. Extra planning is required to store and dispose of materials properly and guard against pollution of storm drains, creeks, and the Bay.

Painting and Application of Solvents and Adhesives

- Who should use this information?
- Painters
 - Paperhangers
 - Plasterers
 - Graphic Artists
 - Dry Wall Crews
 - Floor Covering Installers
 - General Contractors
 - Home Builders
 - Developers
 - Homeowners

Storm Drain Pollution from Paints, Solvents, and Adhesives

All paints, solvents, and adhesives contain chemicals that are harmful to wildlife in local creeks, San Francisco Bay, and the Pacific Ocean. Toxic chemicals may come from liquid or solid products or from cleaning residues on rags. Paint materials and adhesives, and cleaning fluids should be recycled when possible, or disposed of properly to prevent these materials from flowing into storm drains and waterways.

Doing the Job Right

General Business Practices

- Wash out concrete mixers only in designated wash-out area in your yard, away from storm drains and waterways, where the water will flow into a temporary waste pit in a dirt area. Let water percolate through the ground or into the storm drain, hardened concrete as garbage. Whenever possible, recycle washout by pumping back into mixers for reuse.
- Wash out chutes onto dirt areas at site that do not flow to streets or drains.
- Always store both dry and wet materials under cover, protected from rainfall and runoff and away from storm drains or waterways. Protect dry materials from wind.
- Secure bags of cement after they are open. Be sure to keep well-known cement powder away from streets, gutters, storm drains, rainfall, and runoff.
- Do not use diesel fuel as a lubricant on concrete forms, tools, or trailers.

Doing the Job Right

Site Planning and Preventive Vehicle Maintenance

- Designate one area of the construction site, well away from streams or storm drain inlets, for auto and equipment parking, refueling, and routine vehicle and equipment maintenance. Contain the area with berms, sand bags, or other barriers.
- Maintain all vehicles and heavy equipment. Inspect frequently for and repair leaks.
- Perform major maintenance, repair jobs, and vehicle and equipment washing off site where cleanup is easier.
- If you must drain and replace motor oil, radiator coolant, or other fluids on site, use drip pans or catch pots. Do not catch drips and spills. Collect all spent fluids, store in separate containers. Recycle them whenever possible, otherwise, dispose of them as hazardous wastes.
- Do not use diesel oil to lubricate equipment parts, or clean equipment. Use only water for any on-site cleaning.
- Cover exposed fifth wheel hitch and other oily or greasy equipment during rain events.
- Use as little water as possible for dust control. Ensure water used doesn't leave silt or discharge to storm drains.

Doing the Job Right

General Business Practices

- Schedule excavation and grading work during dry weather.
- Perform major equipment repairs away from the job site.
- When refueling or vehicle/equipment maintenance must be done on site, designate a location away from storm drains.
- Do not use diesel oil to lubricate equipment parts, or clean equipment.
- Practices During Construction
- Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
- Protect downstream drainage courses, culverts, and storm drains with waterway treatment plant operation. Use check dams or ditches to divert runoff from excavations, refer to the Regional Water Quality Control Board's Erosion and Sediment Control

Doing the Job Right

General Business Practices

- Develop and implement erosion/sediment control plans for roadway embankments.
- Schedule excavation and grading work during dry weather.
- Check for and repair leaking equipment.
- Perform major equipment repairs at designated areas in your maintenance yard, where cleanup is easier. Avoid performing equipment repairs at construction sites.
- When refueling or when vehicle/equipment maintenance must be done on site, designate a location away from storm drains and creeks.
- Do not use diesel oil to lubricate equipment parts or clean equipment.
- Recycle used oil, concrete, broken asphalt, etc. whenever possible, or dispose of properly.

Doing the Job Right

Handling Paint Products

- Keep all liquid paint products and wastes away from the gutter, street, and storm drains. Liquid residues from paints, thinners, solvents, glues, and cleaning fluids are hazardous wastes and must be disposed of as a hazardous.
- Wash water from painted buildings constructed before 1978 can contain high amounts of lead even if paint chips are not present. Before you begin stripping paint or cleaning, test for lead in the building's exterior with water under high pressure, test paint by lead by taking paint scrapings to a local laboratory. See Yellow Pages for a state-certified laboratory.
- If there is loose paint on the building, or if the paint tests positive for lead, block storm drains. Check with the wastewater treatment plant to determine whether you may discharge water to the sanitary sewer, or if you must send it off-site for disposal as hazardous waste.

During Construction

- Don't mix up more fresh concrete or cement than you will use in a two-hour period.
- Set up and operate small mixers on tarps or heavy plastic drop cloths.
- When cleaning up after driveway or sidewalk construction, wash fines onto dirt areas, not down the driveway or into the storm drain.
- Protect applications of fresh concrete and mortar from rainfall and runoff until the material has dried.
- Wash down exposed aggregate concrete only when the wash water can (1) flow onto a dirt area, (2) drain onto a bermed surface from which it can be pumped and disposed of properly, or (3) be vacuumed from a catchment created by blocking a storm drain inlet. If necessary, divert runoff with temporary berms. Make sure runoff does not reach gutters or storm drains.
- When breaking up pavement, be sure to pick up all the pieces and dispose of properly. Recycle large chunks of broken concrete at a local recycling facility.
- Never bury waste material. Dispose of small amounts of excess dry concrete, grout, and mortar in the trash.
- Never dispose of washout into the street, storm drains, drainage ditches, or streams.

Spill Cleanup

- Clean up spills immediately when they happen.
- Never hose down "dirty" pavement or impervious surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags) whenever possible and properly dispose of absorbent materials.
- Sweep up spilled dry materials immediately. Never attempt to "wash them down" with heavy water, or bury them.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- Report significant spills to the appropriate local spill response agencies immediately. In Milpitas, dial 911 - if hazardous materials might enter the storm drain.
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Deterring Contaminated Soil or Groundwater

Contaminated groundwater is a common problem in the Santa Clara Valley. It is essential that all contractors and subcontractors involved know what to look for in detecting contaminated soil or groundwater, and testing ponded groundwater before pumping. Watch for any of these conditions:

- Unusual soil conditions, discoloration or odor.
- Abandoned underground tanks.
- Abandoned wells.
- Buried barrels, drums, or trash.

If any of these are found follow the procedures below.

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If any of these are found follow the procedures below.

General Construction and Site Supervision

Who should use this information?

- General Contractors
- Site Supervisors
- Inspectors
- Home Builders
- Developers
- Homeowners

Storm Drain Pollution from Construction Activities

Construction sites are common sources of storm water pollution. Materials and wastes that blow or wash into a storm drain, gutter, or street have a direct impact on local creeks and the Bay.

As a contractor, or site supervisor, owner or operator of a site, you may be responsible for any environmental damage caused by your subcontractors or employees.

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As a contractor, or site supervisor, owner or operator of a site, you may be responsible for any environmental damage caused by your subcontractors or employees.

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BLUEPRINT FOR A CLEAN BAY

Best Management Practices for the Construction Industry

Remember: The property owner and the contractor share ultimate responsibility for the activities that occur at a construction site. You may be held responsible for any environmental damage caused by your subcontractors or employees.

Preventing Pollution: It's Up to Us

In the Santa Clara Valley, storm drains transport water directly to local creeks and San Francisco Bay without treatment. Stormwater pollution is a serious problem for wildlife dependent on our creeks and bays and for the people who live near polluted streams or bayslands. Common sources of this pollution include spilled oil, fuel, and fluids from vehicles and heavy equipment; construction debris; sediment created by erosion; landscaping runoff containing pesticides or weed killers; and materials such as motor oil, antifreeze, and paint products that people pour or spill into a street or storm drain.

Thirteen valley municipalities have joined together with Santa Clara County and the Santa Clara Valley Water District to educate local residents and businesses and fight stormwater pollution. This "Blueprint" summarizes "Best Management Practices" (BMPs) for stormwater pollution prevention.

Santa Clara Valley Urban Runoff Pollution Prevention Program

Doing the Job Right General Principles

- Keep an orderly site and ensure good housekeeping practices are used.
- Maintain equipment properly.
- Cover materials when they are not in use.
- Keep materials away from streets, storm drains and drainage channels.
- Ensure dust control water doesn't leave site or discharge to storm drains.

Advance Planning To Prevent Pollution

- Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or place other erosion controls before rain begins. Use the Erosion and Sediment Control Field Manual, available from the Regional Water Quality Control Board San Francisco Bay Region, as a reference.
- Control the amount of runoff crossing your site (especially during excavation) by using berms or temporary or permanent drainage ditches to divert water flow around the site. Reduce stormwater runoff velocities by constructing temporary check dams.
- Train your employees and subcontractors. Make these brochures available to everyone who works on the construction site. Inform subcontractors about stormwater requirements and their own responsibilities.

Doing the Job Right General Business Practices

- Protect stockpiles (e.g. asphalt, sand, or soil) and landscaping materials from wind and rain by storing them under tarps or secured plastic sheeting.
- Store pesticides, fertilizers, and other chemicals indoors or in a shed or storage container.
- Schedule grading and excavation projects during dry weather.
- Use temporary check dams or ditches to divert runoff away from storm drains.
- Protect storm drains with sandbags or other sediment controls.
- Vegetation is an excellent form of erosion control for any site. Replant as soon as possible with temporary vegetation such as grass seed.

Storm Drain Pollution from Landscaping and Swimming Pool Maintenance

Many landscaping activities expose soil and increase the likelihood that earth and garden chemicals will run off into the storm drains during irrigation or when it rains. Swimming pool water containing chlorine and copper based algaecides should never be discharged to storm drains. These chemicals are toxic to aquatic life.

Landscaping/Garden Maintenance

- Consider using Integrated Pest Management Techniques. Use pesticides sparingly according to instructions on the label. Rinse empty containers, and use insecticide as product. Dispose of rinsed, empty containers in the trash.
- Dispose of unused pesticides as hazardous waste.
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- Dispose of unused pesticides as hazardous waste.

Spill Response Agencies:

- Dial 911
- Santa Clara County Environmental Health Services (408) 299-6930
- Government's Office of Emergency Services (Milpitas) (408) 852-7550 (24 hours).

Small Business Hazardous Waste Disposal Program

Santa Clara County businesses that generate less than 27 gallons or 220 pounds of hazardous waste per year are eligible to use Santa Clara County's Small Business Hazardous Waste Disposal Program. Call (408) 299-7300 for a quote, more information or guidance on disposal.

Local Pollution Control Agencies

Santa Clara County Office of Toxics and Solid Waste Management (408) 441-1195

San Jose/Santa Clara Water Pollution Control Plant (408) 945-5300

Serving Milpitas, Cupertino, Los Gatos, Milpitas, Menlo Park, San Jose, Santa Clara and Saratoga

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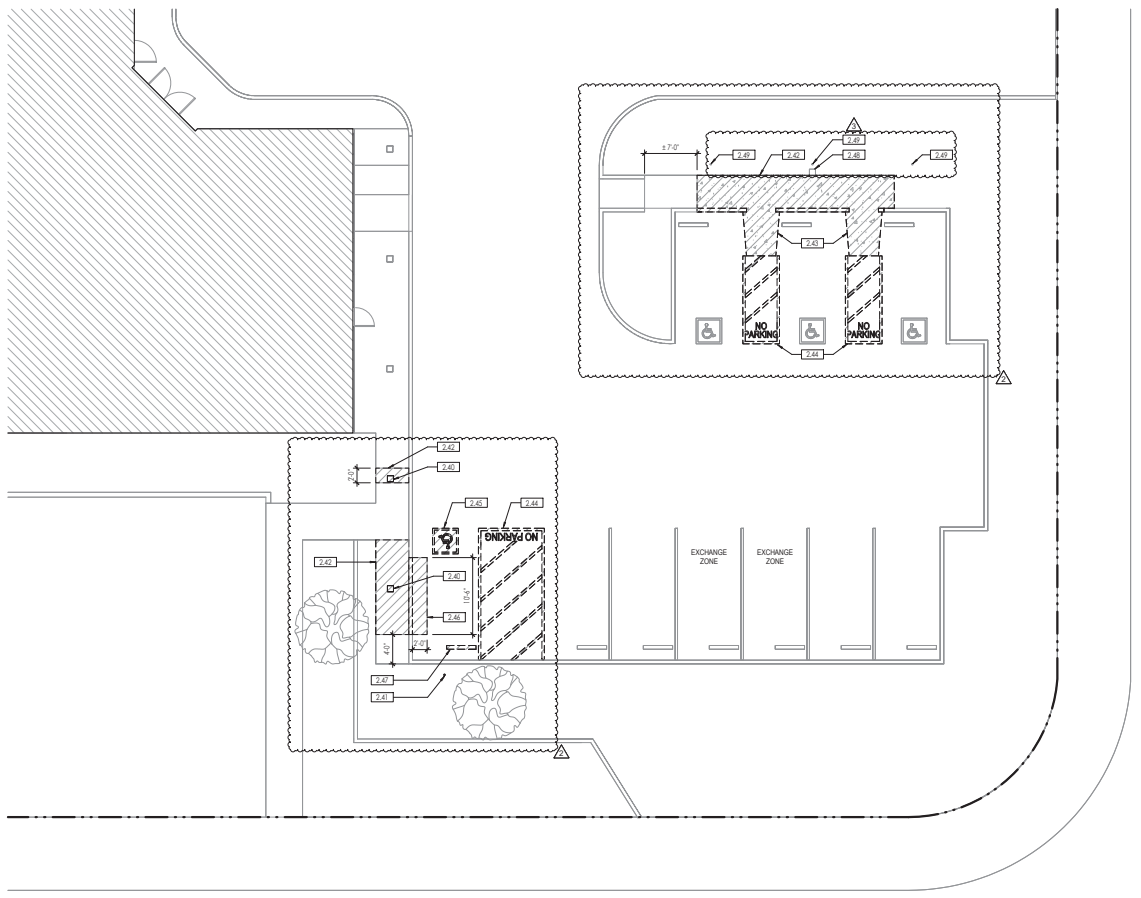
San Jose/Santa Clara Water Pollution Control Plant (408) 945-5300

- LEGEND:**
- (E) CONC. CURB TO REMAIN
 - (E) PAVING / FLATWORK TO REMAIN
 - (E) CONC. CURB TO BE REMOVED
 - (E) CONC. PAVING TO BE REMOVED

- GENERAL NOTES:**
- WHENEVER EXISTING FACILITIES OR MATERIALS ARE REMOVED, DAMAGED, BROKEN, OR CUT IN THE INSTALLATION OF WORK COVERED BY THE DRAWINGS AND SPECIFICATIONS, SAID FACILITIES AND MATERIALS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE. SAID FACILITIES OR MATERIALS SHALL BE EQUAL TO OR BETTER THAN THE ORIGINAL FACILITIES OR MATERIALS. THE FINISH PRODUCT SHALL BE SUBJECT TO THE APPROVAL OF THE (JURISDICTION) AND ITS AGENTS.
 - CONTRACTOR SHALL NOT CUT OR ALTER STRUCTURAL MEMBERS UNLESS INDICATED TO DO SO IN THE CONTRACT DOCUMENTS OR WRITTEN APPROVAL RECEIVED FROM THE ARCHITECT.
 - ALL MATERIAL INDICATED TO BE REMOVED SHALL BECOME THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE DISPOSED OF PER CAD RECYCLING PLAN, U.O.N.
 - CONTRACTOR TO CUT, CAP, AND REMOVE EXISTING UTILITIES AS SHOWN. IF UTILITIES OTHER THAN THOSE SHOWN ARE ENCOUNTERED, IMMEDIATELY NOTIFY THE ARCHITECT. CEASE OPERATION IN THE IMMEDIATE AREA AND DO NOT DISTURB UNTIL THE ARCHITECT DIRECTS THE DISPOSITION OF SUCH UTILITY.
 - DEMOLITION SHOWN IS DIAGRAMMATIC AND GENERAL. PERFORM ALL DEMOLITION SHOWN AND REQUIRED FOR THE CONSTRUCTION OF THE PROJECT INCLUDING ALL ITEMS IN THE WAY OF NEW WORK WHETHER OR NOT SPECIFICALLY SHOWN.
 - REFER TO MECHANICAL DRAWINGS FOR DEMOLITION RELATIVE TO HVAC SCOPE OF WORK.
 - REFER TO ELECTRICAL DRAWINGS FOR DEMOLITION RELATIVE TO ELECTRICAL SCOPE OF WORK.

- KEYNOTES:**
- 2.40 (E) LIGHT BOLLARD TO BE RELOCATED - SEE PROPOSED SITE PLAN FOR NEW LOCATION
 - 2.41 REMOVE ACCESSIBLE PARKING SIGN - SAVE FOR REUSE
 - 2.42 SAWCUT & REMOVE PORTION OF CONC. PAVING TO NEAREST CONTROL JOINT - G.C. TO VERIFY EXTENT
 - 2.43 REMOVE CONC. RAMP
 - 2.44 REMOVE ACCESSIBLE AISLE
 - 2.45 REMOVE ISA PARKING SYMBOL
 - 2.46 SAWCUT & REMOVE PORTION OF A.C. PAVING - G.C. TO VERIFY EXTENT
 - 2.47 REMOVE CONC. WHEEL STOP - SAVE FOR REUSE
 - 2.48 (E) LIGHT BOLLARD TO BE REMOVED FOR PATH OF TRAVEL CONSTRUCTION - SAVE FOR REINSTALLATION AT THE SAME LOCATION
 - 2.49 (E) ACCESSIBLE PARKING SIGN TO BE REMOVED FOR PATH OF TRAVEL CONSTRUCTION - SAVE FOR REINSTALLATION CENTERED ON THE ACCESSIBLE STALL

VICINITY MAP:



DEMOLITION SITE PLAN
A010 1/8" = 1'-0"



NJA ARCHITECTURE
212 W. HINE STREET, STE #1
LODI, CA 93240
209.420.6980
www.njaarchitecture.com



RECORD DRAWINGS

Designer: Date:

Public Works Inspector: Date:

Utility/Facility Dept. Head: Date:

Project Engineer: Date:

Public Improvements Initially Accepted by
the City Council on: Res. No.

DRAWN BY: Author DATE:

CHECKED BY: Checker DATE:

DESIGNED BY: DATE:

Revisions				
Num.	Description	Eng.	Appr.	Date
1	PLAN CHECK 2			01.16.25
2	PLAN CHECK 3			01.30.25



CITY OF MILPITAS
ENGINEERING DIVISION

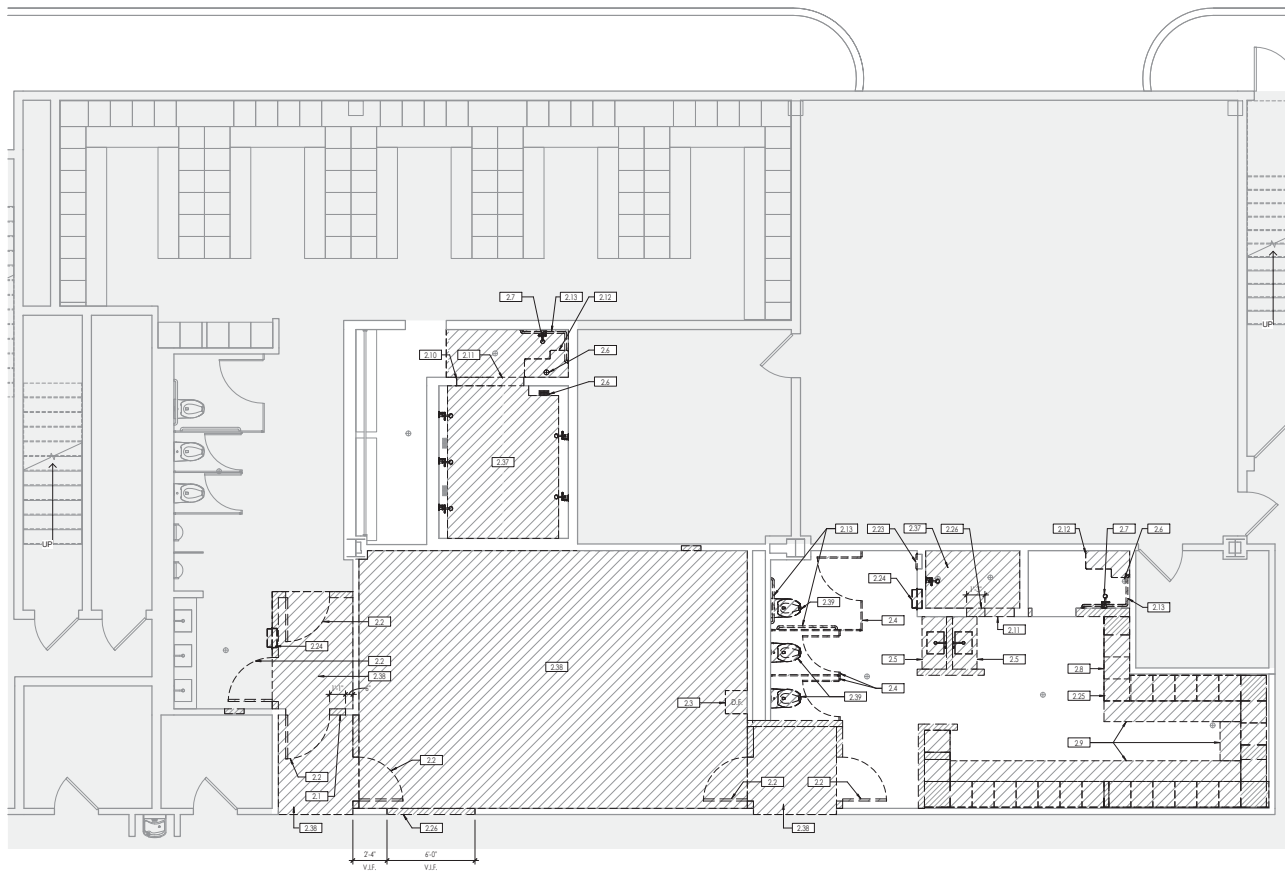
MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD, MILPITAS, CA 95035

DEMOLITION SITE PLAN

RECOMMENDED FOR BIDDING BY: DATE:
Soma Tumala, Public Works Division Manager - Operations

PROJECT NO.: 22043
REC. DWG NO.: A010
PERMIT SET 01.16.2025
SCALE: 1/8" = 1'-0"
SHEET 11 OF 48

2/6/2025 9:43:04 AM
Project No.: 22043



HAZARDOUS MATERIALS, AS IDENTIFIED IN THE INSPECTION REPORT, ARE TO BE REMOVED AND LEGALLY DISPOSED UNDER SEPARATE CONTRACT.

IF ANY ADDITIONAL HAZARDOUS MATERIALS ARE ENCOUNTERED DURING DEMOLITION THE OWNER SHALL BE NOTIFIED IMMEDIATELY FOR DISPOSITION.

CONTRACTORS SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO STARTING WORK AND SHALL NOTIFY NJA OF ANY MATERIAL DISCREPANCIES.

CONTRACTORS SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO BEGINNING INSTALLATION AND SHALL NOTIFY NJA OF ANY MATERIAL DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.

ANY PORTIONS OF THE SITE OR BUILDING INDICATED TO REMAIN, DAMAGED AS A RESULT OF THE CONSTRUCTION PROCESS, SHALL BE REPAIRED OR REPLACED TO ITS ORIGINAL CONDITION.

ALL FLOOR AND WALL PENETRATIONS SHALL BE SEALED AGAINST THE PASSAGE OF SMOKE AND FIRE.

WHERE PATCHING IS NECESSARY, THIS SHALL BE DONE IN A WORKMANLIKE MANNER. IF IT IS IMPOSSIBLE TO PATCH THE AREA IN A WORKMANLIKE FASHION, THE ENTIRE AREA SHALL BE REPLACED OR REPAIRED TO THE NEAREST CORNER. CONTRACTOR MAY USE SALVAGED MATERIAL IN GOOD CONDITION FOR PATCHING AND REPAIR WORK.

IN RENOVATION WORK, IF IT IS OBVIOUSLY THE INTENTION TO ALIGN OR MATCH WITH EXISTING CONDITIONS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR MATCHING THESE ITEMS REGARDLESS OF DIMENSIONS SHOWN ON DRAWINGS.

ANY ITEM INDICATED TO BE REMOVED MAY AT THE OPTION OF THE OWNER BE RETAINED BY THE OWNER. CONTRACTOR SHALL DELIVER ALL SUCH MATERIAL TO A DESIGNATED LOCATION ON THE SITE.

ANY WALL OR PARTITION CALLED OR SHOWN TO BE REMOVED THAT CONTAINS ACTIVE SWITCHES, GAUGES, PIPING, ELECTRICAL AND/OR MECHANICAL DEVICES WHICH ARE REQUIRED FOR THE OPERATION OF EXISTING SYSTEMS SHALL BE RELOCATED TO THE NEAREST LOGICAL LOCATION.

DOOR FRAMES REMOVED IN LOAD BEARING WALLS SHALL HAVE ADJACENT DAMAGED BLOCK REPLACED.

PATCH EXISTING WALL, FLOOR, CEILING, TRIM AND FINISH CONSTRUCTION TO REMAIN TO MATCH ADJACENT CONSTRUCTION WHERE EXISTING CONSTRUCTION HAS BEEN REMOVED. THE CONTRACTOR RESPONSIBLE FOR THE DISTURBANCE SHALL DO THE PATCHING.

SCAPE, PATCH, SAND AND PREP ALL EXISTING WALLS, TO BE PAINTED PRIOR TO PAINTING. REMOVE ALL MISCELLANEOUS ITEMS FROM WALL PRIOR TO PAINTING, REINSTALL OR RETURN TO OWNER AS DIRECTED.

ALL LANDSCAPED AND SEEDS AREAS DISTURBED DURING CONSTRUCTION ARE TO BE RESTORED TO ORIGINAL CONDITION. REMOVE ALL EXISTING FINISHES AND OTHER CONSTRUCTION ITEMS AS NECESSARY TO INSTALL NEW FINISHES AND CONSTRUCTION AS SCHEDULED AND INDICATED.

THE LOCATION AND EXTENT OF ANY EXISTING CONSTRUCTION PREVIOUSLY DEMOLISHED AND SHOWN IN THE DRAWINGS WAS TAKEN FROM INFORMATION AVAILABLE TO THE ARCHITECT AND IS FOR REFERENCE PURPOSES ONLY. NEITHER THE OWNER NOR THE ARCHITECT MAKE ANY REPRESENTATIONS ABOUT THE ACCURACY OF INFORMATION CONTAINED IN THE EXISTING DRAWINGS OR THE CONDITION OR EXTENT OF ANY CONSTRUCTION REMAINING BELOW THE NEW WORK.

THE INTENT OF THE CONTRACT DOCUMENTS IS TO PROVIDE FOR COMPLETE, OPERABLE AND INTEGRATED SYSTEMS. CONTRACTORS SHALL PROVIDE FOR THE COST OF ALL LABOR AND MATERIAL TYPICALLY AND NORMALLY SUPPLIED FOR SYSTEMS OF SIMILAR TYPE, FEATURES AND SCOPE, AND REQUIRED TO ACHIEVE THIS INTENT.

ONLY NON-BEARING, NON-STRUCTURAL BUILDING COMPONENTS ARE TO BE DEMOLISHED.

COORDINATE WITH ALL DRAWINGS FOR PERTINENT INFORMATION RELATED TO STRUCTURAL WORK. ANY CHANGES TO THE BUILDING STRUCTURAL SYSTEM SHALL BE REDESIGNED BY A PROFESSIONAL ENGINEER REGISTERED IN CALIFORNIA. ALL CHANGES MUST HAVE PRIOR AUTHORIZATION OF NJA AND SHALL BE MADE AT NO ADDITIONAL COST TO THE OWNER OR NJA.

THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS PRIOR TO PROCEEDING WITH ANY WORK. WHERE DISCREPANCIES OCCUR BETWEEN THESE DOCUMENTS AND EXISTING CONDITIONS, THE DISCREPANCY SHALL BE REPORTED TO THE OWNER AND/OR ENGINEER FOR EXPEDITING AND RESOLUTION.

ALL ITEMS REMOVED SHALL BECOME PROPERTY OF THE OWNER AND SHALL BE DISPOSED OF BY PER THE OWNER'S INSTRUCTIONS, UNLESS INDICATED OTHERWISE. ALL ITEMS WHICH ARE NOT TO BE STORED ON SITE BY OWNER SHALL BE REMOVED FROM THE BUILDING IMMEDIATELY.

EXISTING MATERIALS THAT ARE REMOVED SHALL NOT BE REUSED IN NEW SYSTEMS, EXCEPT WHERE INDICATED AS BEING RELOCATED.

CONTRACTOR SHALL PROTECT ALL EQUIPMENT AND DEVICES NOT BEING REMOVED.

ALL EXISTING PLUMBING PIPING IS TO BE REMOVED.

ALL DEMO WORK SHALL BE IN ACCORDANCE WITH THE PROJECT SCHEDULE. COORDINATE REMOVALS WITH ALL TRADES TO AVOID CONFLICTS. CONTRACTOR SHALL PATCH ALL FINISHES TO MATCH EXISTING.

APURTENANCES SHALL INCLUDE BUT NOT BE LIMITED TO EQUIPMENT, DEVICES, CONDUITS, SUPPORTS, HANGERS, AND PADS. COORDINATE WITH ALL TRADES REMOVALS TO AVOID CONFLICTS.

CONDUIT LEFT ABANDONED SHALL BE REMOVED BACK TO SOURCE UNLESS OTHERWISE NOTED.

THE DEMOLITION/RELOCATION WORK SHALL INCLUDE, BUT NOT BE LIMITED TO THAT WHICH IS INDICATED ON THE DRAWING. THE CONTRACTOR SHALL VISIT THE SITE AND INCLUDE IN HIS SCOPE ALL DEMOLITION OF EXISTING ABANDONED SYSTEMS AND/OR RELOCATION OF ACTIVE SYSTEMS REQUIRED TO INSTALL ALL THE NEW WORK.

PRIOR TO START OF DEMOLITION, CONTRACTOR SHALL VERIFY THE DISPOSITION OF ALL EQUIPMENT WITH THE OWNER.

THE CONTRACTOR SHALL PERFORM ALL FIRESTOPPING FOR ALL PENETRATION AS REQUIRED. ALL SHUTDOWNS OF EXISTING SYSTEMS SHALL BE SCHEDULED AND APPROVED BY THE OWNER PRIOR TO COMMENCING WITH WORK.

CONTRACTOR TO COORDINATE TEMPORARY UTILITIES WITH CITY OF LOO.

LEGEND:

- (B) WALL TO REMAIN, U.O.N.
(D) WALL TO BE DEMOLISHED, U.O.N.

GENERAL NOTES:

- WHENEVER EXISTING FACILITIES OR MATERIALS ARE REMOVED, DAMAGED, BROKEN, OR CUT IN THE INSTALLATION OF WORK COVERED BY THE DRAWINGS AND SPECIFICATIONS, SAID FACILITIES AND MATERIALS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE. SAID FACILITIES OR MATERIALS SHALL BE EQUAL TO, OR BETTER THAN THE ORIGINAL FACILITIES OR MATERIALS. THE FINISH PRODUCT SHALL BE SUBJECT TO THE APPROVAL OF THE JURISDICTION AND ITS AGENTS.
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- REFER TO MECHANICAL DRAWINGS FOR DEMOLITION RELATIVE TO HVAC SCOPE OF WORK.
- REFER TO ELECTRICAL DRAWINGS FOR DEMOLITION RELATIVE TO ELECTRICAL SCOPE OF WORK.
- PATCH AND REPAIR ALL EXISTING WALLS AND FINISHES TO REMAIN.

KEYNOTES:

- PORTION OF WALL TO BE REMOVED FOR (N) DOORS - G.C. TO VERIFY EXTENT
- DOOR & FRAME TO BE REMOVED
- D.F. TO BE REMOVED
- TOILET PARTITIONS TO BE REMOVED IN THIS ROOM
- COUNTER, LAVATORY & FAUCET TO BE REMOVED - CAP WATERLINE 1" BELOW T.O. SLAB, CAP WATERLINES ABOVE G.C.
- FLOOR DRAIN GRATE TO BE REMOVED - CAP SEWER LINE 1" BELOW T.O. SLAB
- SHOWERHEAD & VALVE TO BE REMOVED - CAP WATERLINES ABOVE G.C.
- LOCKERS TO BE REMOVED IN THIS ROOM
- BENCH TO BE REMOVED
- TILE & OPENING TO BE REMOVED TO NEAREST FULL TILE
- WALL/TILE CURB TO BE REMOVED
- BENCH TO BE REMOVED
- GRAB BAR TO BE REMOVED
- SANITARY NAPKIN VENDOR TO BE REMOVED
- PAPER TOWEL DISPENSER TO BE REMOVED
- CONCRETE CURB BELOW LOCKERS TO BE REMOVED IN THIS ROOM
- PORTION OF WALL TO BE REMOVED - G.C. TO VERIFY EXTENT
- FLOOR TILE TO BE REMOVED
- FLOORING TO BE REMOVED
- WALL HUNG TOILET TO BE REMOVED - PREP LINES FOR (N) TOILET

DEMOLITION FLOOR PLAN



1/4" = 1'-0"



NJA ARCHITECTURE
212 W. HUNTSBURY, STE #1
LODI, CA 95240
209.420.6900
www.njaarchitecture.com

DESIGNER STAMP:



RECORD DRAWINGS

Designer: Designer Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by
the City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____

CHECKED BY: Checker DATE: _____

DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				



CITY OF MILPITAS ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM

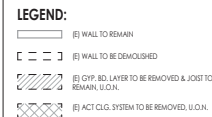
1275 N. MILPITAS BLVD., MILPITAS, CA 95035

DEMOLITION FLOOR PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Tumala, Public Works Division Manager - Operations



PROJECT NO.
22043
REC. DWG. NO.
A020
PERMIT SET
01.16.2025
SCALE:
As Indicated
SHEET 12 OF 48



5. UNWHERED EXISTING FACILITIES OR MATERIALS ARE REMOVED: DAMAGED, BROKEN, OR CUT IN THE INSTALLATION OF WORK COVERED BY THE DRAWINGS AND SPECIFICATIONS, SAID FACILITIES OR MATERIALS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE. SAID FACILITIES OR MATERIALS SHALL BE REPLACED WITH NEW MATERIALS OF THE SAME TYPE AS THE MATERIALS, THE FINISH PRODUCT SHALL BE SUBJECT TO THE APPROVAL OF THE [JURISDICTION] AND ITS AGENTS.
6. CONTRACTOR SHALL NOT CUT OR ALTER STRUCTURAL MEMBERS OR JOINTS TO DO SO IN THE CONTRACT DOCUMENTS OR WRITTEN APPROVAL RECEIVED FROM THE ARCHITECT.
7. ALL MATERIAL INDICATED TO BE REMOVED SHALL BECOME THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE DISPOSED OF FOR COLD RECYCLING PLAN.
8. DEMOLITION SHALL BE DIAGRAMMATIC AND GENERAL. DEMOLITION SHALL BE INDICATED SHOWN AND REQUIRED FOR THE CONSTRUCTION OF THE PROJECT INCLUDING ALL ITEMS IN A FUTURE OF NEW WORK WHETHER OR NOT SPECIFICALLY SHOWN.
9. REFER TO MECHANICAL DRAWINGS FOR DEMOLITION RELATIONSHIP TO THE WORK.
10. REFER TO ELECTRICAL DRAWINGS FOR DEMOLITION RELATIONSHIP TO THE WORK.
11. PACECO AND REPAIR ALL EXISTING WALLS AND FINISHES TO REMAIN.
12. ALL EXISTING LED LIGHT FIXTURES TO REMAIN OR BE RELOCATED

2.31	ACT CLG. TO BE REMOVED
2.32	LIGHT FIXTURES & REGISTERS TO BE REMOVED IN THIS ROOM
2.33	LIGHT FIXTURE TO BE REMOVED
2.34	REGISTER TO BE REMOVED
2.35	PORTION OF GYP. BD. TO BE REMOVED - G.C. TO VERIFY EXTENT

N	J
A	/

DESIGNER STAMP:

Nicholas M. Seaward

NICHOLAS M.
SEAWARD
C-38947
4-30-2025
RENEWAL DATE

STATE OF CALIFORNIA

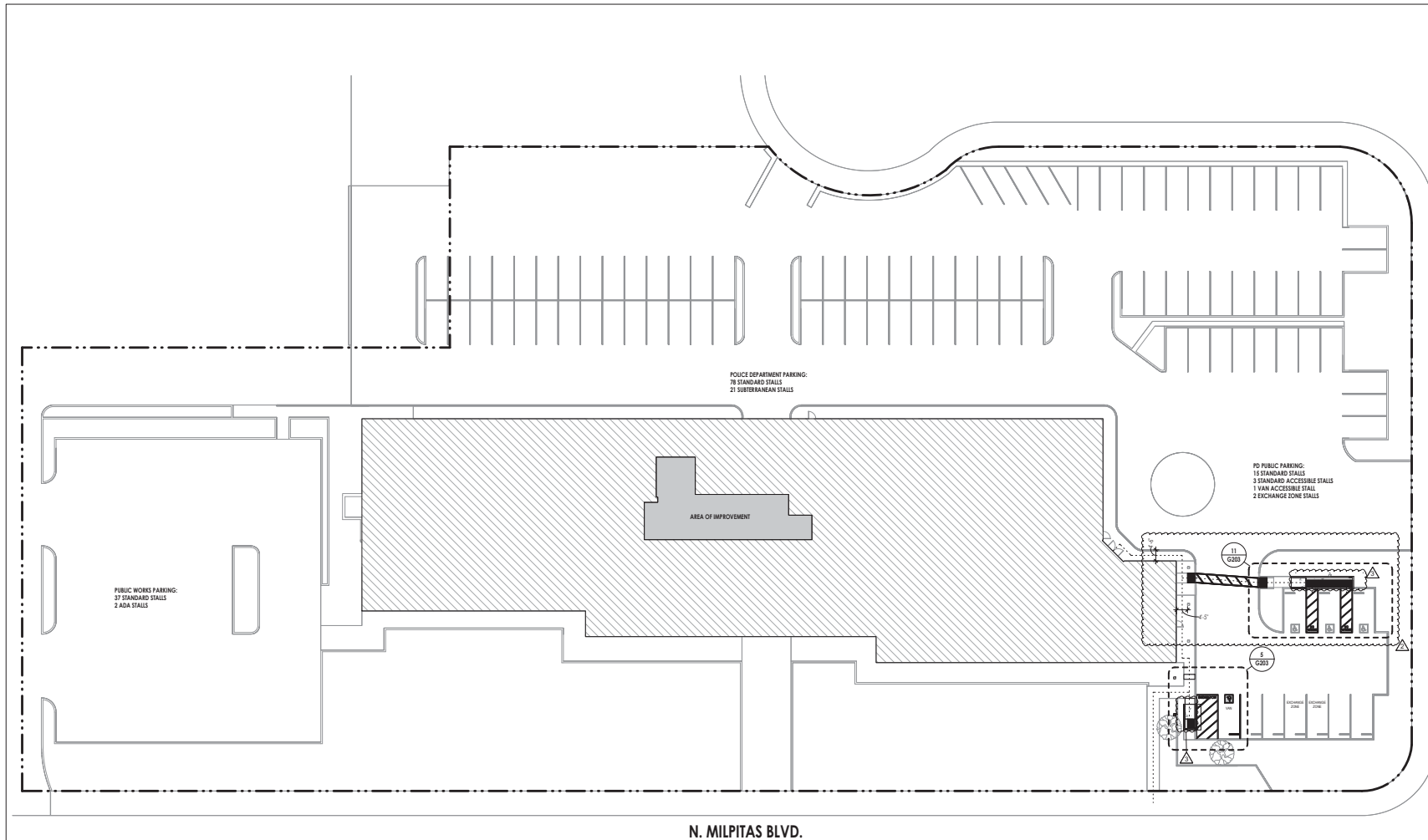
Designer: _____ Date: _____
 Public Works Inspector: _____ Date: _____
 Utility/Facility Dept. Head: _____ Date: _____
 Project Engineer: _____ Date: _____
 Public Improvements Initially Accepted by
 the City Council on: _____ Res. No. _____

[illegible]

DEMOLITION REFLECTED CEILING PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Samu Tiimalu, Public Works Division Manager - Operations

PROJECT NO. 22043
REC. DWG NO. A030
PERMIT SET 01.16.2025
SCALE: <i>As indicated</i>
SHEET <u>13</u> OF <u>13</u>



LEGEND:

- PROPERTY LINE
- 48" MIN. WIDTH ACCESSIBLE PATH OF TRAVEL
- 2% MAX. RUNNING SLOPE, 2% MAX. CROSS SLOPE, 2% MAX. SLOPE IN ANY DIRECTION @ 6" TURN & INTERSECTION PER 20' - 118 SIDEWALK
- CONCRETE PAVING, U.O.N. - S.C.D.
- LANDSCAPING, U.O.N. - S.L.D.
- A.C. PAVING, U.O.N. - S.C.D.

GENERAL NOTES:

- VERIFY ALL DIMENSIONS, EXISTING CONDITIONS AND METHODS OF CONSTRUCTION PRIOR TO START OF ANY WORK. NOTIFY ARCHITECT OF ANY DISCREPANCIES.
- ALL DIMENSIONS SHOWN ARE TO FACE OF FRAMING, CONC. SLAB AND/OR CURB, U.O.N.
- CONTRACTOR SHALL WORK TOWARD DIMENSIONS WITH TOLERANCES (±) SHOWN.
- PATCH AND REPAIR ALL EXISTING ADJACENT SURFACES AFFECTED BY THE IMPROVEMENTS PROPOSED IN THESE CONTRACT DOCUMENTS. RESTORE FINISHES TO THESE AREAS TO MATCH EXISTING.
- THE PEDESTRIAN PATH OF TRAVEL (P.O.T.) IS INDICATED AS A BARRIER-FREE COMMON ACCESS ROUTE WITHOUT ANY ABRUPT VERTICAL CHANGES. SEE "WALKS AND SIDEWALKS" STANDARD ON SHEET G002.
- (WHEN PROVIDED) ALL GATES IN PATH OF TRAVEL MUST COMPLY WITH DOOR REQUIREMENTS. PROVIDE A 48" MIN. SIDEWALK CLEARANCE ON THE FULL SIDE AND A SMOOTH SURFACE AT THE BOTTOM 10 INCHES OF THE PUSH SIDE OF GATE. SPECIFY ACCESSIBLE / LEVER HARDWARE.
- SITE DEVELOPMENT AND GRADING SHALL PROVIDE ACCESS TO PRIMARY ENTRANCES AND NORMAL PATHS OF TRAVEL, AND SHALL INCORPORATE PEDESTRIAN RAMPS, CURB RAMPS, ETC., SEE SHEET G002.
- EACH PARKING SPACE RESERVED FOR PERSONS WITH PHYSICAL DISABILITIES SHALL BE IDENTIFIED BY A REFLECTORIZED SIGN PER 45500.
- PROVIDE A CLEAR AND LEVEL LANDING ON EACH SIDE OF AN EXISTING DOOR. THE LANDING SHALL BE 48 INCHES IN LENGTH WHERE THE DOOR SWINGS AWAY FROM THE LANDING, AND 60 INCHES IN LENGTH IN THE DIRECTION OF DOOR SWING AS MEASURED AT RIGHT ANGLES TO THE PLANE OF THE DOOR IN THE CLOSED POSITION.
- CONTRACTOR SHALL FLUSH ALL WATER, SEWER, AND DRAIN LINES PRIOR TO LOCK-UP.
- NO DRAINAGE ACROSS OR ONTO ADJACENT PROPERTY. PROVIDE 2% SLOPE AWAY FROM THE BUILDING FOR 10' AT FRONT AND SIDES.

KEYNOTES:

1 SITE PLAN
A100 1" = 20'-0"



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DESIGNER STAMP:



RECORD DRAWINGS

Designer: NJA Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by
the City Council on: _____ Res. No. _____

DRAWN BY: _____ DATE: _____
CHECKED BY: WV DATE: _____
DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1	PLAN CHECK 2			01.16.25
2	PLAN CHECK 1			01.16.25



CITY OF MILPITAS

ENGINEERING DIVISION

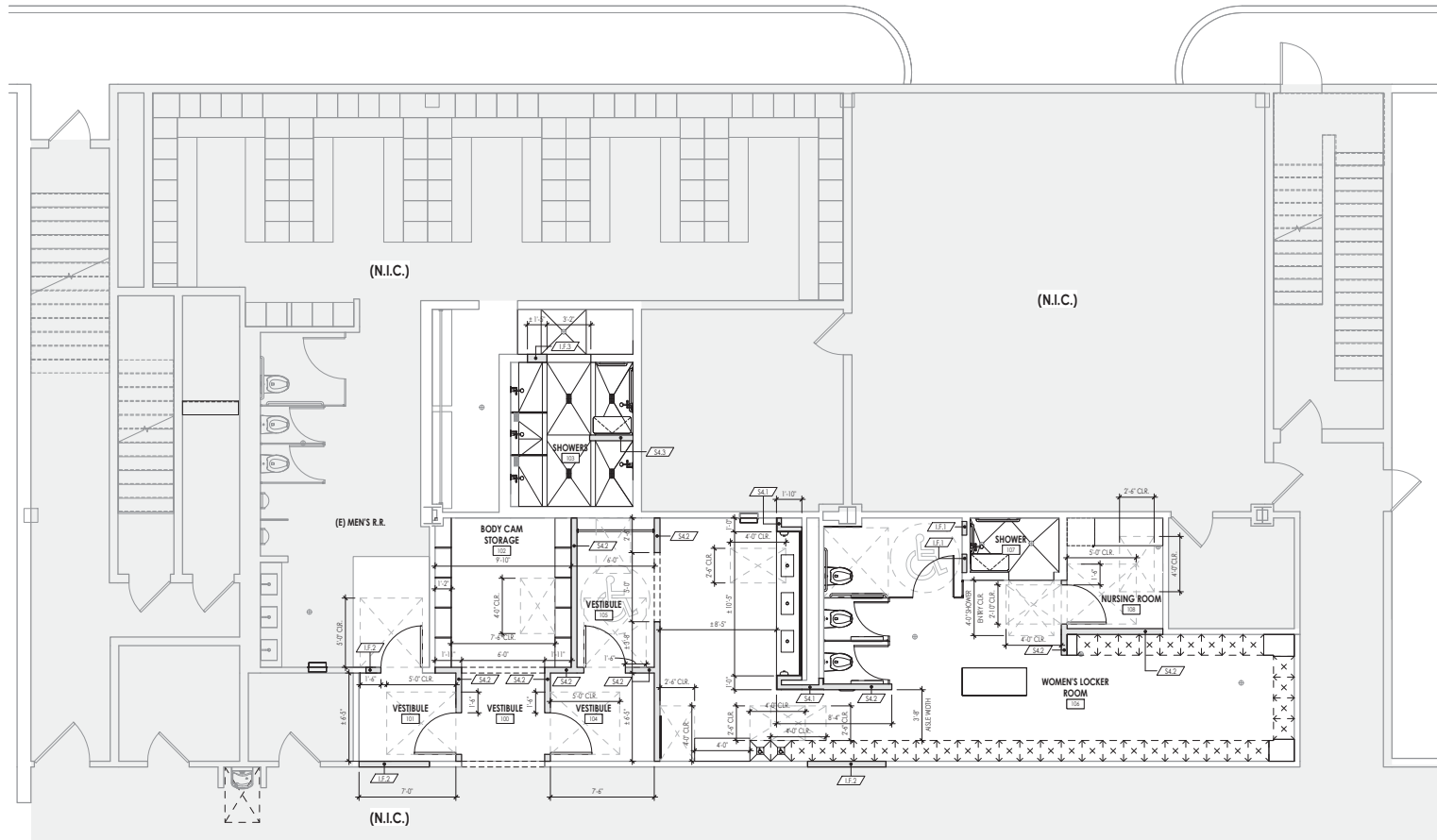
MILPITAS PD WOMEN'S LOCKER ROOM

1275 N. MILPITAS BLVD. MILPITAS, CA 95035

SITE PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Tumala, Public Works Division Manager - Operations

PROJECT NO.: 22043
REC. DWG. NO.: A100
PERMIT SET 01.16.2025
SCALE: As Indicated
SHEET 14 OF 48



LEGEND:

ROOM NAME ROOM TAG
ROOM NAME
ROOM NO.

(E) WALL TO REMAIN

(N) STUD WALL - SEE WALL TYPES

WALL TAG & REFERENCE NO. - SEE WALL TYPES

- GENERAL NOTES:**
1. U.O.N., DIMENSIONS ARE TO FACE OF WALL STRUCTURE.
 2. FIELD VERIFY ALL EXISTING CONDITIONS AND THEIR COMPATIBILITY WITH NEW CONSTRUCTION PRIOR TO THE COMMENCEMENT OF WORK. COORDINATE DISCREPANCIES WITH ARCHITECT.
 3. SEE CIVIL, STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS FOR MORE INFORMATION.
 4. SEE SHEL [A10.3], [A10.4], AND [A10.5] FOR ACCESSIBILITY STANDARDS AND DETAILS FOR CLEARANCE AND COMPLIANCE REQUIREMENTS.
 5. PROVIDE BACKING BEHIND ALL SURFACE MOUNTED EQUIPMENT AND/OR FIXTURES.
 6. INFORMATION IN THE WALL TYPE LEGEND IS FOR REFERENCE ONLY AND DOES NOT OVERRIDE THE CONTENTS OF THE DETAILS ON THIS SET.
 7. WHERE GYP. BD. IS NOT INSTALLED ON BOTH FACES OF WALL, BLOCKING / BRIDGING MUST BE ADDED @ 4" O.C.
 8. PROVIDE SLIP TRACKS AT TOP OF INTERIOR WALL THAT TERMINATE AT BOTTOM OF DECK, AND SEAL w/ ACOUSTIC SEALANT.

WALL TAG LEGEND / NOTES:

ASSEMBLY TYPE (SEE ASSEMBLY SHEET, [A9.2], [A9.3])

56.1C

TOP OF WALL CONDITION (SEE BELOW)
IF NOT PROVIDED, WALL IS TO BE
TERMINATED AT TOP OF DECK / FLOOR
(SEE DET. [A10.1])
TYPE (SEE DET. [A10.1])
STRUCTURE THICKNESS (NOMINAL)
CONSTRUCTION TYPE (SEE BELOW)

CONSTRUCTION TYPE:

C. CONCRETE
M. MASONRY
S. STEEL STUDS
W. WOOD STUDS
H. CH STUDS (BATT/WALL)
G. STEEL GRID

TOP OF WALL CONDITION:

(B) BOTTOM OF CEILING:
WALL EXTENDS TO UNDERSIDE OF CLG. TERMINATE w/ 7" MOLD @ TOP OF WALL.

(F) F ABOVE CEILING:
WALL EXTENDS F ABOVE HIGHEST ADJOINING CLG. U.O.N. TERMINATE (1) COURSE ABOVE FOR MASONRY WALLS.

(B) PARTIAL HEIGHT:
REFER TO DRAWINGS FOR TOP OF WALL ELEVATION.

(D) NO JOINTS TO STRUCTURE:
WALL FRAMING EXTENDS FULL HEIGHT, GYP. BD. / FINISHES TERMINATE F ABOVE HIGHEST ADJOINING CLG.

(F) ONE SIDE TO STRUCTURE:
WALL FRAMING EXTENDS FULL HEIGHT, ONE SIDE OF GYP. BD. FULL HEIGHT, ONE SIDE OF GYP. BD. / FINISHES TERMINATE F ABOVE HIGHEST ADJOINING CLG.

WALL TYPES:

NO.	DESCRIPTION	INSUL.	FIRE	RATING	DETAIL
1.F.1	WIDTH OF STUD FRAMING (SHOULD MATCH (E) STUD FRAMING w/ GYP. BD. ONE SIDE)	(E)	N/A	1/ABF1	
1.F.2	WIDTH OF STUD FRAMING (SHOULD MATCH (E) STUD FRAMING w/ GYP. BD. BOTH SIDES)	(E)	N/A	2/ABF1	
1.F.3	WIDTH OF STUD FRAMING (SHOULD MATCH (E) STUD FRAMING w/ FIBER CEMENT BACKER BD. BOTH SIDES)	(E)	N/A	3/ABF1	
S4.1	3 5/8" MTL. STUDS @ 16" O.C. w/ GYP. BD. ONE SIDE	R-19	N/A	1/ABF1	
S4.2	3 5/8" MTL. STUDS @ 16" O.C. w/ GYP. BD. BOTH SIDES	R-19	N/A	2/ABF1	
S4.3	3 5/8" MTL. STUDS @ 16" O.C. w/ FIBER CEMENT BACKER BD. BOTH SIDES	R-19	N/A	3/ABF1	

DIMENSION FLOOR PLAN

1/4" = 1'-0"



RECORD DRAWINGS

Designer: _____ Date: _____

Public Works Inspector: _____ Date: _____

Utility/Facility Dept. Head: _____ Date: _____

Project Engineer: _____ Date: _____

Public Improvements Initially Accepted by the City Council on: _____ Res. No. _____

Revisions

Num.	Description	Engr.	Appr.	Date
1	PLAN CHECK 2			01.16.25



CITY OF MILPITAS
ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM

1275 N. MILPITAS BLVD. MILPITAS, CA 95035

DIMENSION FLOOR PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____

Some Turnout, Public Works Division Manager - Operations

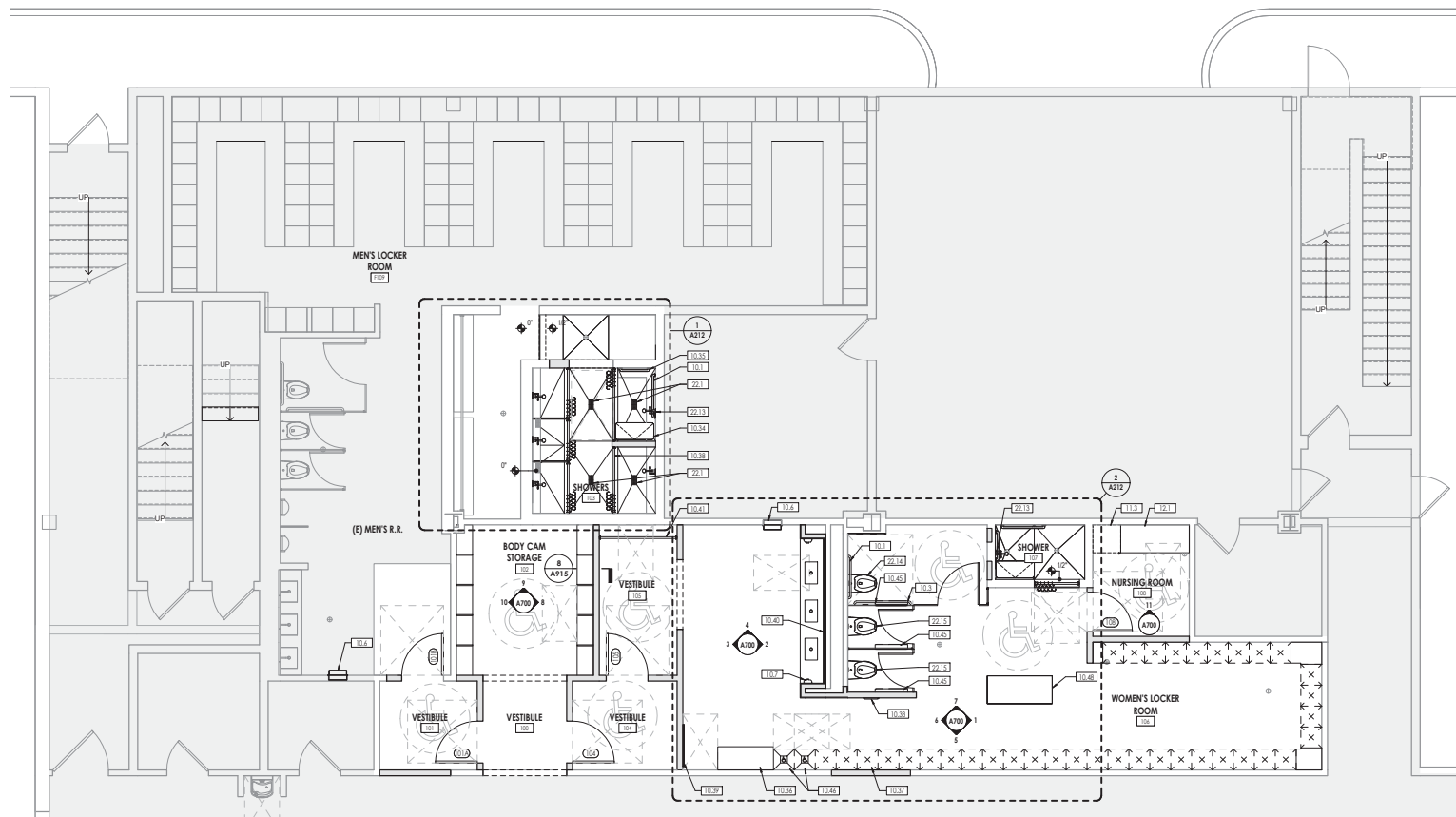
PROJECT NO. 22043

REC. DWG. NO. A210

PERMIT SET 01.16.2025

SCALE: As Indicated

SHEET 13 OF 48



- LEGEND:**
- ROOM NAME ROOM TAG ROOM NAME ROOM NO.**
- DOOR TAG & REFERENCE NO.
-SEE DOOR SCHEDULE
- FIRE RATED DOOR TAG & REFERENCE NO.
-SEE DOOR SCHEDULE
- WINDOW TAG & REFERENCE NO.
-SEE WINDOW SCHEDULE
- STOREFRONT TAG & REFERENCE NO.
-SEE SCHEDULE
- SEQUENCE TAG
-SEQUENCE NO.
-CR. DIV. NO.

- GENERAL NOTES:**
- FIELD VERIFY ALL EXISTING CONDITIONS AND THEIR COMPATIBILITY WITH NEW CONSTRUCTION PRIOR TO THE COMMENCEMENT OF WORK. COORDINATE DISCREPANCIES WITH ARCHITECT.
 - SEE CIVIL, STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS FOR MORE INFORMATION.
 - SEE SHEL [A10.1], [A10.4], AND [A10.5] FOR ACCESSIBILITY STANDARDS AND DETAILS FOR CLEARANCE AND COMPLIANCE REQUIREMENTS.
 - PROVIDE BACKING BEHIND ALL SURFACE MOUNTED EQUIPMENT AND/OR FIXTURES FOR ARCHITECTURAL CASEWORK DETAILS.
 - DO NOT SCALE DRAWINGS.

- KEYNOTES:**
- 10.1 36" S.S. GRAB BAR - "BOBRICK" 8-806 x 36 OR EQ.
 - 10.3 48" S.S. GRAB BAR - "BOBRICK" 8-806 x 48 OR EQ.
 - 10.6 SEMI-RECESSED PAPER TOWEL DISPENSER w/ WASTE RECEPTACLE - "BOBRICK" 8-394 OR EQ.
 - 10.7 SURFACE MOUNTED S.S. SOAP DISPENSER - "BOBRICK" 8-211 OR EQ.
 - 10.33 RECESSED S.S. NAPKIN/TAMPON VENDOR MOUNT CENTER OF CONTROL AT 47" HT. MAX. A.F.F. - "BOBRICK" 8-3700C OR EQ.
 - 10.34 ACCESSIBLE FOLDING SHOWER SEAT
 - 10.35 24" S.S. GRAB BAR - "BOBRICK" 8-806 x 24 OR EQ.
 - 10.36 ACCESSIBLE BENCH w/ 6" P. RESISTANT SEAT
 - 10.37 18" W. x 72" H. x 18" D.P. SINGLE TIER METAL LOCKER w/ SLOPED TOP
 - 10.38 SHOWER ROD AND CURTAIN
 - 10.39 18" W. x 54" H. MIN. REFLECTIVE SURFACE - B.O. REFLECTIVE SURFACE MOUNTED @ 20" MAX. A.F.F.
 - 10.40 SURFACE MOUNTED MIRROR
 - 10.41 TOWEL ROD - TOP @ 47" HT. A.F.F.
 - 10.42 PARTITION MOUNTED TOILET TISSUE DISPENSER w/ MULTI-ROLL, SANITARY NAPKIN DISPOSAL, & TOILET SEAT COVER UNIT MOUNT TOILET TISSUE DISPENSER
 - 10.43 ACCESSIBLE 18" W. x 72" H. x 18" D.P. SINGLE TIER METAL LOCKER w/ SLOPED TOP - OPERABLE PARTS TO COMPLY w/ CBC 118-909
 - 10.44 LOCKER ROOM BENCH
 - 11.3 UNDERCOUNTER REF REFRIGERATOR
 - 12.1 SOLID BURN. COUNTERTOP - TOP @ 34" MAX. A.F.F. U.O.N.
 - 22.1 FLOOR DRAIN 2" MAX. SLOPE @ DRAIN - S.P.D.
 - 22.13 ACCESSIBLE SHOWER CONTROLS & SPRAY UNIT w/ 8" LONG MIN. HOSE
 - 22.14 ACCESSIBLE WALL MOUNTED WATER CLOSET - S.P.D.
 - 22.15 WALL MOUNTED WATER CLOSET - S.P.D.

ANNOTATION FLOOR PLAN

A211 1/4" = 1'-0"



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RECORD DRAWINGS

Designer: <u>Designer</u>	Date: _____
Public Works Inspector: _____	Date: _____
Utility/Facility Dept. Head: _____	Date: _____
Project Engineer: _____	Date: _____
Public Improvements Initially Accepted by the City Council on: _____	Res. No. _____

Revisions

Num.	Description	Engr.	Appr.	Date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				



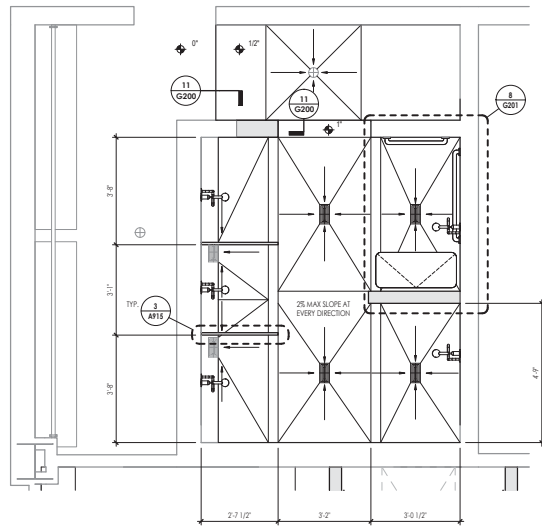
CITY OF MILPITAS
ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD. MILPITAS, CA 95035

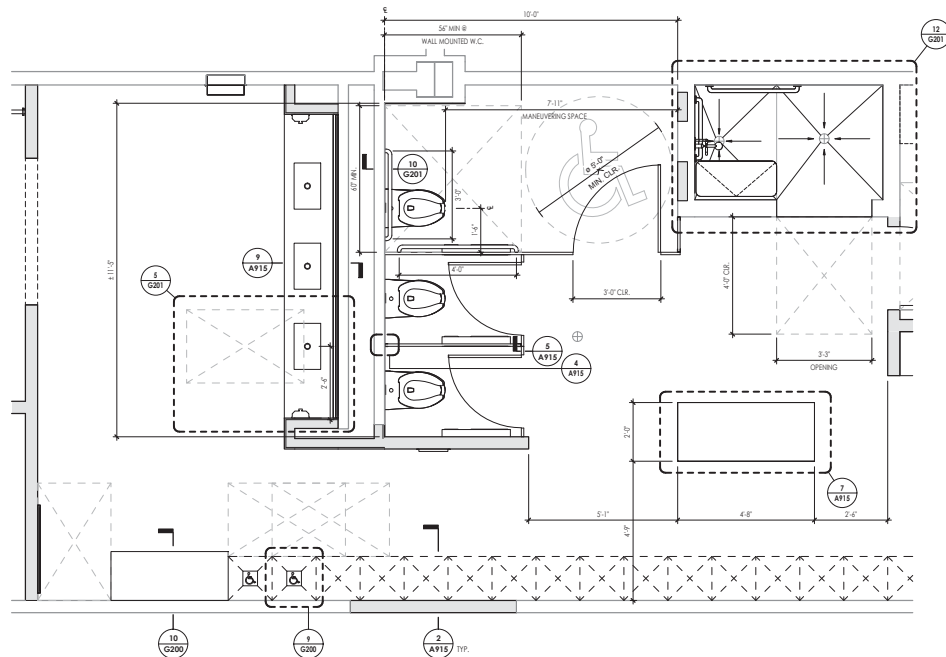
ANNOTATION FLOOR PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Some Turnouts, Public Works Division Manager - Operations

PROJECT NO.: 22043
REC. DWG. NO.: A211
PERMIT SET 01.16.2025
SCALE: As Indicated
SHEET 14 OF 48



1 ENLARGED MEN'S SHOWER
1/2" = 1'-0"



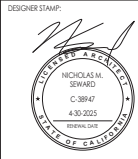
2 ENLARGED WOMEN'S RESTROOM
1/2" = 1'-0"

- LEGEND:**
- ROOM NAME ROOM TAG**
 ROOM NAME
 ROOM NO.
- DOOR TAG & REFERENCE NO.
 -SEE DOOR SCHEDULE
- FIRE RATED DOOR TAG & REFERENCE NO.
 -SEE DOOR SCHEDULE
- WINDOW TAG & REFERENCE NO.
 -SEE WINDOW SCHEDULE
- STOREFRONT TAG & REFERENCE NO.
 -SEE SCHEDULE
- REFERENCE TAG
 REFERENCE NO.
 OR DIV. NO.

- GENERAL NOTES:**
1. FIELD VERIFY ALL EXISTING CONDITIONS AND THEIR COMPATIBILITY WITH NEW CONSTRUCTION PRIOR TO THE COMMENCEMENT OF WORK. COORDINATE DISCREPANCIES WITH ARCHITECT.
 2. SEE CIVIL, STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS FOR MORE INFORMATION.
 3. SEE SWS (A10.3), (A10.4), AND (A10.5) FOR ACCESSIBILITY STANDARDS AND DETAILS FOR CLEARANCE AND COMPLIANCE REQUIREMENTS.
 4. PROVIDE BACKING BEHIND ALL SURFACE MOUNTED EQUIPMENT AND/OR FIXTURES PER ARCHITECTURAL CASEWORK DETAILS.
 5. DO NOT SCALE DRAWINGS.



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RECORD DRAWINGS

Designer: Date:
 Public Works Inspector: Date:
 Utility/Facility Dept. Head: Date:
 Project Engineer: Date:
 Public Improvements Initially Accepted by
 the City Council on: Res. No.

DRAWN BY: Author DATE:
 CHECKED BY: Checker DATE:
 DESIGNED BY: DATE:

Revisions

Num.	Description	Engr.	Appr.	Date



CITY OF MILPITAS
 ENGINEERING DIVISION
 MILPITAS PD WOMEN'S LOCKER ROOM
 1275 N. MILPITAS BLVD. MILPITAS, CA 95035

ENLARGED FLOOR PLANS

RECOMMENDED FOR BIDDING BY: DATE:
 Santa Teresa, Public Works Division Manager - Operations



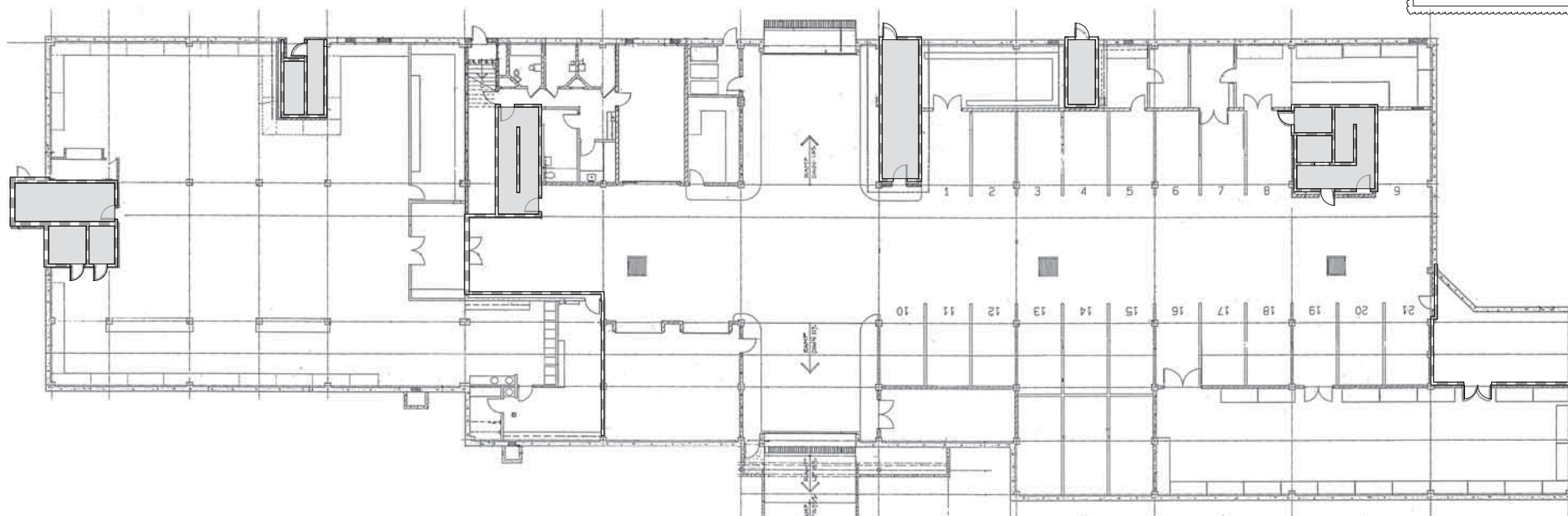
PROJECT NO.
22043
 REC. DWG NO.
A312
 PERMIT SET
01.16.2025
 SCALE:
As Indicated
 SHEET 17 OF 48

LEGEND:

ROOM NAME ROOM TAG
 ROOM NAME
 ROOM NO.
 (B) WALL TO REMAIN
 (N) STUD WALL - SEE WALL TYPES
 1-HR. FIRE-RATED WALL
 2-HR. FIRE-RATED WALL
 WALL TAG & REFERENCE NO. - SEE WALL TYPES

GENERAL NOTES:

- EXISTING FIRST FLOOR CORRIDOR SHALL BE DE-RATED. ACCORDING TO TABLE CBC 10202.2, NO FIRE-RESISTANCE RATING IS REQUIRED FOR CORRIDORS SERVING GREATER THAN 30 OCCUPANTS FOR A B-OCCUPANCY BUILDING WITH A SPRINKLER SYSTEM.
- ALL RATED OCCUPANCY SEPARATION WALLS AND SHAFT ENCLOSURES SHALL BE MAINTAINED.



BASEMENT PLAN - EXISTING RATED OCCUPANCY SEPARATION AND SHAFT ENCLOSURES



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RECORD DRAWINGS

Designer: Date:
 Public Works Inspector: Date:
 Utility/Facility Dept. Head: Date:
 Project Engineer: Date:
 Public Improvements Initially Accepted by
 the City Council on: Res. No.

DRAWN BY: Author DATE:
 CHECKED BY: Checker DATE:
 DESIGNED BY: DATE:

Revisions

Num.	Description	Engr.	Appr.	Date
1	PLAN CHECK 2			01.16.25



CITY OF MILPITAS ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM
 1275 N. MILPITAS BLVD. MILPITAS, CA 95035

BASEMENT PLAN - EXISTING RATED OCCUPANCY SEPARATION AND SHAFT ENCLOSURES

RECOMMENDED FOR BIDDING BY: DATE:
 Same Turnall, Public Works Division Manager - Operations

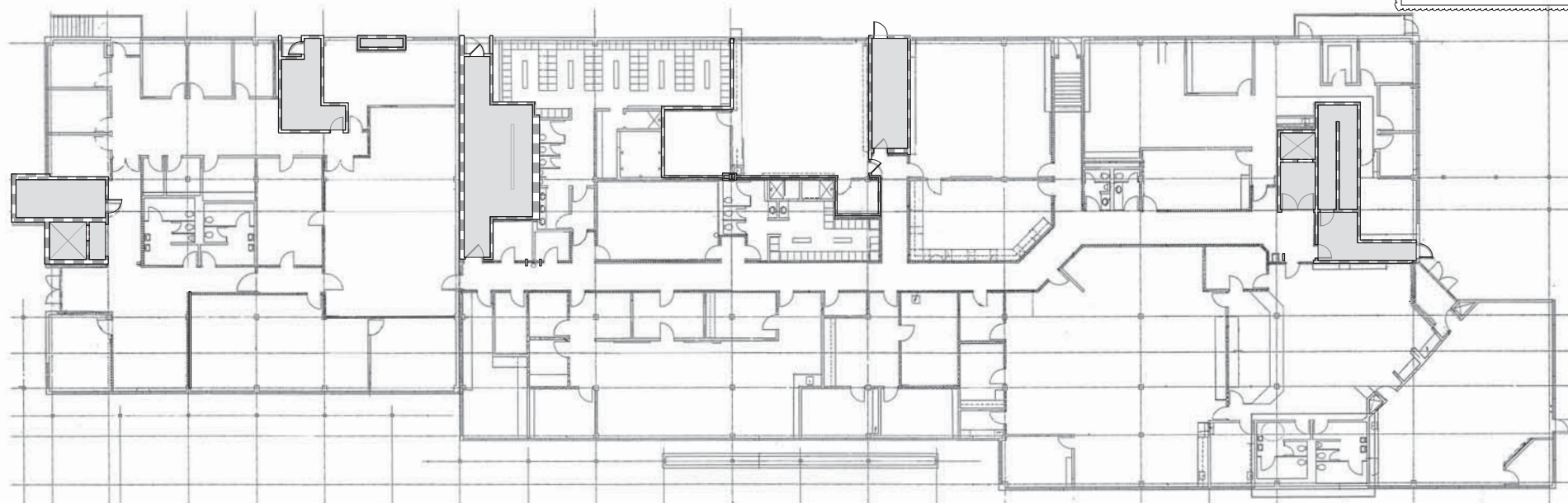
PROJECT NO.
 22043
 REC. DWG NO.
 A213
 PERMIT SET
 01.16.2025
 SCALE:
 As Indicated
 SHEET 18 OF 48

LEGEND:

ROOM NAME ROOM TAG
ROOM NAME
ROOM NO.
[E] WALL TO REMAIN
[N] STUD WALL - SEE WALL TYPES
1-HR. FIRE-RATED WALL
2-HR. FIRE-RATED WALL
WALL TAG & REFERENCE NO. - SEE WALL TYPES

GENERAL NOTES:

- EXISTING FIRST FLOOR CORRIDOR SHALL BE DE-RATED. ACCORDING TO TABLE CBC 10202.2, NO FIRE-RESISTANCE RATING IS REQUIRED FOR CORRIDORS SERVING GREATER THAN 30 OCCUPANTS FOR A B-OCCUPANCY BUILDING WITH A SPRINKLER SYSTEM.
- ALL RATED OCCUPANCY SEPARATION WALLS AND SHAFT ENCLOSURES SHALL BE MAINTAINED.



FIRST FLOOR PLAN - EXISTING RATED OCCUPANCY SEPARATION AND SHAFT ENCLOSURES



NJA ARCHITECTURE
212 W. PINE STREET, STE #1
LODI, CA 93240
209.420.6980
www.njaarchitecture.com



RECORD DRAWINGS

Designer: Designer Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by
the City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____
CHECKED BY: Checker DATE: _____
DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Eng.	Appr.	Date
1	PLAN CHECK 2			01.16.25



CITY OF MILPITAS

ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD. MILPITAS, CA 95035

FIRST FLOOR PLAN - EXISTING RATED OCCUPANCY SEPARATION AND SHAFT ENCLOSURES

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Tumulak, Public Works Division Manager - Operations

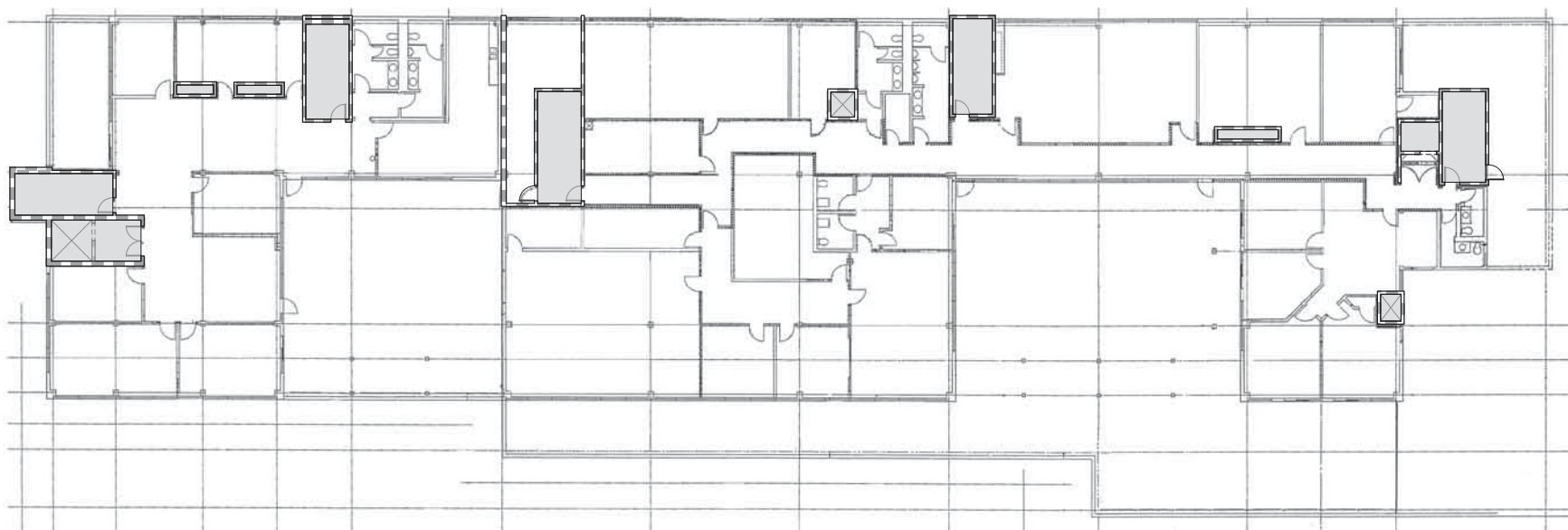
PROJECT NO.
22043
REC. CHWG NO.
A214
PERMIT SET
01.16.2025
SCALE:
As Indicated
SHEET 19 OF 48

LEGEND:

ROOM NAME ROOM TAG
 ROOM NAME
 ROOM NO.
 (B) WALL TO REMAIN
 (N) STUD WALL - SEE WALL TYPES
 1-HR. FIRE-RATED WALL
 2-HR. FIRE-RATED WALL
 WALL TAG & REFERENCE NO. - SEE WALL TYPES

GENERAL NOTES:

- EXISTING FIRST FLOOR CORRIDOR SHALL BE DE-RATED. ACCORDING TO TABLE CBC 1002.2, NO FIRE-RESISTANCE RATING IS REQUIRED FOR CORRIDORS SERVING GREATER THAN 30 OCCUPANTS FOR A B-OCCUPANCY BUILDING WITH A SPRINKLER SYSTEM.
- ALL RATED OCCUPANCY SEPARATION WALLS AND SHAFT ENCLOSURES SHALL BE MAINTAINED.



SECOND FLOOR PLAN - EXISTING RATED OCCUPANCY SEPARATION AND SHAFT ENCLOSURES

A220 3/16/25



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 LOS ANGELES, CA 90012
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 www.njaarchitecture.com

DESIGNER STAMP



RECORD DRAWINGS

Designer: Nicholas M. Seward Date: _____
 Public Works Inspector: _____ Date: _____
 Utility/Facility Dept. Head: _____ Date: _____
 Project Engineer: _____ Date: _____
 Public Improvements Initially Accepted by
 the City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____
 CHECKED BY: Checker DATE: _____
 DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Eng.	Appr.	Date
1	PLAN CHECK 2			01.16.25



CITY OF MILPITAS ENGINEERING DIVISION

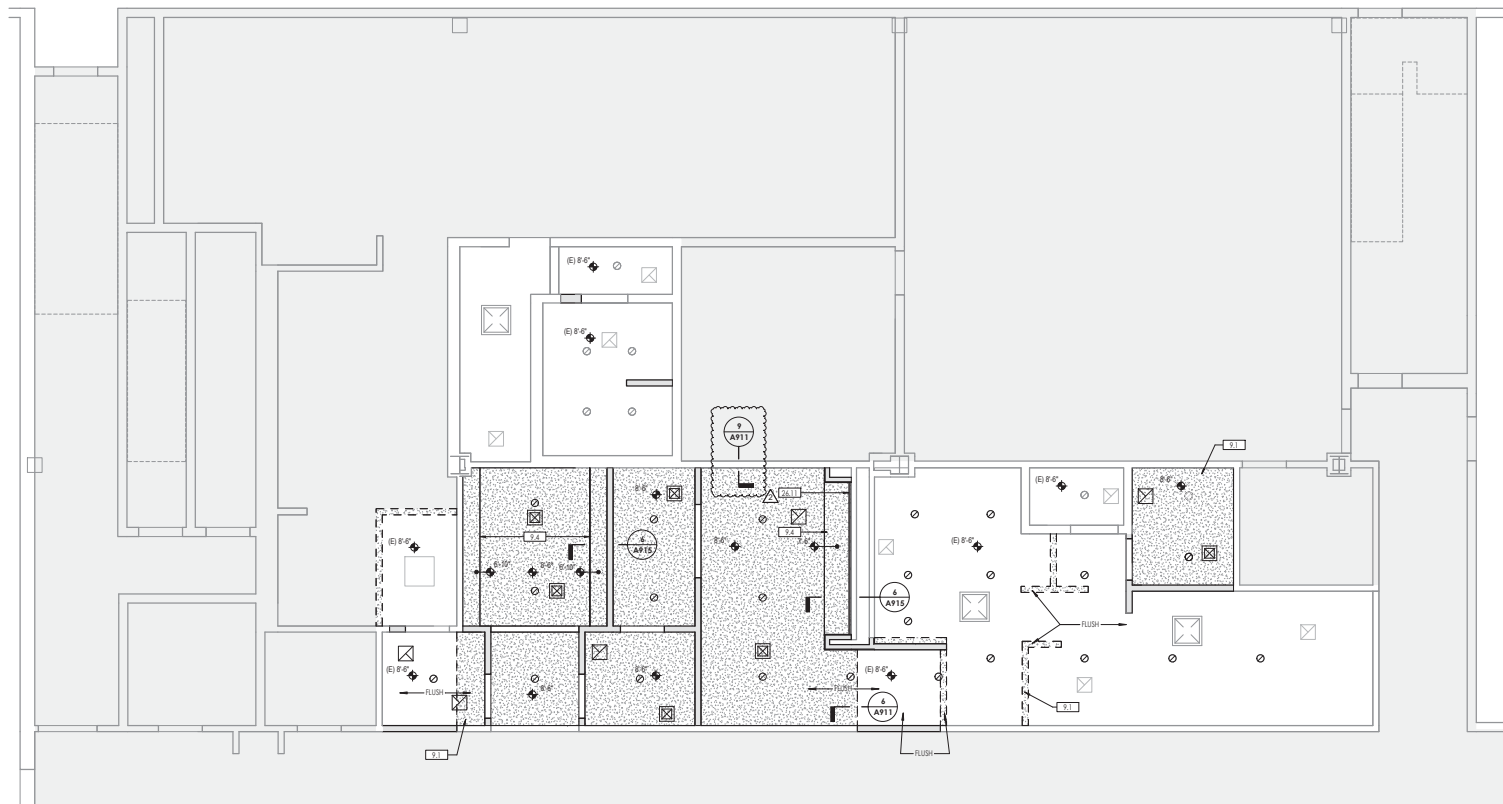
MILPITAS PD WOMEN'S LOCKER ROOM
 1275 N. MILPITAS BLVD. MILPITAS, CA 95035

SECOND FLOOR PLAN - EXISTING RATED OCCUPANCY SEPARATION AND SHAFT ENCLOSURES

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
 Same Turnout, Public Works Division Manager - Operations



PROJECT NO.
22043
 REC. DWG NO.
A220
 PERMIT SET
01.16.2025
 SCALE:
As Indicated
 SHEET 20 OF 48



LEGEND:

- 8'6" GYP. BD. w/ SMOOTH FINISH ON MTL. STUD CEILING. JST. U.O.N. - PRIME & PAINT - COLOR PER FINISH SCHEDULE SEE 8.1/MT1
- LAY IN LINEAR LIGHTS - S.E.D. - TRIM FINISH AS SELECTED BY ARCHITECT
- LINEAR LIGHTS - S.E.D. - TRIM FINISH AS SELECTED BY ARCHITECT
- RECESSED CAN LIGHT - S.E.D. - TRIM FINISH AS SELECTED BY ARCHITECT
- EXTERIOR PENDANT LIGHT - S.E.D. - TRIM FINISH AS SELECTED BY ARCHITECT
- RECESSED LED LIGHT FIXTURE - TO BE CENTERED ON BD. TRIM FINISH AS SELECTED BY ARCHITECT
- RETURN REGISTER - S.M.D.
- SUPPLY REGISTER - S.M.D.
- LINEAR DIFFUSER - S.M.D.

GENERAL NOTES:

1. SPOT ELEVATIONS ARE TAKEN FROM FACE OF FRAMING MEMBERS / SUPPORT STRUCTURES. U.O.N. THE CEILING HEIGHT SHOWN IN THE ROOM TAG INDICATES THE HEIGHT OF THE DOMINANT CEILING FINISH. SEE ADDITIONAL CEILING FINISH CALLOUTS FOR OTHER CEILING HEIGHT OF FEATURES.
2. CENTER ALL SUPPENDED CEILING GRIDS WITHIN ITS ASSOCIATED ROOM. U.O.N.
3. CENTER ALL LIGHTING. U.O.N.
4. MECHANICAL PLATFORM SHALL BE ACCESSIBLE THROUGH AN OPENING AND PASSAGEWAY NOT LESS THAN THE LARGEST COMPONENT OF THE APPLIANCE, AND NOT LESS THAN 22" X 30" PER CMR 304.4.
5. SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR ADDITIONAL LIGHTING AND DIFFUSER INFORMATION.
6. THE CONTRACTOR SHALL COORDINATE ALL TRADES TO ENSURE THAT DESIGNATED CEILING HEIGHTS CAN BE ACHIEVED. NOTIFY ARCHITECT OF ANY CONFLICTS OR CONDITIONS THAT PREVENT THIS FROM OCCURRING BEFORE PROCEEDING WITH THE WORK.
7. ALL EXPOSED STRUCTURE TO BE PAINTED P3, ALONG WITH MECHANICAL DUCTWORK, CONDUIT, AND EXPOSED UTILITIES.

KEYNOTES:

- 8.1 8'6" GYP. BD. w/ MTL. STUD CEILING JST. - PRIME & PAINT
- 8.4 GYP. BD. SOFFIT - PRIME & PAINT
- 26.11 RECESSED LINEAR COVE LIGHT FIXT. S.E.D.

REFLECTED CEILING PLAN

A310 1/4" = 1'-0"



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DESIGNER STAMP



RECORD DRAWINGS

Designer: Designer Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by
the City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____
CHECKED BY: Checker DATE: _____
DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1	PLAN CHECK 2			01.16.25



CITY OF MILPITAS

ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD. MILPITAS, CA 95035

REFLECTED CEILING PLAN

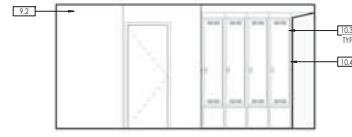
RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Tumala, Public Works Division Manager - Operations

PROJECT NO.: 22043
REC. DWG NO.: A310
PERMIT SET 01.16.2025
SCALE: As Indicated
SHEET 21 OF 48



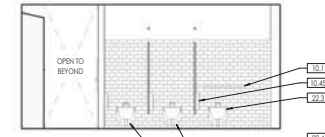
5
A700
1/4" = 1'-0"

106 WOMEN'S LOCKER ROOM - E



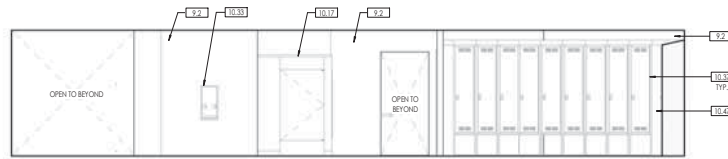
1
A700
1/4" = 1'-0"

106 WOMEN'S LOCKER ROOM - N



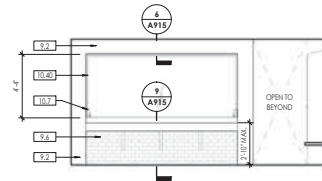
6
A700
1/4" = 1'-0"

106 WOMEN'S LOCKER ROOM - S



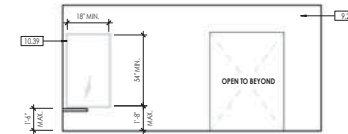
7
A700
1/4" = 1'-0"

106 WOMEN'S LOCKER ROOM - W



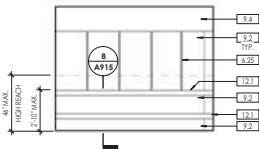
2
A700
1/4" = 1'-0"

106 WOMEN'S VANITY - N



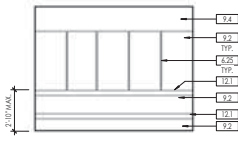
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A700
1/4" = 1'-0"

106 WOMEN'S VANITY - S



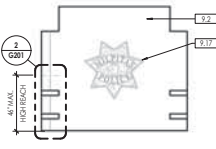
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A700
1/4" = 1'-0"

102 BOY CAM STORAGE - S



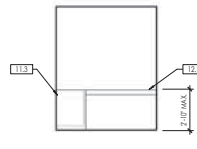
8
A700
1/4" = 1'-0"

102 BODY CAM STORAGE - N



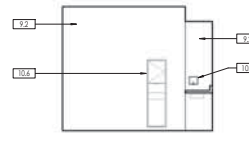
9
A700
1/4" = 1'-0"

102 BODY CAM STORAGE - W



11
A700
1/4" = 1'-0"

108 NURSING ROOM - W



4
A700
1/4" = 1'-0"

106 WOMEN'S VANITY - W

- KEYNOTES:**
- 6.25 3/4" P. LAM. FACED DIVIDERS
 - 9.2 GHP. BD. PER WALL TYPE - PAINT PER FIN. SCHED.
 - 9.4 GHP. BD. ISERT - PRIME & PAINT
 - 9.6 WALL TILE WAINSCOT - SEE FIN. SCHED.
 - 9.17 MILPITAS POLICE DEPARTMENT LOGO PAINTED ON WALL - SEE FIN. SCHED.
 - 10.1 3" S.S. GRAB BAR - "BOBRICK" B-6806 x 36 OR EQ.
 - 10.6 SEMI RECESSED PAPER TOWEL DISPENSER w/ WASTE RECEPTACLE - "BOBRICK" B-984 OR EQ.
 - 10.7 SURFACE MOUNTED S.S. SOAP DISPENSER - "BOBRICK" B-0111 OR EQ.
 - 10.17 HOPE TOILET PARTITION
 - 10.33 RECESSED S.S. NAPRINTAMPON VENDOR MOUNT CENTER OF CONSOLE AT 40" HT. MAX. A.F.F.
 - 10.36 "BOBRICK" B-37083; OR EQ.
 - 10.37 ACCESSIBLE BENCH w/ SLIP RESISTANT SEAT
 - 10.37 18" W. x 72" H. x 18" DP. SINGLE TIER METAL LOCKER w/ SLOPED TOP
 - 10.39 18" W. x 54" H. MIN. REFLECTIVE SURFACE - S.D. REFLECTIVE SURFACE MOUNTED @ 20" MAX. A.F.F.
 - 10.45 SURFACE MOUNTED MIRROR
 - 10.45 PARTITION MOUNTED TOILET TISSUE DISPENSER w/ MULTI-POLL. SANITARY NAPKIN DISPOSAL & TOILET SEAT COVER UNIT MOUNT TOILET TISSUE DISPENSER
 - 10.46 ACCESSIBLE 18" W. x 72" H. x 18" DP. SINGLE TIER METAL LOCKER w/ SLOPED TOP - OPERABLE PARTS TO COMPLY w/ CBS 118-309
 - 10.47 METAL LOCKER TRIM CLOSURE
 - 11.3 UNDERCOUNTER REFRIGERATOR
 - 12.1 SOLID SURF. COUNTERTOP - TOP @ 34" MAX. A.F.F., U.O.N.
 - 22.3 ACCESSIBLE WALL MOUNTED WATER CLOSET - S.P.D.
 - 22.4 WALL MOUNTED WATER CLOSET - S.P.D.



NJA ARCHITECTURE
212 W. HINE STREET, STE #1
LODI, CA 93240
209.400.6980
www.njaarchitecture.com



RECORD DRAWINGS

Designer: _____ Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by _____
The City Council on: _____ Res. No. _____

DRAWN BY: _____ DATE: _____
CHECKED BY: _____ DATE: _____
DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				



**CITY OF MILPITAS
ENGINEERING DIVISION**

MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD., MILPITAS, CA 95035

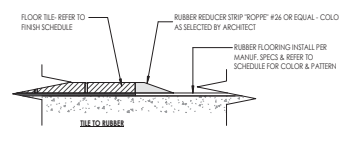
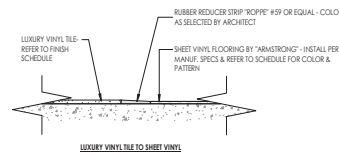
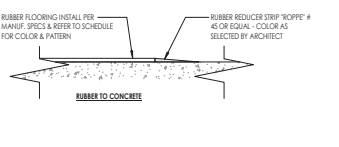
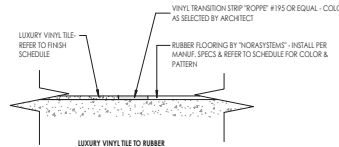
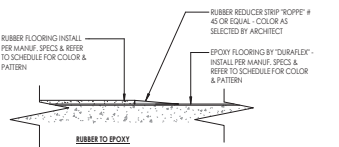
INTERIOR ELEVATIONS

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Turmeli, Public Works Division Manager - Operations

PROJECT NO.
22043
REC. DWG. NO.
A700
PERMIT SET
01.16.2025
SCALE:
1/4" = 1'-0"
SHEET 22 OF 48

ROOM FINISH SCHEDULE									
NO	ROOM NAME	FLOOR	BASE	BASE CABINET	COUNTER TOP	UPPER CABINET	WALL	CEILING	COMMENTS
RESTROOM									
100	VEHICLE	1-1	AL-1	-	-	-	P-1	P-1	-
101	VEHICLE	1-1	AL-1	-	-	-	P-1	P-1	-
102	BODY CAM STORAGE	1-1	AL-1	-	Q-1	-	P-1/P-2	P-1	ONLY LOGO PAINTED W/ P-1
103	SHOWERS	1-1/1-4	TC-2	-	-	-	S-3	-	-
104	VEHICLE	1-1	AL-1	-	-	-	P-1	P-1	-
105	VEHICLE	1-1	AL-1	-	-	-	P-1	P-1	-
106	WOMEN'S LOCKER ROOM	1-1	AL-1	-	Q-1	-	1/2 P-1/P-2/P-3	P-1	-
107	SHOWER	1-1	TC-1	-	-	-	S-2	P-1	-
108	WASHING ROOM	1-1	AL-1	-	Q-1	-	P-1	P-1	-
200	181 MEN'S R.R.	1-4	TC-2	-	-	-	P-4	P-4	-

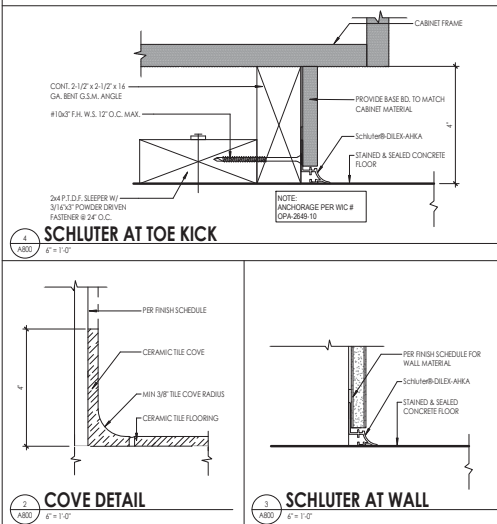
INTERIOR FINISH MATERIALS LEGEND					
TYPE	NO.	DESCRIPTION	MFR / PRODUCT	STYLE / COLOR	COMMENTS
BASE	AL-1	METAL COVE BASE	SCHLUTER / DUEK-AHKE	ACOB - BRUSHED CHROME ANODIZED ALUMINUM	SEE ROOM FINISH SCHEDULE FOR LOCATION
BASE	TC-1	CERAMIC TILE COVE	F&D	4"x4" FESTIVAL BRIGHT WHITE ICE CERAMIC COVE BASE	SEE FINISH SCHEDULE FOR LOCATION
BASE	TC-2	CERAMIC TILE COVE	F&D	TO MATCH [E]	SEE FINISH FLOOR PLAN FOR LOCATION
COUNTER TOP	Q-1	QUARTZ COUNTERTOP	CASABLANCO	6'x6" OCEAN FOAM	SEE INTERIOR ELEVATIONS FOR LOCATION
FLOOR	1-1	PORCELAIN TILE	DALTILE	12"x12" INDUSTRIAL PARK / LIGHT GRAY	SEE FINISH FLOOR PLAN FOR LOCATION / ORIENTATION
FLOOR	1-4	PORCELAIN TILE	DALTILE	TO MATCH [E]	SEE FINISH FLOOR PLAN FOR LOCATION
PLANK	PL-1	PLASTIC LAMINATE	ARBORITE	WISSEI NATURAL ARTISAN WALNUT	SEE INTERIOR ELEVATIONS FOR LOCATION
WALL	P-1	DIVANET PAINT	DUNN - EDWARDS	DEWISS MILK GLASS	SEE FINISH SCHEDULE FOR LOCATION
WALL	P-2	DIVANET PAINT	DUNN - EDWARDS	DEWISS BLACK TE	SEE FINISH SCHEDULE FOR LOCATION
WALL	P-3	DIVANET PAINT	DUNN - EDWARDS	DEWISS DRINKING THE BLUES	SEE FINISH FLOOR PLAN FINISH SCHEDULE FOR LOCATION
WALL	P-4	DIVANET PAINT	DUNN - EDWARDS	TO MATCH [E]	SEE FINISH FLOOR PLAN FOR LOCATION
WALL	T-2	CERAMIC TILE	F&D	3"x4" FESTIVAL BRIGHT WHITE ICE	SEE INTERIOR ELEVATIONS/FINISH SCHEDULE FOR LOCATION / ORIENTATION
WALL	T-3	CERAMIC TILE	F&D	TO MATCH [E]	SEE FINISH FLOOR PLAN FOR LOCATION



FLOOR TRANSITIONS

- WALL FINISH NOTES:**
- CONTRACTOR SHALL SUBMIT ALL WALL FINISH MATERIALS TO THE ARCHITECT/OWNER/TENANT FOR REVIEW & APPROVAL PRIOR TO INSTALLATION.
 - REFER TO INTERIOR ELEVATIONS & FINISH SCHEDULE FOR CLARIFICATION OF A WALL TREATMENTS. REFER TO FINISHES FLOOR PLAN FOR DESIGNATION LOCATION OFFICIAL WALL COLOR & OTHER WALL TREATMENTS, WHERE OCCURS.
 - CONTRACTOR SHALL PROVIDE BRACING AT ALL WALLS THAT HAVE WALL-MOUNTED EQUIPMENT. VERIFY HEIGHT OF EQUIPMENT W/ ARCHITECT/OWNER/TENANT & CONFIRM W/ ARCHITECT BRACING METHOD PRIOR TO INSTALLATION.
 - CONTRACTOR TO VERIFY HEIGHT OF ALL WALL-MOUNTED LIGHTINGS/SCENES PRIOR TO INSTALLATION.
 - PAIN GRILES, WALL DIFFUSERS, ELECTRICAL PANEL, WALL MOUNTED BENCH, ACCESS PANELS WHICH ARE EXPOSED IN FINISHED INTERIOR SPACES TO MATCH THE SURFACE COLOR ON WHICH THEY OCCUR. IF THE ITEM IS ON A WALL COVERED WALL, PROVIDE A CUSTOM COLOR FOR THE ARCHITECT FOR REVIEW & APPROVAL PRIOR TO PAINTING.
 - CONTRACTOR SHALL PROVIDE FOUR (4) 8"x21"x1" PAINT BRUSHOUTS & SHEN BRUSHOUTS TO THE ARCHITECT FOR REVIEW & APPROVAL PRIOR TO PAINTING.
 - ALL GYPSUM BOARD WALLS SHALL HAVE A SMOOTH LEVEL, 5 THROUGHOUT, U.O.N. IF APPLYING WALL PAPER, PREP WALL FINISH ACCORDING TO WALL PAPER MANUFACTURER'S RECOMMENDATIONS.
 - ALL GYPSUM BOARD WALLS SHALL BE PAINTED P-1, U.O.N.
 - PAINT SHEN SHALL BE EGGSHELL, U.O.N. PROVIDE EGGSHELL SHEN AT ALL WET LOCATIONS.
 - CONTRACTOR SHALL COORDINATE PRE-INSTALLATION MEETING FOR PATTERNED WALL TILE.
 - CONTRACTOR SHALL PROVIDE ALL TILE TRIM PICES - BULLNOSE, INSIDE/OUTSIDE CORNERS. IF NO BULLNOSE TILE IS AVAILABLE, PROVIDE A 45 DEGREE MIRE AT ALL OUTSIDE CORNERS & EASED EDGES.
 - PROVIDE EPOXY GROUT AT TILE IN RESTROOMS.
 - ALL RESTROOMS TO HAVE TILE PATTERN 1 AT WALLS, U.O.N. SEE INTERIOR ELEVATIONS.
 - PROVIDE WALL PROTECTION CORNER GUARDS WHERE INDICATED ON FINISH FLOOR PLAN. USE "TORO GUARD" SERIES G315, 1/4 GA. STAINLESS STEEL W/ SATIN FINISH, U.O.N. ADHERE & FASTEN TO SUBSTRATE PER MANUFACTURER'S RECOMMENDATIONS.
 - ALL DRYWALL TO BE LEVEL 4 FINISH, U.O.N.

- FLAME SPREAD NOTES:**
- CBC 803.15: N/A
- CBC 803.2:
- CURTAINS, DRAPERIES, FABRIC HANGINGS AND SIMILAR COMBUSTIBLE DECORATIVE MATERIALS SUSPENDED FROM WALLS OR CEILING SHALL COMPLY W/ CBC 803.4 AND SHALL NOT EXCEED 10 PERCENT OF THE SPECIFIC WALL OR CEILING AREA TO WHICH SUCH MATERIALS ARE ATTACHED.
 - EXCEPTION 1 - IN AUDITORIUMS IN GROUP A THE PERMISSIBLE AMOUNT OF CURTAINS, DRAPERIES, FABRIC HANGINGS AND SIMILAR COMBUSTIBLE DECORATIVE MATERIALS SUSPENDED FROM WALLS OR CEILING SHALL NOT EXCEED 75 PERCENT OF THE AGGREGATE WALL AREA WHERE THE BUILDING IS EQUIPPED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH CBC 903.1.1 AND WHEN THE MATERIALS IS INSTALLED IN ACCORDANCE WITH CBC 803.15.
- CBC 803.6:
- WHERE REQUIRED TO EXHIBIT IMPROVED FIRE PERFORMANCE, CURTAINS, DRAPERIES, FABRIC HANGINGS AND SIMILAR COMBUSTIBLE DECORATIVE MATERIALS SUSPENDED FROM WALLS OR CEILING SHALL BE TESTED BY AN APPROVED AGENCY SHALL BE FLAME RESISTANT IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN CBC TITLE 19 DIVISION 4, CHAPTER 6, REPORTS OF TEST RESULTS SHALL BE PREPARED IN ACCORDANCE WITH THE TEST METHOD USED AND FURNISHED TO THE BUILDING OFFICIAL UPON REQUEST.
- INTERIOR WALL FINISHES AND TRIM SHALL HAVE A MINIMUM CLASS C F-RATE SPREAD.
 - COMBUSTIBLE TRIM SHALL NOT EXCEED 10% OF SPECIFIC WALL AREAS OR CEILINGS TO WHICH IT IS ATTACHED.
 - FOAM PLASTIC TRIM SHALL HAVE A MINIMUM DENSITY OF 20 LB/FT³ HAVE A MAXIMUM THICKNESS OF 1/2" AND MAXIMUM WIDTH OF 8" AND NOT EXCEED 10% OF SPECIFIC WALL AREA OR CEILINGS TO WHICH IT IS ATTACHED.



- GENERAL NOTES:**
- NOTES PERTAIN TO AREAS WITHIN THIS SCOPE OF WORK ONLY.
 - CONTRACTOR SHALL CONTACT ARCHITECT FOR CLARIFICATION IN THE EVENT OF CONTRADICTION INFORMATION BETWEEN DRAWINGS, LEGENDS, AND SPECIFICATIONS.
 - REFER TO FINISH SCHEDULE AND PLAN FOR GENERAL FINISHES. REFER TO ALL INTERIOR FINISH NOTES AND INTERIOR DRAWINGS (INCLUDING FINISH ELEVATIONS, AND DETAILS) FOR COMPLETE INTERIOR INFORMATION.
 - IF MATERIAL FINISH OR COLOR IS NOT SPECIFIED, CONTRACTOR SHALL CLARIFY WITH ARCHITECT.
 - PAINT SHALL CLEAN JOB SITE, REMOVING SCRAPS, DEBRIS, AND WASTE MATERIALS DAILY.
 - CONTRACTOR SHALL SUBMIT FOUR (4) SAMPLES FOR APPROVAL PER MATERIAL SPECIFIED. LABEL EACH TO MATCH FINISH DESIGNATION ON SCHEDULE. INCLUDE PRODUCT DATA, SEAMING DIAGRAMS, AND SHOP DRAWINGS PRIOR TO PROCUREMENT OR FABRICATION.
 - PROVIDE REPRESENTATIVE SAMPLES FROM ALL DFTs REQUIRED TO COMPLETE INSTALLATION.
 - PROVIDE MINIMUM ONE BOB COVERAGE ON ALL TILE PRODUCTS, ALL SIZES, STYLES, AND COLORS.
 - PAIN ALL TRUSSES, FRAMING MEMBERS, DUCTWORK, CONDUIT, PIPING, ETC. COLOR P-1. UNDERSIDE OF METAL DECKING TO REMAIN UNPAINTED, U.O.N.
 - CITY DOES NOT REVIEW THIS SCOPE AND THEREFORE HAVE NO COMMENTS

- FLOOR FINISH NOTES:**
- CONTRACTOR SHALL PROVIDE CONSTRUCTION AND SUBMITTAL SCHEDULE, ALLOWING FOR LONG LEAD TIME ITEMS TO PREVENT SUBSTITUTIONS.
 - CONTRACTOR SHALL PROVIDE SHOP DRAWINGS SHOWING ALL FLOORING PATTERN LOCATIONS, GRAIN DIRECTION & SEAMING DIAGRAM AS APPLICABLE TO SCOPE.
 - CONTRACTOR SHALL INSTALL ALL DIRECTIONAL FLOORING AS INDICATED ON PLAN.
 - CONTRACTOR SHALL CONDUCT MOISTURE TESTS ON ALL CONCRETE SLABS WHERE FINISH MATERIALS ARE SCHEDULED. RECORD PAVING MOISTURE LEVELS PRIOR TO START OF INSTALLATION. REFERENCE MANUFACTURER'S INSTALLATION SPECIFICATIONS FOR EACH FLOOR FINISH TYPE OF VERIFY REQUIREMENTS.
 - CONTRACTOR SHALL ALIGN TRANSITION OF FLOOR MATERIAL W/ CENTER OF DOOR PANEL, IN A WRAPPED OPENING W/O HINGES, REFER TO FINISH FLOORING PLAN FOR LINE OF DELINEATION BETWEEN FLOORING MATERIALS.
 - CONTRACTOR SHALL HEAT WELD ALL SEAMS OF SHEET RESILIENT FLOORING & SEAL PER MANUFACTURER'S RECOMMENDATIONS.
 - CONTRACTOR SHALL COORDINATE W/ ARCHITECT ON WHICH AREAS OF SLAB NEED TO BE RECESSED TO RECEIVE FLOORING MATERIAL.
 - WATERPROOF SEAL TO BE APPLIED TO CONCRETE SLAB PRIOR TO INSTALL OF LVT & VCT.
 - REFER TO ROOM FINISHES PLAN FOR FLOORING PATTERNS, WHERE OCCURS.
 - ALL FLOOR AND GROUND SURFACES SHALL BE STABLE, FIRM, AND SLIP RESISTANT PER ANSI A137.1
 - CIRCULATION PATHS OF THE MEANS OF EGRESS SHALL HAVE A SLIP RESISTANT SURFACE AND BE SECURELY ATTACHED PER CBC 1003.4

- CEILING FINISH NOTES:**
- REFER TO INTERIOR ELEVATIONS, FINISH SCHEDULE & REFLECTED CEILING PLAN FOR CEILING TREATMENT LOCATIONS. REFER TO CEILING PAINTING PLAN FOR LOCATION / DESIGNATION OF CEILING COLOR & OTHER CEILING TREATMENTS, U.O.N.
 - AT ROOMS WHERE CEILING TERMINATE AT THE WALL, CENTER THE CEILING GRID / SYSTEM, U.O.N.
 - ALL PAINTED CEILINGS TO BE PRIME D & TO HAVE TWO (2) COATS MIN. OF FINISH PAINT AS SELECTED BY THE ARCHITECT / OWNER / TENANT.
 - ALL CEILING FINISH MATERIALS TO BE SUBMITTED TO THE ARCHITECT / OWNER / TENANT FOR REVIEW & APPROVAL FROM THE CONTRACTOR PRIOR TO INSTALLATION.
 - PROTECT & MASK OFF STRUCTURE / UNDERSIDE OF METAL DECKING PRIOR TO PAINTING, U.O.N.

- MILLWORK FINISH NOTES:**
- ALL CASEWORK TO FOLLOW AIA'S GUIDELINES.
 - ALL CASEWORK TO MEET OR EXCEED NAHMS 3.0 CUSTOM OR PREMIUM GRADES STANDARDS.
 - REFER TO FINISH SCHEDULE & INTERIOR ELEVATIONS FOR CASEWORK FACING MATERIAL & PATTERN DIRECTION.
 - ALL COUNTERTOPS TO BE SOLID SURFACE QUARTZ W/ SQUARE EDGING, U.O.N.
 - U.O.N. SOLID SURFACE COUNTERTOPS AT SINK WALLS SHALL HAVE A 4" SOLID SURFACE BACKSPLASH. PROVIDE CONTINUOUS CLEAR SILICONE SEALANT AT ALL JOINTS.
 - CONTRACTOR SHALL SUBMIT CASEWORK SHOP DRAWINGS TO THE ARCHITECT / OWNER FOR REVIEW APPROVAL PRIOR TO FABRICATION. SUBMITTAL SHALL INCLUDE A MINIMUM FINISH MATERIAL, HANGHARE, DETAILS.
 - IF NATURAL AND/OR STAINED WOOD TO BE USED, PROVIDE SAMPLES TO THE ARCHITECT / OWNER FOR REVIEW APPROVAL PRIOR TO FABRICATION.
 - ALL SHELVING IN CASEWORK TO BE ADJUSTABLE, U.O.N.
 - ALL OPEN CASEWORK TO HAVE MATCHING LAMINATE AT EXTERIOR FACING, U.O.N.
 - ALL LAMINATE TO RUN HORIZONTALLY, U.O.N.
 - PROVIDE WHITE MELAMINE AT SINK EPOXYED CASEWORK INTERIORS, AS DEFINED BY AIA STANDARDS, U.O.N.
 - ALL CASEWORK HINGES TO BE CONCEALED EUROPEAN STYLE, U.O.N.
 - ALL BASE CABINETS TO HAVE A 4" TOE KICK, U.O.N.
 - ALL BASE CABINETS AT SINK LOCATIONS TO BE OPEN AT SINK PER ACCESSIBILITY REQUIREMENTS. CASEWORK TO EXCEED BASE MATERIAL TO TURN CORNER & WRAP AROUND INSIDE OF OPEN AREA UNDER SINK, U.O.N.



NJA ARCHITECTURE
21 W. PINE STREET, STE #1
LODI, CA 93240
209.400.6980
www.njaarchitecture.com

DESIGNER STAMP:



RECORD DRAWINGS

Designer: _____ Date: _____

Public Works Inspector: _____ Date: _____

Utility/Facility Dept. Head: _____ Date: _____

Project Engineer: _____ Date: _____

Public Improvements Initially Accepted by _____ Date: _____

The City Council on: _____ Res. No. _____

DRAWN BY: **JV/NS** DATE: _____

CHECKED BY: _____ DATE: _____

DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				



CITY OF MILPITAS
ENGINEERING DIVISION
MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD., MILPITAS, CA 95035

ROOM FINISH SCHEDULE

RECOMMENDED FOR BIDDING BY: _____ DATE: _____

Some Turnouts, Public Works Division Manager - Operations

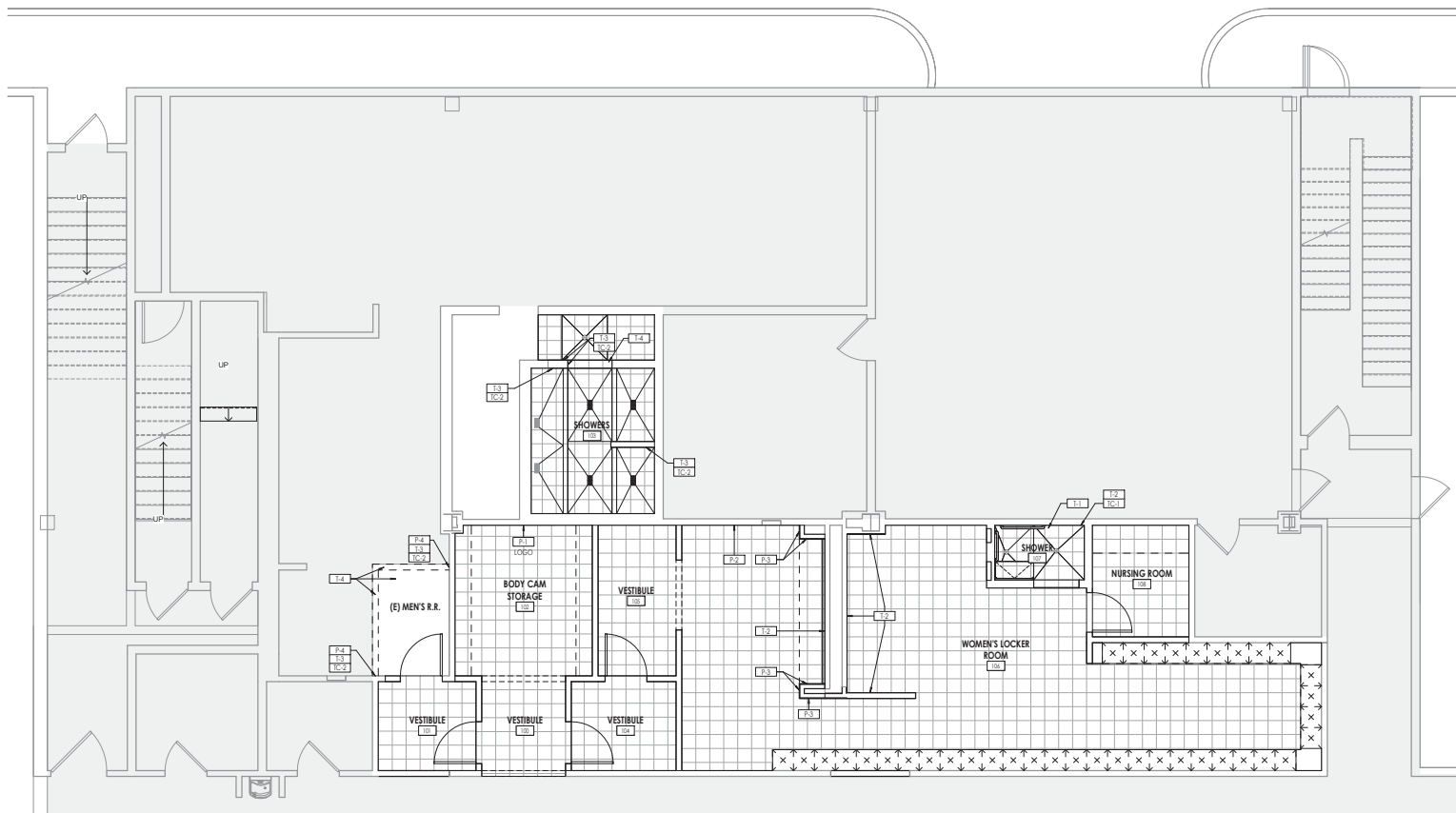
PROJECT NO.
22043

REC. DWG NO.
A800

PERMIT SET
01.16.2025

SCALE:
8" = 1'-0"

SHEET **23** OF **48**



GENERAL NOTES:

1. CITY DOES NOT REVIEW THIS SCOPE AND THEREFORE HAVE NO COMMENTS

KEYNOTES:

P-1 ENAMEL PAINT: DUNN EDWARDS, DEWISSER MILK GLASS
P-2 ENAMEL PAINT: DUNN EDWARDS, DEWISSER BLACK TIE
P-3 ENAMEL PAINT: DUNN EDWARDS, DETON'S SINGING THE BLUES
P-4 ENAMEL PAINT: TO MATCH (E)
T-1 PORCELAIN TILE: DALTILE, 12 x 12 INDUSTRIAL PARK, LIGHT GRAY
T-2 CERAMIC TILE: F&D, 3 x 6 FESTIVAL BRIGHT WHITE ICE
T-3 CERAMIC TILE: TO MATCH (E)
T-4 PORCELAIN TILE: TO MATCH (E)
TC-1 CERAMIC TILE COVE
TC-2 CERAMIC TILE COVE: TO MATCH (E)

FIRST FLOOR - FINISH PLAN
1/8" = 1'-0"



NJA ARCHITECTURE
212 W. PINE STREET, STE #1
LODI, CA 95240
209.420.6980
www.njaarchitecture.com



RECORD DRAWINGS

Designer: Date:
Public Works Inspector: Date:
Utility/Facility Dept. Head: Date:
Project Engineer: Date:
Public Improvements Initially Accepted by
the City Council on: Res. No.

DRAWN BY: Author DATE:
CHECKED BY: Checker DATE:
DESIGNED BY: DATE:

Revisions

Num.	Description	Engr.	Appr.	Date



**CITY OF MILPITAS
ENGINEERING DIVISION**

MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD, MILPITAS, CA 95035

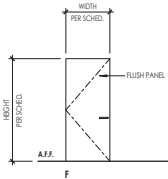
FINISH PLAN

RECOMMENDED FOR BIDDING BY: DATE:
Soma Turmeli, Public Works Division Manager - Operations

PROJECT NO.
22043
REC. DWG NO.
A810
PERMIT SET
01.16.2025
SCALE:
1/8" = 1'-0"
SHEET 34 OF 48

DOOR SCHEDULE

NO.	TYPE	HDWR. GROUP	PANEL			FRAME	DETAILS			COMMENTS
			WIDTH	HEIGHT	THICKNESS		CORE	HEAD	JAMB	
FIRST FLOOR										
101A	F	1	3'-0"	7'-0"	1 3/4"	SD - WD (PAINT GRADE)	HM	1A814	2A814	3A814
101B	F	1	3'-0"	7'-0"	1 3/4"	SD - WD (PAINT GRADE)	HM	1A814	2A814	3A814
104	F	1	3'-0"	7'-0"	1 3/4"	SD - WD (PAINT GRADE)	HM	1A814	2A814	3A814
105	F	1	3'-0"	7'-0"	1 3/4"	SD - WD (PAINT GRADE)	HM	1A814	2A814	3A814
108	F	2	3'-10"	7'-0"	1 3/4"	SD - WD (PAINT GRADE)	HM	1A814	2A814	3A814



DOOR TYPE
A820 1/4" x 1/2"

HARDWARE GROUPS:

GROUP 1

QTY.	DESCRIPTION
3 EA.	BUTT HINGES
1 EA.	PUSH / PULL LEVER SET
1 EA.	CLOSER (INTERIOR SIDE OF DOOR)
3 EA.	BULWCHER
1 EA.	FLOOR STOP

GROUP 2

QTY.	DESCRIPTION
3 EA.	BUTT HINGES
1 EA.	PRIVACY LOCKSET
3 EA.	BULWCHER
1 EA.	FLOOR STOP

GENERAL NOTES:

- ALL INTERIOR AND EXTERIOR DOORS ARE EQUIPPED WITH SINGLE STICK NON GRASPING TYPE HARDWARE (I.E. LEVER) CENTER BETWEEN 48" AND 44" ABOVE THE FLOOR. CBC SECTIONS 11B-404.2.5, 11B-404.2.7, AND 11B-404.2.9.
- ALL EXIT DOORS SHALL BE OPERABLE FROM INSIDE WITHOUT SPECIAL KNOWLEDGE OR USE OF A KEY. CBC SECTION 100B.1.8.
- PROTECT PREFINISHED SURFACES AND REPAIR ANY DAMAGE.
- DOORS, HARDWARE AND THRESHOLDS SHALL COMPLY WITH ACCESSIBILITY REQUIREMENTS. SEE SHE. (A)10.2.
- WHERE CLOSERS ARE INDICATED, THE OPENING FORCE IS TO BE SET AT 5 LBS. MAX.
- ALL INTERIOR AND EXTERIOR DOORS TO HAVE A 1" BACORN UNINTERRUPTED BOTTOM SURFACE OR PROVIDE A 1" HIGH KICK PLATE. CBC SECTION 11B-404.2.10.
- RIGHT HAND LEAF OF PAIR DOORS TO BE ACTIVE, U.O.N.
- ALL FIRE RATED DOORS AND FRAMES (ASSEMBLIES) SHALL HAVE 'S' LABEL OR PROVIDE SMOKE SEAL WITH 'S' LABEL.
- TEMPERED GLASS PANELS SHALL BE PROVIDED AT THE FOLLOWING LOCATIONS WHEN ALL APPLY:
 - AREA OF GLAZING IS GREATER THAN 9 SQ. FT.
 - THE BOTTOM EDGE IS LESS THAN 18" A.F.F.
 - THE TOP EDGE IS MORE THAN 36" A.F.F.
- PROVIDE SIGNAGE THAT COMPLIES W/ CBC SECTION 1013. SEE SHE. (A)10.5 FOR ADDITIONAL INFORMATION.
- DOOR CLOSERS SHALL BE ADJUSTED SO THAT FROM AN OPEN POSITION OF 90 DEGREES, THE TIME REQUIRED TO MOVE THE DOOR TO A POSITION OF 12 DEGREES FROM THE LATCH IS 5 SECONDS MINIMUM.
- ALL KEYED DOORS SHALL BE APPROVED BY OWNER FOR KEYED SEQUENCE.

DOOR HARDWARE NOTES:

- PROVIDE SIGNAGE THAT COMPLIES WITH CBC SECTION 1008.1.3. A READILY VISIBLE SIGN POSTED ON THE EGRESS SIDE OF THE DOOR OR ADJACENT TO THE DOOR FRAMING. THE DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. THE SIGN SHALL BE IN LETTERS 1" HIGH ON A CONTRASTING BACKGROUND.
- EACH GRADE LEVEL EXTERIOR DOOR SHALL BE IDENTIFIED WITH A TACTILE EXIT SIGN WITH THE WORD 'EXIT'.
- EACH EXIT ACCESS DOOR FROM AN INTERIOR ROOM OR AREA TO A CORRIDOR OR HALLWAY THAT IS REQUIRED TO HAVE A VISUAL EXIT SIGN SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS 'EXIT ROUTE'.
- ALL RATED DOORS TO BE POSITIVE LATCHING.
- ALL OPERATING SWINGING DOORS TO HAVE LEVER HANDLES, U.O.N.
- PROVIDE WALL STOPS AT ALL LOCATIONS WHERE DOOR WILL STRIKE PARTITION, U.O.N.
- PROVIDE COORDINATOR AT ALL RATED DOUBLE DOORS.
- DOOR CLOSERS SHALL BE ADJUSTED SO THAT FROM AN OPEN POSITION OF 90 DEGREES, THE TIME REQUIRED TO MOVE THE DOOR TO A POSITION OF 12 DEGREES FROM THE LATCH IS 5 SECONDS MINIMUM.
- MOVE THE DOOR TO A POSITION OF 12 DEGREES FROM THE LATCH IS 5 SECONDS MINIMUM.
- ALL KEYED DOORS SHALL BE APPROVED BY OWNER FOR KEYED SEQUENCE.
- LIST OF MANUFACTURERS & ABBREVIATIONS:

VON	VON DUPRE
HAG	HAGER
TR	TRIMCO
SCG	SCHLAGE
SCF	SCHLAGE ELECTRONICS
LCN	-
HES	-
AL	ALTRONICS
PEM	PEMCO



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DESIGNER STAMP:



RECORD DRAWINGS

Designer: Designer Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by _____
the City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____

CHECKED BY: Checker DATE: _____

DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1				



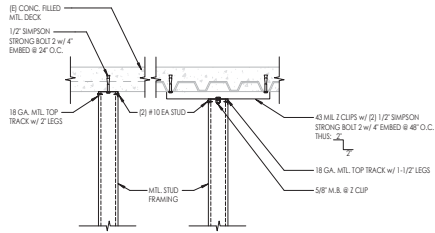
CITY OF MILPITAS
ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD., MILPITAS, CA 95035

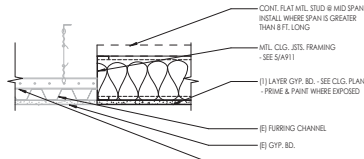
DOOR SCHEDULE

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Tumala, Public Works Division Manager - Operations

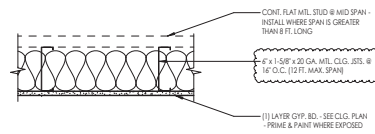
PROJECT NO.
22043
REC. DWG NO.
A820
PERMIT SET
01.16.2025
SCALE:
As Indicated
SHEET 23 OF 48



TOP CONNECTION

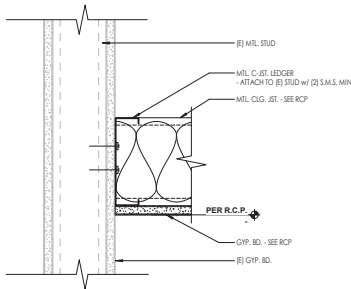


CL-1 - TRANSITION AT (E) CEILING

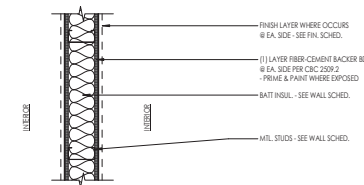


CL-1 - METAL JOISTS w/ GYP. BD.

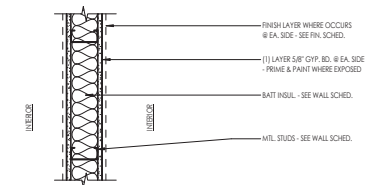
- NOTES:**
1. U.O.N., ALL NEW WALL ASSEMBLIES ARE CONTINUOUS TO BOTH OF DECK.
 2. WALL TYPES DESCRIBED ON THIS SHEET DO NOT ACCOUNT FOR REQUIRED BACKING / SUPPORT FOR WALL FINISHES, MOUNTED FIXTURES, EQUIPMENT, CASEWORK, ANCHOR SYSTEMS/FURNITURE. COORDINATE w/ ENLARGED FLOOR PLANS, INTERIOR ELEVATIONS, AND EQUIPMENT PLANS PRIOR TO COVERING STUD FRAMING. REFER TO MFR. RECOMMENDATIONS AND USE DETAIL 104A915 WHERE APPLICABLE.
 3. REFER TO STRUCT. DRAWINGS FOR STRUCTURAL SHEATHING REQUIREMENTS AND ATTACHMENTS.
 4. INFORMATION IN THE WALL TYPE LEGEND IS FOR REFERENCE ONLY AND DOES NOT OVERRIDE THE CONTENTS OF THE DETAILS ON THIS SHEET.
 5. WHERE OYP. BD. IS NOT INSTALLED ON BOTH FACES OF WALL, BLOCKING / BRIDGING MUST BE ADDED @ 48" O.C.
 6. PROVIDE SLIP TRACKS AT TOP OF INTERIOR WALL THAT TERMINATE AT BOTTOM OF DECK, AND SEAL w/ ACOUSTIC SEALANT.



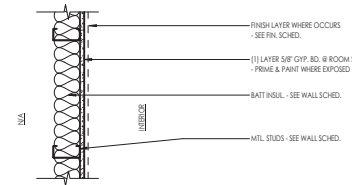
CLG. JOIST @ (E) WALL



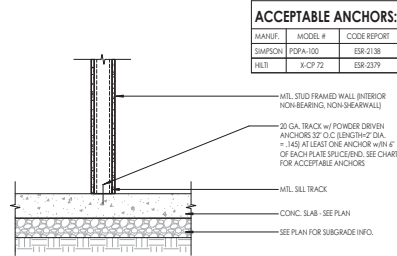
METAL STUD FRAMING w/ FIBER-CEMENT



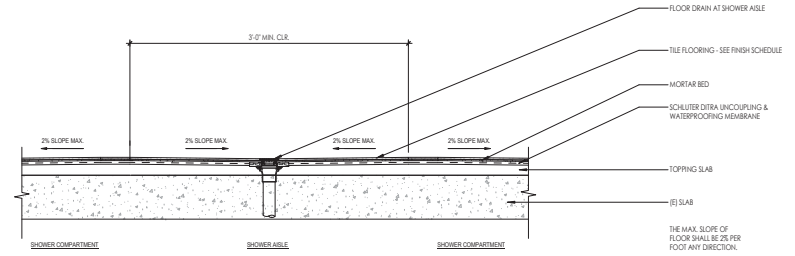
METAL STUD FRAMING w/ G.B.



METAL STUD FURRING w/ G.B. 1 SIDE



WOOD SILL TO SLAB ANCHOR



AISLE TO SHOWER TRANSITION

ACCEPTABLE ANCHORS:		
MANUF.	MODEL #	CODE REFERENCE
SIMPSON	PSPPH-100	ESR-2138
HUB	3-CP-75	ESR-2379



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RECORD DRAWINGS

Designer: Designer Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by
the City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____
CHECKED BY: Checker DATE: _____
DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Engr.	Appr.	Date
1	PLAN CHECK 2			01.16.25

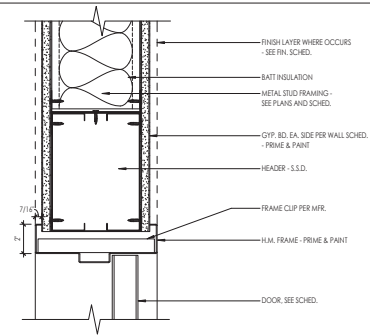


CITY OF MILPITAS
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MILPITAS PD WOMEN'S LOCKER ROOM
1275 N. MILPITAS BLVD., MILPITAS, CA 95035

ASSEMBLIES

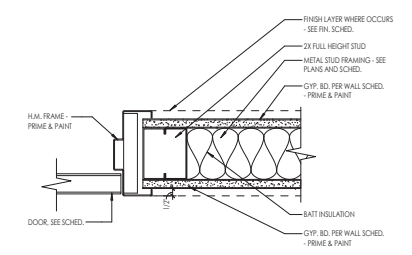
RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Tumulu, Public Works Division Manager - Operations

PROJECT NO.: 22043
REC. DWG NO.: A911
PERMIT SET 01.16.2025
SCALE: As Indicated
SHEET 38 OF 48



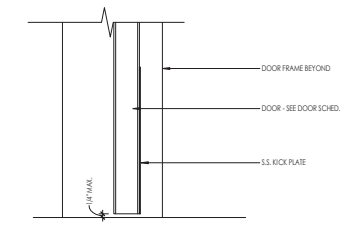
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A914 3' x 1'0"

INTERIOR H.M. HEAD @ GYP. BD. INT.



2
A914 3' x 1'0"

INTERIOR H.M. DOOR JAMB @ GYP. BD.

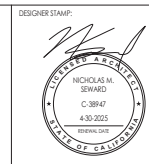


3
A914 3' x 1'0"

INTERIOR H.M. DOOR THRESHOLD



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Public Works Inspector: _____ Date: _____

Utility/Facility Dept. Head: _____ Date: _____

Project Engineer: _____ Date: _____

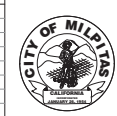
Public Improvements Initially Accepted by
the City Council on: _____ Res. No. _____

DRAWN BY: Author DATE: _____

CHECKED BY: Checker DATE: _____

DESIGNED BY: _____ DATE: _____

Revisions				
Num.	Description	Engr.	Appr.	Date
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CITY OF MILPITAS
ENGINEERING DIVISION

MILPITAS PD WOMEN'S LOCKER ROOM

1275 N. MILPITAS BLVD. MILPITAS, CA 95035

DOOR DETAILS

RECOMMENDED FOR BIDDING BY: _____ DATE: _____

Soma Turmali, Public Works Division Manager - Operations

PROJECT NO.
22043

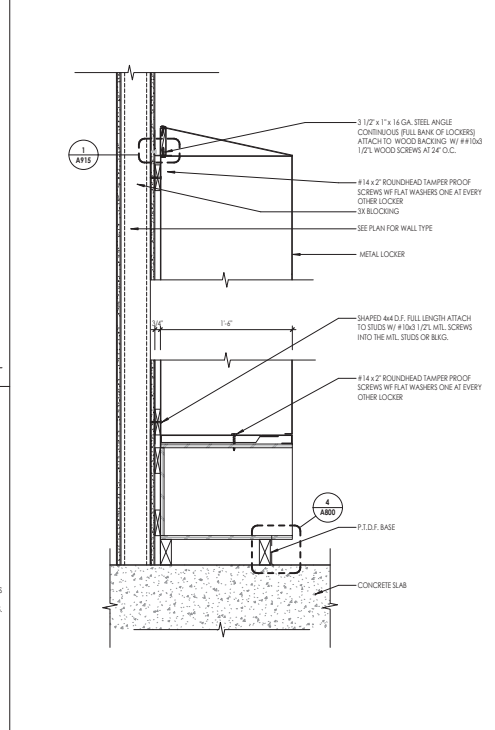
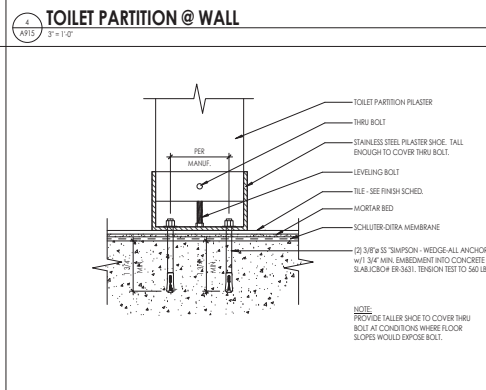
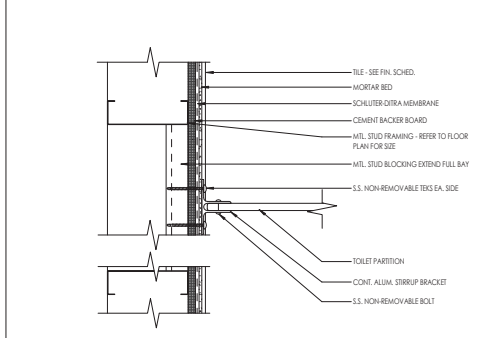
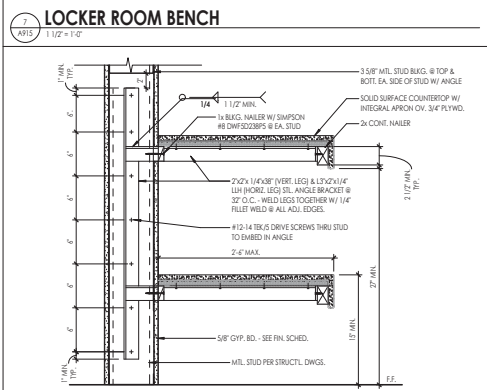
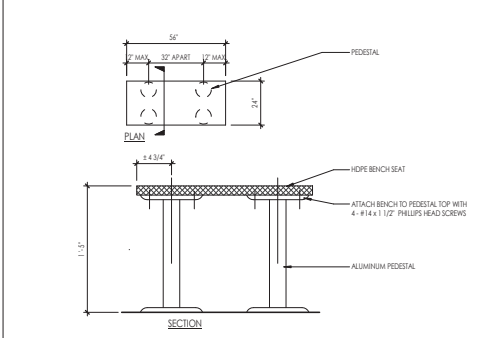
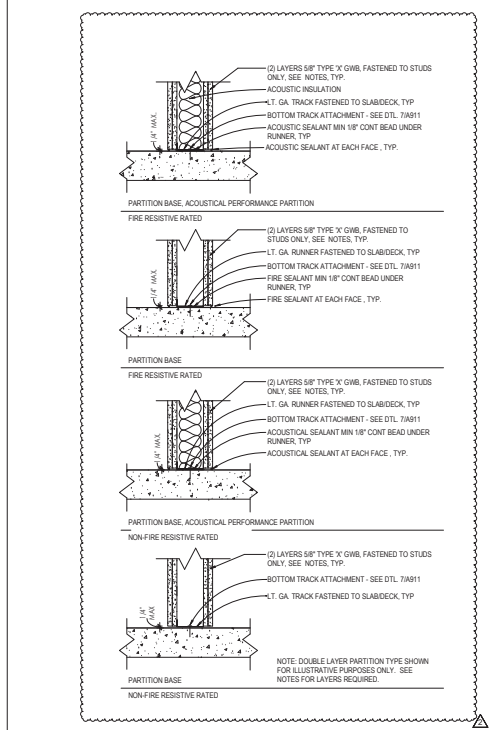
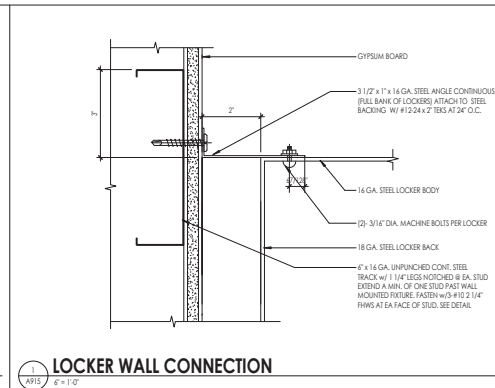
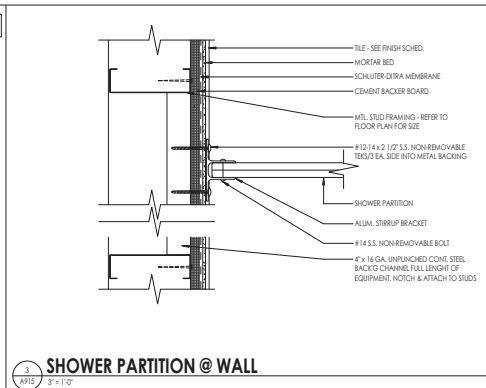
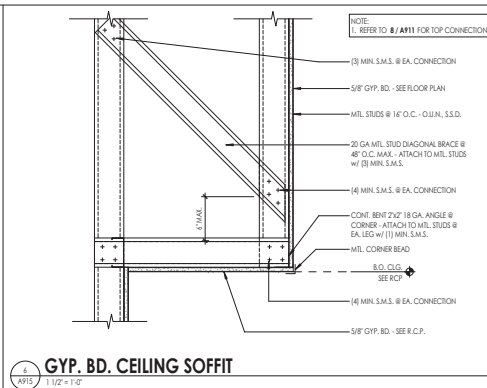
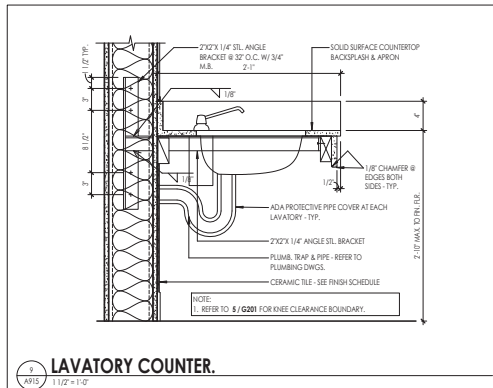
REC. DWG NO.
A914

PERMIT SET
01.16.2025

SCALE:
3' = 1'0"

SHEET 37 OF 48

2/6/2025 9:15:07 AM
Project No.: 22043



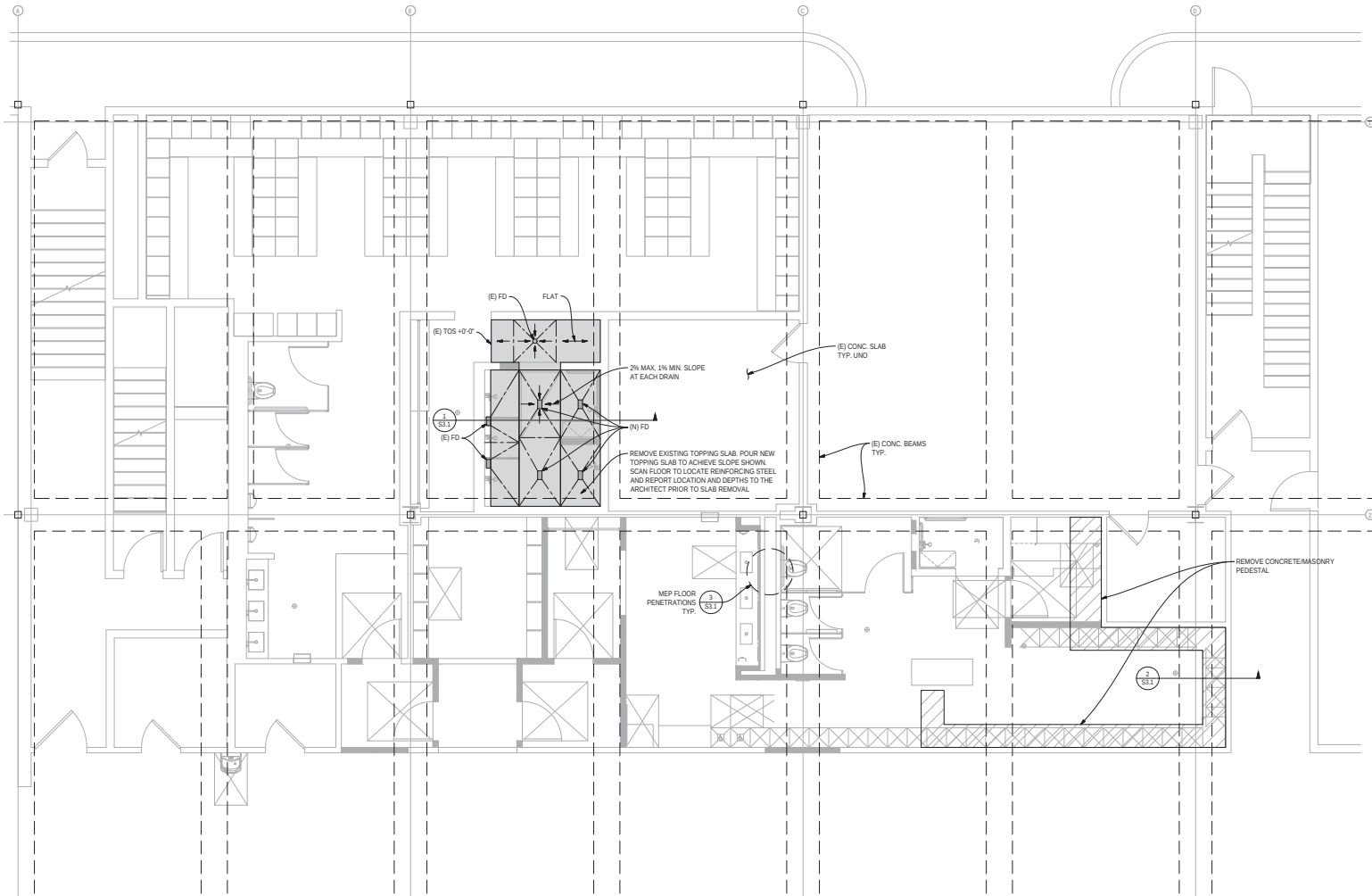
RECORD DRAWINGS Designer: _____ Date: _____ Public Works Inspector: _____ Date: _____ Utility/Facility Dept. Head: _____ Date: _____ Project Engineer: _____ Date: _____ Public Improvements Initially Accepted by the City Council on: _____ Res. No. _____		Revisions <table border="1"> <thead> <tr> <th>Num.</th> <th>Description</th> <th>Engr.</th> <th>Appr.</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PLAN CHECK 2</td> <td></td> <td></td> <td>01.16.2025</td> </tr> </tbody> </table>		Num.	Description	Engr.	Appr.	Date	1	PLAN CHECK 2			01.16.2025	CITY OF MILPITAS ENGINEERING DIVISION MILPITAS PD WOMEN'S LOCKER ROOM 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 INTERIOR DETAILS RECOMMENDED FOR BIDDING BY: _____ DATE: _____ (Some Turnouts, Public Works Division Manager - Operations)		PROJECT NO.: 22043 REC. DWG NO.: A915 PERMIT SET 01.16.2025 SCALE: As Indicated SHEET 38 OF 48	
Num.	Description	Engr.	Appr.	Date													
1	PLAN CHECK 2			01.16.2025													



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FIRST FLOOR FRAMING PLAN
1/8" = 1'-0"



RECORD DRAWINGS
Designer: _____ Date: _____
Public Works _____ Date: _____
Inspector: _____ Date: _____
Utility/Facility Dept. _____ Date: _____
Head: _____ Date: _____
Project Engineer: _____
Public Improvements Initially Accepted by the City Council _____ Res. No. _____

DRAWN BY: _____ DATE: _____
CHECKED BY: _____ DATE: _____
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Revisions				
Num.	Description	Eng.	Appr.	Date
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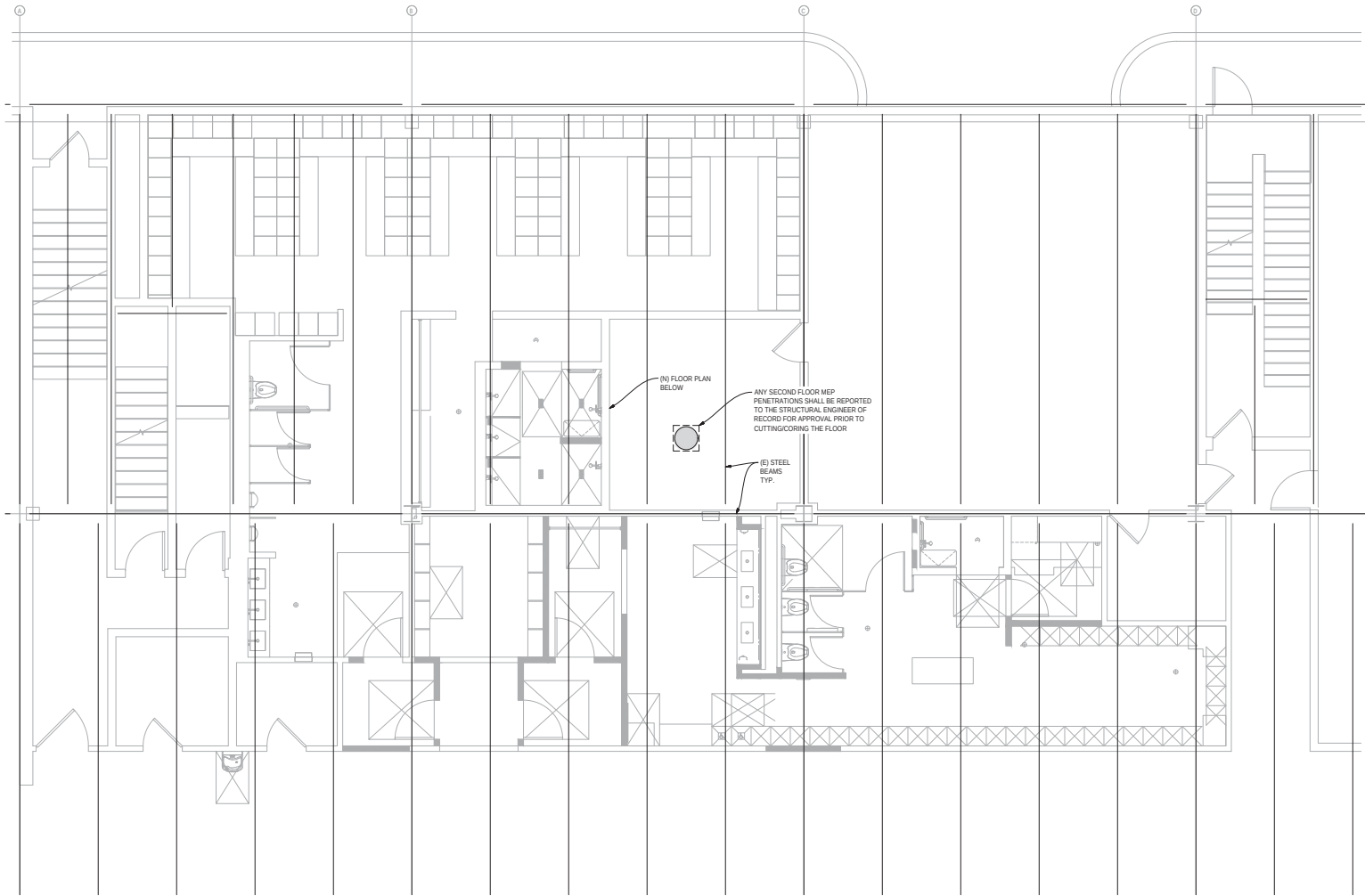
CITY OF MILPITAS
ENGINEERING DIVISION

FIRST FLOOR FRAMING PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Santo Tumbal, Public Works Division Manager - Operations

PROJECT NO.
REC. DWG. NO. **S2.1**
PERMIT SET
01.16.2025
SCALE
SHEET ____ OF 48

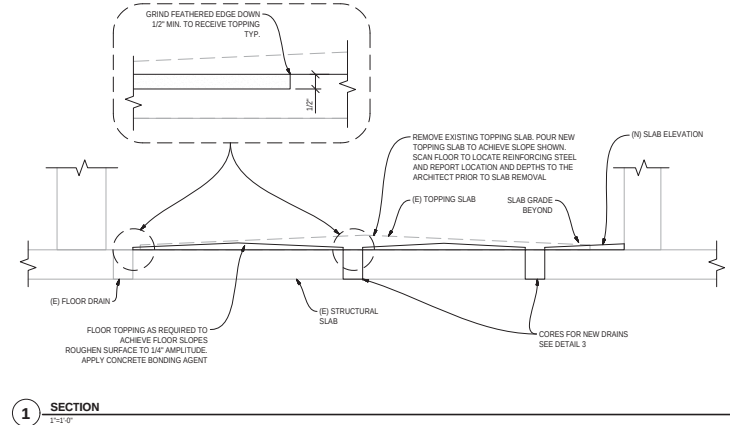
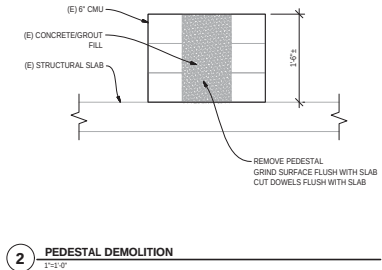
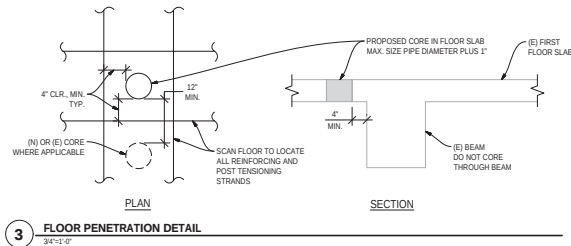
F:\WORK\CITY\2006 MILPITAS POLICE DEPARTMENT LOCKER ROOM RENOVATION PLANS AND SPECIFICATIONS\IMPROVEMENT PLANS\STRUCTURAL\2006-S2-2-SECOND FLOOR FRAMING PLAN.DWG 2/9/2023 3:18 PM



SECOND FLOOR FRAMING PLAN
1/4"=1'-0"

 3426 Brookside Road Stockton, California 95219 (209)444-9201 www.siegfriedeng.com	DESIGNER STAMP: DATE SIGNED: 02/05/25	RECORD DRAWINGS Designer: _____ Date: _____ Public Works _____ Date: _____ Inspector: _____ Date: _____ Utility/Facility Dept. _____ Date: _____ Head: _____ Date: _____ Project Engineer: _____ Public Improvements Initially Accepted by the City Council _____ Res. No. _____ on: _____	DRAWN BY: _____ DATE: _____ CHECKED BY: _____ DATE: _____ DESIGNED BY: _____ DATE: _____	Revisions <table><thead><tr><th>Num.</th><th>Description</th><th>Eng.</th><th>Appr.</th><th>Date</th></tr></thead><tbody><tr><td>1</td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr></tbody></table>	Num.	Description	Eng.	Appr.	Date	1																																													 CITY OF MILPITAS ENGINEERING DIVISION	PROJECT NO.: REC. DWG NO.: S2.2 PERMIT SET 01-16-2023 SCALE: SHEET ____ OF 48
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SECOND FLOOR FRAMING PLAN																																																								
RECOMMENDED FOR BIDDING BY: _____ DATE: _____ Santo Tumbal, Public Works Division Manager - Operations																																																								

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 SIEGFRIED 3428 Brookside Road Stockton, California 95219 (209) 444-9271 www.siegfriedeng.com	DESIGNER STAMP:  DATE SIGNED: 02/05/25	RECORD DRAWINGS Designer: _____ Date: _____ Public Works _____ Date: _____ Inspector: _____ Date: _____ Utility/Facility Dept. _____ Date: _____ Head: _____ Date: _____ Project Engineer: _____ Public Improvements Initially Accepted by the City Council on: _____ Res. No. _____	DRAWN BY: _____ DATE: _____ CHECKED BY: _____ DATE: _____ DESIGNED BY: _____ DATE: _____	Revisions <table><thead><tr><th>Num.</th><th>Description</th><th>Eng.</th><th>Appr.</th><th>Date</th></tr></thead><tbody><tr><td>1</td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr><tr><td> </td><td></td><td></td><td></td><td></td></tr></tbody></table>	Num.	Description	Eng.	Appr.	Date	1																																														CITY OF MILPITAS ENGINEERING DIVISION	PROJECT NO. REC. DWG NO. S3.1 PERMIT SET 01.16.2025 SCALE SHEET ____ OF 48
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DETAILS																																																									
RECOMMENDED FOR BIDDING BY: _____ DATE: _____ Santo Tumbala, Public Works Division Manager - Operations																																																									

EXISTING VAV BOX SCHEDULE (FOR REFERENCE ONLY)									
MARK	MANUFACTURER & MODEL NO.	UNIT/NET SIZE	MAX. AIRFLOW CFM	MIN. AIRFLOW CFM	EWIT	ROWS	GRM	MBH	REMARKS
VAV #1203	TRANE VFCD-1715	12"x3	1550	800	--	--	--	--	SEE NOTES #1 & #2
VAV #1205	TRANE VCDV4-6	8"x3	900	180	175	1	0.5	6.4	SEE NOTES #1 & #2

NOTES:

- EXISTING UNIT WAS PROVIDED WITH FOL FACED LINER, INTEGRAL SOUND ATTENUATOR, DDC CONTROL UNIT, 24V POWER CONNECTION.
- PROVIDE NEW 7 DAY PROGRAMMABLE THERMOSTAT NOT INSTALLED AT TOP TO 44°F. INDOOR SUPPLY FANS SHALL BE SET TO RUN CONTINUOUSLY DURING OCCUPIED MODE. THERMOSTAT SHALL HAVE ABILITY TO PROGRAM TEMPERATURE SET POINTS FOR A MINIMUM OF 4 PERIODS PER 24 HOUR AND HAVE SETBACK CAPABILITIES PER CEC 120.102.

AIR DISTRIBUTION DEVICE SCHEDULE						
MK. NO.	MANUFACTURER & MODEL NO.	FRAME TYPE	BLOW PATTERN	OBD	NECK SIZE	REMARKS
CS-1	NALOR #430MR-S	SURFACE	SEE PLANS	YES	SEE PLAN	SEE NOTES: #1, #2
CE-1	NALOR #4360-S	SURFACE	N/A	YES	SEE PLAN	SEE NOTES: #1, #2

NOTES:

- STEEL CONSTRUCTION, WHITE FINISH.
- PROVIDE SQUARE TO ROUND TRANSITIONS AS NEEDED.

OUTDOOR AIR RATES									
VAV #1203	ROOM NUMBER	ROOM NAME	Rp	Pz	Ra	Az	Rt	Vzh	Vz
	100	VESTIBULE	0	0	0.06	41	0.15	2.5	6.2
	101	VESTIBULE	0	0	0.06	45	0.15	2.7	6.8
	102	BODY CAM STORAGE	5	2	0.12	106	0.15	22.7	15.9
	104	VESTIBULE	0	0	0.06	48	0.15	2.9	7.2
	105	VESTIBULE	0	0	0.06	61	0.15	3.7	9.2
	106	WOMEN'S LOCKER ROOM	N/A	2	N/A	167	0.15	N/A	25.1
						TOTALS	34	70	
								OSA PROVIDED	620
VAV #1205	ROOM NUMBER	ROOM NAME	Rp	Pz	Ra	Az	Rt	Vzh	Vz
	106	WOMEN'S LOCKER ROOM	N/A	5	N/A	440	0.15	N/A	66
	107	SHOWER	N/A	1	N/A	57	0.15	N/A	8.55
	108	NURSING ROOM	5	2	0.12	90	0.15	20.8	13.5
						TOTALS	21	88	
								OSA PROVIDED	220

NOTES:

- CALCULATIONS BASED ON 2022 CMC 403.2.1 AND 2022 CEC 120.1(c)-3.
- Rp = OUTDOOR AIRFLOW RATE REQUIRED PER PERSON, PER 2022 CMC AND TABLE 402.1.
- Pz = ZONE POPULATION: THE NUMBER OF PEOPLE IN THE VENTILATION ZONE DURING TYPICAL USAGE.
- Ra = OUTDOOR AIRFLOW RATE REQUIRED PER 2022 CMC AND TABLE 402.1
- Rt = OUTDOOR AIRFLOW RATE REQUIRED PER 2022 CEC AND TABLE 120.1-F
- Az = ZONE FLOOR AREA
- Vzh = REQUIRED OUTDOOR AIRFLOW PER 2022 CMC
- Vz = REQUIRED OUTDOOR AIRFLOW PER 2022 CEC
- THE EXISTING AIR HANDLER SERVING THIS SPACE IS SET AT 40% OSA.

EXHAUST AIR RATES									
VAV #1203	ROOM NUMBER	ROOM NAME	FT2	CFM/FT2	PER UNIT	UNITS	REQUIRED	PROVIDED	
	100	VESTIBULE	41	N/A	N/A	N/A	N/A	N/A	
	101	VESTIBULE	45	N/A	N/A	N/A	N/A	N/A	
	102	BODY CAM STORAGE	106	N/A	N/A	N/A	N/A	N/A	
	104	VESTIBULE	48	N/A	N/A	N/A	N/A	N/A	
	105	VESTIBULE	61	N/A	N/A	N/A	N/A	N/A	
	106	WOMEN'S LOCKER ROOM	167	0.25	N/A	N/A	41.75	400	
VAV #1205	ROOM NUMBER	ROOM NAME	FT2	CFM/FT2	PER UNIT	UNITS	REQUIRED	PROVIDED	
	106	WOMEN'S LOCKER ROOM	440	0.25	N/A	N/A	110	550	
	107	SHOWER	57	N/A	50	1	50	100	
	108	NURSING ROOM	90	N/A	N/A	N/A	N/A	N/A	

NOTES:

- CALCULATIONS BASED ON 2022 CMC 403.7 AND 2022 CEC 120.1(c)-4.
- CONTRACTOR SHALL VERIFY THE EXISTING EXHAUST FAN IS EQUIPPED WITH A BACK DRAFT DAMPER AND IS A MINIMUM OF 10'-0" AWAY FROM ALL OSA INTAKES.

DUCTWORK NOTES

- ALL WORK TO BE DONE IN ACCORDANCE WITH ALL APPLICABLE 2020 4TH EDITION SMACNA STANDARDS AND FABRICATION GUIDELINES. ALL METAL DUCTS SHALL BE CONSTRUCTED OF GALVANIZED SHEET METAL PER CALIFORNIA MECHANICAL CODE STANDARDS, UNLESS NOTED OTHERWISE.
 - DUCT PRESSURE CLASS SHALL BE MINIMUM 2" W.C. AND SHALL EXCEED THE FAN SYSTEM DESIGN EXTERNAL STATIC PRESSURE WHERE APPLICABLE.
 - PROVIDE TURNING VANES ON ALL SQUARE THROAT ELBOWS. RADIUS ELBOWS SHALL HAVE A THROAT RADIUS EQUAL TO OR GREATER THAN THE DUCT WIDTH. (USE SMACNA ELBOW TYPES RE 1 OR RE 2 ONLY, UNLESS NOTED OTHERWISE.)
 - DIVIDED FLOW BRANCHES SHALL SPLIT WITH ELBOWS PER NOTE 3. (USE SMACNA TYPE 1, 2 OR 4A4B UNLESS NOTED OTHERWISE.)
 - BRANCH FITTING TAKEOFFS SHALL BE WYEL 45° LEAD IN OR CONICAL/BELLMOUTH TAPS UNLESS NOTED OTHERWISE. DO NOT USE STRAIGHT TAPS.
 - ALL SUPPLY AND RETURN DUCT SHALL BE INSULATED PER T24 THICKNESS AND R-VALUE REQUIREMENTS (CEC 120.4-6).
- SUPPLY DUCT: MIN. R-4.2, BUT R-8 WHERE EXPOSED TO EXTERIOR OR UNCONDITIONED SPACE.
 - RETURN DUCT: MIN. R-4.2, BUT R-8 WHERE EXPOSED TO EXTERIOR OR UNCONDITIONED SPACE.
 - EXHAUST DUCT: NO INSULATION EXCEPT AS SHOWN.
- EXTERNAL INSULATION EXPOSED TO WEATHER SHALL BE WEATHERPROOFED AND SHALL BE PAINTED TO MATCH ADJACENT SURFACE.
 - PROVIDE DUCT LEAKAGE TEST PER CMC 603.9.2.

DEMOLITION NOTES

- THE CONTRACTOR SHALL VISIT THE PROJECT SITE AND MAKE HIMSELF AWARE OF ALL EXISTING CONDITIONS WHICH CAN BE OBSERVED. ADDITIONAL COSTS WILL NOT BE ALLOWED FOR CORRECTION OF ITEMS WHICH CAN BE OBSERVED AND THEREFORE SHOULD BE INCLUDED IN HIS BID. THE CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION WORK REQUIRED TO COMPLETE THIS PROPOSED PROJECT.
- THE NOTES AND DRAWINGS CONTAINED ON THIS SHEET DESCRIBE IN A GENERAL SENSE THE EXTENT OF ITEMS TO BE MODIFIED, REMOVED OR INSTALLED. THIS DESCRIPTION DOES NOT NECESSARILY INCLUDE A DESCRIPTION OF ITEMS TO BE REPAIRED OR REFINISHED AS A RESULT OF THIS REMOVAL, OR MODIFICATION, IN THE ABSENCE OF ANY SPECIFIC DIRECTION. THE CONTRACTOR SHALL REPAIR THE AFFECTED AREAS TO A CONDITION EQUAL TO THE ADJACENT AREAS AND/OR SIMILAR EXISTING CONDITIONS ON PROJECT.
- THE CONTRACTOR SHALL PROVIDE DUST AND DEBRIS CONTROL THROUGHOUT THE PROJECT'S CONSTRUCTION. THE CONTRACTOR SHALL COORDINATE HIS WORK WITH THE BUILDING OWNER TO PROVIDE THE LEAST INTERRUPTION OF EXISTING BUILDING OPERATIONS. COORDINATE WITH THE OWNER THE LOCATION OF ON-SITE STORAGE AND STAGING.
- NOT ALL REQUIRED PATCHING AND/OR REPAIRS ARE SPECIFICALLY NOTED ON THIS PLAN.
- COORDINATE DEMOLITION WORK WITH NEW PROPOSED FLOOR PLANS.
- CONTRACTOR SHALL DISCARD AND DISPOSE OF ALL DEMOLISHED ITEMS.
- EXISTING PIPING AND ELECTRICAL OR COMMUNICATION CONDUITS WHICH INTERFERE WITH THE WORK SHALL BE RE-ROUTED BY THE CONTRACTOR.

MECHANICAL GENERAL NOTES

- SCOPE:
 - A REMODEL OF THE EXISTING HVAC SYSTEM, INCLUDING MECHANICAL EQUIPMENT & DUCTWORK AS GENERALLY DELINEATED ON THE DRAWINGS. EQUIPMENT SHALL COMPLY WITH TITLE 24 CALIFORNIA CODE OF REGULATIONS.
 - ALL WORK MATERIAL AND EQUIPMENT SHALL BE FURNISHED AND INSTALLED IN COMPLIANCE WITH THE FOLLOWING CODES AS ADOPTED AND AMENDED BY THE RESPECTIVE AUTHORITY HAVING JURISDICTION. NOTHING IN THESE PLANS SHALL BE CONSTRUED TO PERMIT THE INSTALLATION OF WORK, MATERIAL OR EQUIPMENT NOT CONFORMING TO THESE OR OTHER CODES APPLICABLE TO THIS PROJECT.
 - 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) PART 1, TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR)
 - 2022 CALIFORNIA BUILDING CODE (CBC) PART 2, TITLE 24, CCR BASED ON THE 2021 INTERNATIONAL BUILDING CODE (IBC)
 - 2022 CALIFORNIA ELECTRICAL CODE (CEC) PART 3, TITLE 24, CCR BASED ON THE 2020 NATIONAL ELECTRICAL CODE (NEC)
 - 2022 CALIFORNIA MECHANICAL CODE (CMC) PART 4, TITLE 24, CCR BASED ON THE 2021 UNIFORM MECHANICAL CODE (UMC)
 - 2022 CALIFORNIA PLUMBING CODE (CPC) PART 5, TITLE 24, CCR BASED ON THE 2021 UNIFORM PLUMBING CODE (UPC)
 - 2022 CALIFORNIA ENERGY CODE (CEC) PART 6, TITLE 24 CCR
 - 2022 CALIFORNIA FIRE CODE (CFC) PART 9, TITLE 24, CCR BASED ON THE 2021 INTERNATIONAL FIRE CODE (IFC)
 - 2022 CALIFORNIA GREEN BUILDING STANDARDS (CGSBC) PART 11, TITLE 24, CCR
 - 2023 MILPITAS MUNICIPAL CODE (MMC)
- WORMWASH-UP:
 - ALL WORMWASH-UP SHALL BE DONE IN A NEAT AND ORDERLY MANNER ACCORDING TO THE BEST TRADE PRACTICE BY THOSE SKILLED IN THE PARTICULAR TRADE. EQUIPMENT, DUCTS, GRILLES, ETC. SHALL BE FLAME, LEVEL, SQUARE OR CENTERED ETC. TO GIVE A NEAT AND PLEASANT APPEARANCE. ALL EQUIPMENT SHALL BE INSTALLED IN STRICT COMPLIANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- MECHANICAL CONTRACTOR SHALL CONFIRM ALL SYSTEMS VOLTAGES BEFORE BIDDING OR ORDERING EQUIPMENT, AND SHALL ALLOW FOR BUCK & BOOST TRANSFORMERS IF REQUIRED.
- AVAILABLE POWER:
 - THE AIR DISTRIBUTION SYSTEM SHALL BE BALANCED BY A LICENSED TAB CONTRACTOR TO DELIVER SPECIFIED AIR QUANTITIES FOLLOWING THE PROCEDURES OF SMACNA HVAC SYSTEMS TESTING, ADJUSTING, AND BALANCING OF ENVIRONMENTAL SYSTEMS 4TH EDITION OR PER ALTERNATE METHOD PER CMC 314.1 FOR TESTING ADJUSTING & BALANCING OF ENVIRONMENTAL SYSTEMS. CONTRACTOR SHALL PROVIDE ACCESSIBLE & ADJUSTABLE VOLUME DAMPERS AS REQUIRED TO BALANCE THE SYSTEMS AND MAINTAIN A NOISE CRITERIA LEVEL NOT TO EXCEED 30. THE AIR BALANCE TECHNICIAN SHALL BE RESPONSIBLE TO MODIFY ALL SUPPLY, RETURN, AND EXHAUST FAN SHEAVES & VFD OUTPUT FREQUENCY LIMITS AS APPLICABLE SUCH THAT THE DESIGN AIR FLOWS ARE MET. ALL SUPPLY FANS CONTROLLED FOR FILTER LOADING SHALL SIMILARLY BE MODIFIED TO ENSURE THE FULL RANGE OF MOTOR POWER IS AVAILABLE TO THE CONTROL SYSTEM. RATED MAXIMUM FAN SPEED SHALL NOT BE EXCEEDED. AIR BALANCE REPORT SHALL BE PROVIDED TO INSPECTOR PRIOR TO FINAL INSPECTION.
- PERMITS AND UTILITY SERVICE FEES:
 - CONTRACTOR TO ARRANGE AND PAY FOR ALL PERMITS, INSPECTIONS AND SERVICE CHARGES REQUIRED IN THE INSTALLATION OF THE WORK.
- EXISTING INFORMATION:
 - LOCATION, SIZE, MATERIAL, ETC. OF EXISTING SYSTEMS, ETC. IS PROVIDED FROM SOURCES DEEMED TO BE RELIABLE BUT IS NOT GUARANTEED. CONTRACTOR SHALL FIELD VERIFY ALL DATA BEFORE PROCEEDING WITH ANY WORK. NO EXTRA COST WILL BE ALLOWED FOR CONDITIONS NOT AS SHOWN.
- ACCURACY:
 - PLANS ARE DIAGRAMMATIC. CONTRACTOR SHALL CONFIRM ALL DIMENSIONS AND LOCATIONS OF AC UNITS, EXHAUST FANS, WALLS, PARTITIONS ETC., AGAINST ARCHITECTURAL AND STRUCTURAL DESIGN PLANS FOR LOCATION CONSISTENCY & ACCURACY PRIOR TO COMMENCING WITH ANY WORK.
- PAINTING:
 - PART ALL VISIBLE INTERIOR PORTIONS OF TERMINAL DEVICES & CANS WITH FLAT BLACK ENAMEL PAINT.
- SIZES:
 - DUCTWORK SIZES ON PLANS ARE INSIDE NET FREE AREA.
- MECHANICAL EQUIPMENT:
 - ALL EQUIPMENT SHALL BE LISTED BY AN APPROVED TESTING AGENCY AND INSTALLED IN ACCORDANCE WITH ITS INSTALLATION INSTRUCTIONS AND LISTING.

MECHANICAL LEGEND

DESCRIPTION	SYMBOL
SUPPLY AIR DUCT CROSS SECTION	SA
RETURN AIR DUCT CROSS SECTION	RA
EXHAUST AIR DUCT CROSS SECTION	EA
SUPPLY AIR DUCT - SINGLE LINE	
RETURN AIR DUCT - SINGLE LINE	
EXHAUST AIR DUCT - SINGLE LINE	
DUCT SIZE NET INSIDE DIMENSION	
FLEXIBLE DUCT CONNECTION	
DUCT DROP/RISE	
VOLUME DAMPER W/ LOCKING QUADRANT	
AUTO MOTORIZED CONTROLLED DAMPER	
FIRE DAMPER / CEILING FIRE DAMPER	
MOTORIZED FIRE / SMOKE DAMPER	
AIR REGISTER TAGS	
1ST DIGIT - LOCATION	C-CEILING W-WALL F-FLOOR
2ND DIGIT - DUCT SYSTEM	S-SUPPLY R-RETURN E-EXHAUST
3RD DIGIT - IDENTIFIER	-1, -2, ETC. SEE SCHEDULE
300 CFM = CUBIC FEET PER MINUTE 12"x12" = NECK/COLLAR SIZE	EXAMPLES
SMOKE DETECTOR	
DUCT WITH ACOUSTICAL LINING	
TO BE REMOVED	
THERMOSTAT, MOUNT TOP AT +8" AFF	
CONDENSATE DRAIN LINE	
EQUIPMENT TAG	
2-WAY CONTROL VALVE	
3-WAY CONTROL VALVE	
BALANCE VALVE	
BUTTERFLY VALVE	
CHECK VALVE	
FLEXIBLE COUPLING	
GLOBE VALVE	
MANUAL AIR VENT - MAV	
PETES PLUG	
PRESSURE GAUGE	
PRESSURE REDUCING VALVE - PRV	
REDUCER	
SHUT OFF COCK	
SHUT OFF VALVE	
STRAINER	
THERMOMETER	
UNION	
ABOVE FINISHED FLOOR	A.F.F.
ACCESS DOOR / ACCESS PANEL	A.D. / A.P.
ANALOG INPUT / ANALOG OUTPUT	A/I / A/O
AUTOMATIC AIR VENT	AAV
CUBIC FEET PER HOUR	CFH
CUBIC FEET PER MINUTE	CFM
DIGITAL INPUT / DIGITAL OUTPUT	D/I / D/O
EXISTING	(E)
FLOW SWITCH	FS
GALLONS PER MINUTE	GPM
THOUSANDS OF BTUS PER HOUR	MBH
NEW	(N)
NOT IN MECHANICAL CONTRACT	N.I.M.C.
OUTSIDE AIR	OSA
POINT OF CONNECTION	POC
REFRIGERANT LIQUID / REFRIGERANT SUCTION	RL / RS

SHEET INDEX

SHEET NO.	DESCRIPTION
M0.1	MECHANICAL - LEGEND, NOTES & SCHEDULES
M1.0	MECHANICAL - DEMOLITION PLAN
M2.0	MECHANICAL - FLOOR PLAN
M3.0	MECHANICAL - DETAILS



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217 WINE STREET, STE #1
LODI, CA 93240
209.420.6980
www.njaarchitecture.com



DESIGNER STAMP:

RECORD DRAWINGS

Designer: _____ Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by: _____
The City Council on: _____ Res. No. _____

DRAWN BY: _____ DATE: _____

CHECKED BY: _____ DATE: _____

DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Eng.	Appr.	Date
1	PLAN CHECK #2			01.14.2025



CITY OF MILPITAS ENGINEERING DIVISION

MILPITAS POLICE DEPARTMENT
1725 N. MILPITAS BLVD. MILPITAS, CA 95035

MECHANICAL - LEGEND, NOTES & SCHEDULES

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Tumbala, Public Works Division Manager / Operations

PROJECT NO.
22043

REC. DWG. NO.
M0.1

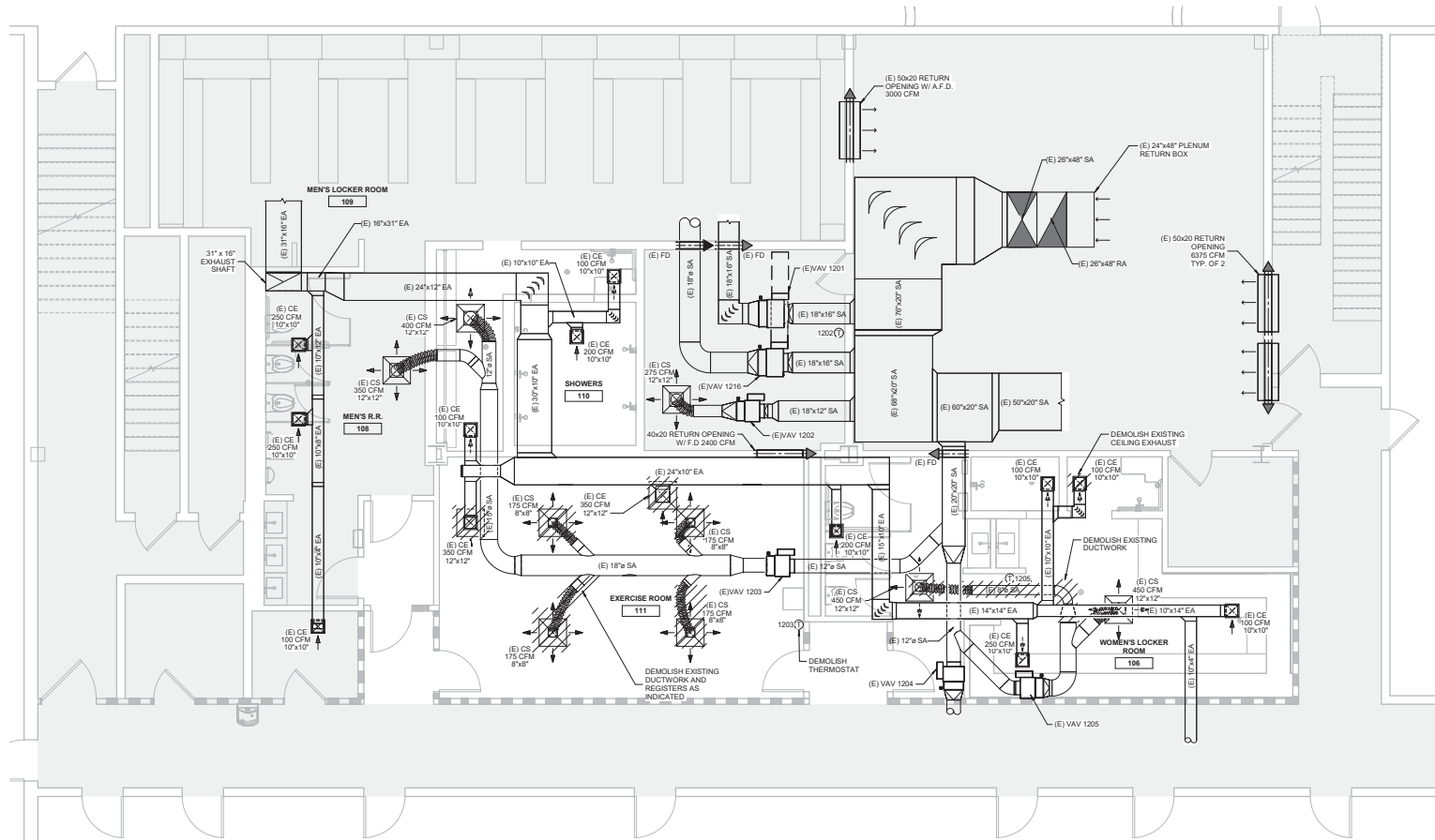
PERMIT SET
01.16.2025

SCALE
As indicated

SHEET ____ OF ____



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14801 Low Reno Ave., Suite A
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Tel: 209.377.7788 Fax: 209.238.1076
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Process/Plant Engineering, Refrigeration



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



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DESIGNER STAMP:

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Designer: _____ Date: _____
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Public Improvements Initially Accepted by
the City Council on: _____ Res. No. _____

DRAWN BY: _____ DATE: _____

CHECKED BY: _____ DATE: _____

DESIGNED BY: _____ DATE: _____

Revisions

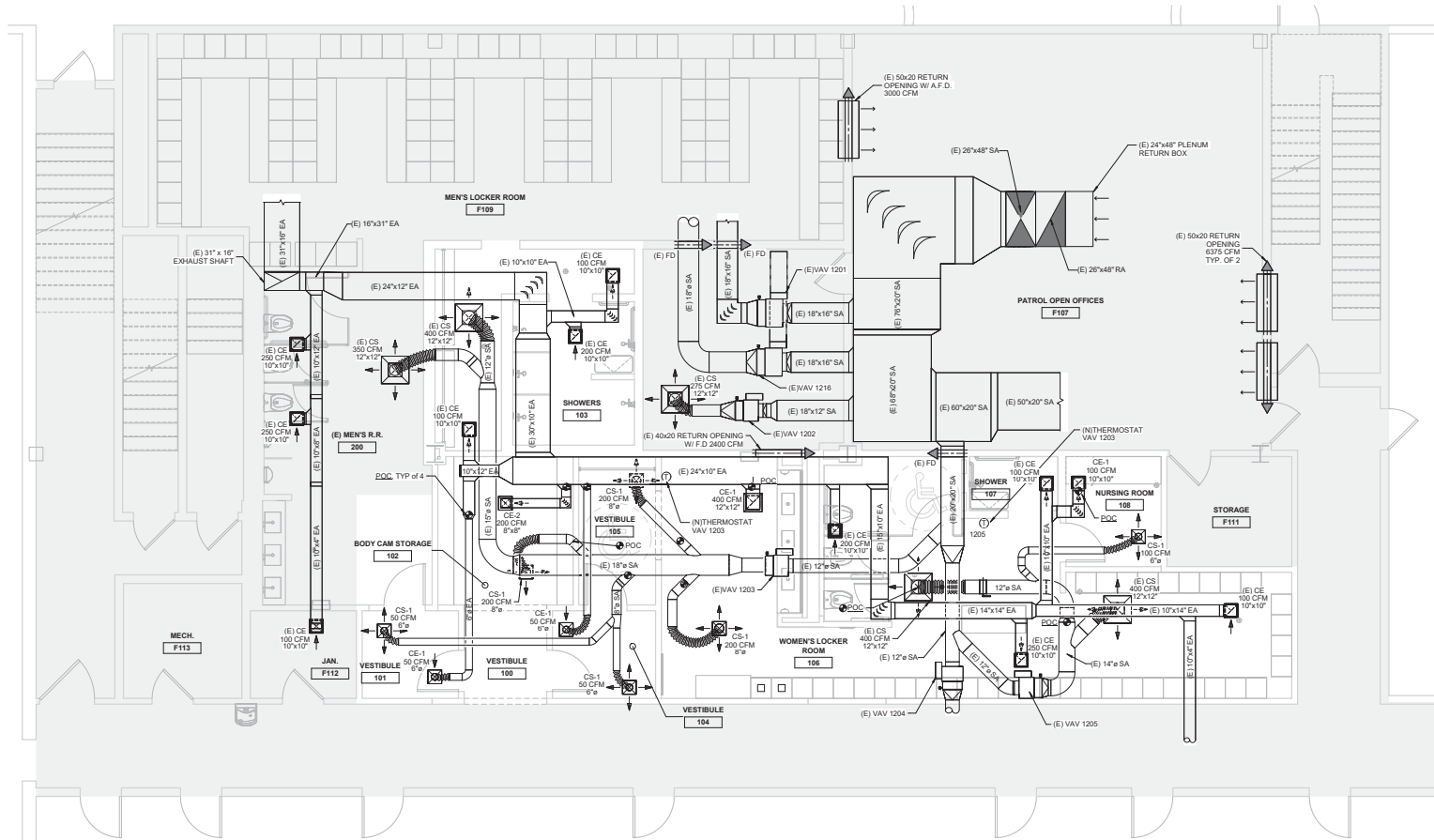
Num.	Description	Engr.	Appr.	Date
1	PLAN CHECK #2			01.16.2025



CITY OF MILPITAS
ENGINEERING DIVISION
MILPITAS POLICE DEPARTMENT
1275 N. MILPITAS BLVD. MILPITAS, CA 95035
MECHANICAL - DEMOLITION PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Soma Turan, Public Works Division Manager - Operations

PROJECT NO.
22043
REC. DWG. NO.
M1.0
PERMIT SET
01.16.2025
SCALE
As indicated
SHEET ____ OF ____



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

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DESIGNER STAMP:

RECORD DRAWINGS

Designer: _____ Date: _____
Public Works Inspector: _____ Date: _____
Utility/Facility Dept. Head: _____ Date: _____
Project Engineer: _____ Date: _____
Public Improvements Initially Accepted by
the City Council on: _____ Res. No. _____

DRAWN BY: _____ DATE: _____

CHECKED BY: _____ DATE: _____

DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Eng.	Appr.	Date
1	PLAN CHECK #2			01.16.2025



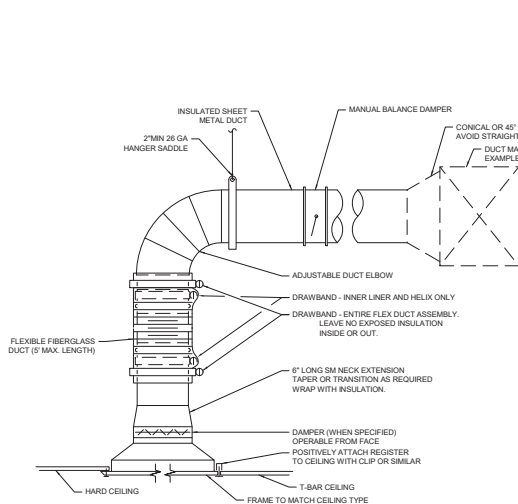
CITY OF MILPITAS
ENGINEERING DIVISION
MILPITAS POLICE DEPARTMENT
1275 N. MILPITAS BLVD. MILPITAS, CA 95035

MECHANICAL - FLOOR PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Santo Tumulid, Public Works Division Manager - Operations

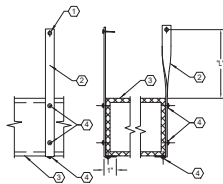
PROJECT NO. 22043
REC. DWG. NO. M2.0
PERMIT SET 01.16.2025
SCALE As indicated
SHEET ____ OF ____

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- FLEXIBLE DUCT NOTES:
1. FLEXIBLE DUCTS SHALL CONSIST OF AN EXTERIOR REINFORCED LAMINATED VAPOR BARRIER, FIBER GLASS INSULATION (PER CEC STANDARDS), ENCAPSULATED SPRING STEEL WIRE HELIX AND IMPERVIOUS, SMOOTH, NON-PERFORATED INTERIOR VINYL LINER.
 2. INSTALLATION OF FLEXIBLE DUCTS SHALL MINIMIZE SHARP RADIUS TURNS OR OFFSETS. THE MAXIMUM LENGTH SHALL BE FIVE (5) FEET AND CAN BE USED AT THE TERMINAL ENDS ONLY AND SHALL NOT BE USED IN LIEU OF RIGID ELBOWS OR FITTINGS EXCEPT THAT FLEXIBLE DUCTS PROPERLY INSTALLED MAY BE USED TO CROSS SEISMIC JOINTS WITHOUT OFFSETS.

1 TYPICAL REGISTER DETAIL
SCALE: NONE

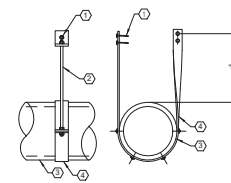


- NOTES:
1. DUCTWORK SHALL CONFORM WITH HVAC DUCT CONSTRUCTION STANDARDS - METAL AND FLEXIBLE, THIRD EDITION, SMACNA - 2006.
 2. HANGER SHALL BE POSITIVELY ATTACHED TO THE DUCT WITHIN 2\"/>

TABLE 5-1 RECTANGLE DUCT HANGERS MINIMUM SIZE								
MAXIMUM HALF OF DUCT PERIMETER	PAIR @ 10'-0" SPACING		PAIR @ 8'-0" SPACING		PAIR @ 6'-0" SPACING		PAIR @ 4'-0" SPACING	
	STRAP	WIRE/ROD	STRAP	WIRE/ROD	STRAP	WIRE/ROD	STRAP	WIRE/ROD
P/2 = 30"	1" x 22 GA	10 GA (0.135")	1" x 22 GA	10 GA (0.135")	1" x 22 GA	12 GA (0.106")	1" x 22 GA	12 GA (0.106")
P/2 = 72"	1" x 18 GA	3/8"	1" x 20 GA	1/4"	1" x 22 GA	1/4"	1" x 22 GA	1/4"
P/2 = 96"	1" x 16 GA	3/8"	1" x 18 GA	3/8"	1" x 20 GA	3/8"	1" x 22 GA	1/4"
P/2 = 120"	1-1/2" x 16 GA	1/2"	1" x 16 GA	3/8"	1" x 18 GA	3/8"	1" x 20 GA	1/4"
P/2 = 168"	1-1/2" x 16 GA	1/2"	1-1/2" x 16 GA	1/2"	1" x 16 GA	3/8"	1" x 18 GA	3/8"
P/2 = 192"	-	1/2"	1-1/2" x 16 GA	1/2"	1" x 16 GA	3/8"	1" x 16 GA	3/8"
WHEN STRAPS ARE LAP-JOINED, USE THESE MINIMUM FASTENERS:				WHEN STRAPS ARE LAP-JOINED, USE THESE MINIMUM FASTENERS:				
				STRAP		WIRE OR ROD (DIA.)		
1" x 16, 20, 22 GA - TWO NO. 10 OR ONE 1/4" BOLT				1" x 24 GA - 260 LBS		0.106" - 80 LBS		
1" x 16 GA - TWO 1/4" BOLT				1" x 20 GA - 320 LBS		0.135" - 120 LBS		
1-1/2" x 16 GA - TWO 3/8" BOLT				1" x 16 GA - 420 LBS		0.162" - 160 LBS		
PLACE FASTENERS IN SERIES, NOT SIDE-BY-SIDE.				1" x 16 GA - 700 LBS		1/4" - 270 LBS		
				1-1/2" x 16 GA - 1100 LBS		3/8" - 680 LBS		
						1/2" - 1250 LBS		
						5/8" - 2000 LBS		
						3/4" - 3000 LBS		
NOTES:								
1. DIMENSIONS OTHER THAN GAGE ARE IN INCHES.								
2. TABLES ALLOW FOR DUCT WEIGHT 1 LBS/FT INSULATION WEIGHT NORMAL REINFORCEMENT AND TRAPEZE WEIGHT BUT NO EXTERNAL LOADS.								
3. STRAPS ARE GALVANNEED STEEL; OTHER MATERIALS ARE UNCOATED STEEL.								
4. ALLOW FOR 25% WIND UPLIFT. MAKE SURE THAT DUCTS ARE 10 GA MAXIMUM THICKNESS WHEN MAXIMUM DUCT DIMENSION (W) IS OVER 60" THEN P/2 MAXIMUM IS 1.2W.								
5. FOR TRAPEZE SIZES, SEE TABLE 5-2 CONSTRUCTION STANDARDS - METAL AND FLEXIBLE, THIRD EDITION, SMACNA - 2006.								
6. TABLE 5-3 ALLOWABLE LOADS IN POUNDS FOR TRAPEZE BRACE AND FIGURE 54-2 TRAPEZOID LOAD DIAGRAM.								
7. 12 GA, 10 GA OR 8 GA WIRE IS STEEL, OF BLACK/ANNEALED, BRIGHT BLACK OR GALVANIZED TYPE.								
8. GAGE HANGING SYSTEMS WITH ADJUSTABLE MECHANICAL DEVICE.								

- NOTES:
1. DIMENSIONS OTHER THAN GAGE ARE IN INCHES.
 2. TABLES ALLOW FOR DUCT WEIGHT 1 LB/SF INSULATION WEIGHT NORMAL, REINFORCEMENT AND TRAPEZE WEIGHT BUT NO EXTERNAL LOADS.
 3. STRAPS ARE GALVANIZED STEEL, OTHER MATERIALS ARE UNCOATED STEEL.
 4. ALLOWABLE LOADS FOR P/2 ASSUME THAT DUCTS ARE 16 GA MAXIMUM, EXCEPT THAT WHEN MAXIMUM DUCT DIMENSION (W) IS OVER 60", THEN P/2 MAXIMUM IS 125W.
 5. FOR TRAPEZE SIZES SEE HVAC DUCT CONSTRUCTION STANDARDS - METAL AND FLEXIBLE, THIRD EDITION, SMACNA - 2006.
 6. TABLE 5-3 ALLOWABLE LOADS IN POUNDS FOR TRAPEZE BARS AND FIGURE 5-6 TRAPEZE LOAD DIAGRAM.
 7. 12 GA, 10 GA OR 8 GA WIRE IS STEEL OF BLACK-ANNEALED, BRIGHT BASIC OR GALVANIZED TYPE.
 8. CABLE HANGING SYSTEMS WITH ADJUSTABLE MECHANICAL DEVICE.

2 RECTANGULAR DUCT HANGER DETAIL
SCALE: NONE



- NOTES:
1. UPPER ATTACHMENT - SEE HVAC DUCT CONSTRUCTION STANDARDS - METAL AND FLEXIBLE, THIRD EDITION, SMACNA - 2006, FIGURES 5-2, 5-3 AND 5-4. PROVIDE FRAMING, BLOCKING OR STRUCTURAL MEMBER AS MAY BE REQUIRE COORDINATE WITH STRUCTURAL PLANS OR STRUCTURAL ENGINEER OF RECORD.
 2. HANGER ROD SEE TABLE, FOR SIZE SEE TABLE.
 3. GALV. SHEET METAL DUCT W/ ACOUSTIC LINING, SHEET METAL DUCT W/ EXTERNAL INSULATION OR VENT, SEE PLANS FOR SIZE.
 4. STRAP, SEE TABLE FOR SIZE.

- NOTES:
1. DUCTWORK SHALL CONFORM WITH HVAC DUCT CONSTRUCTION STANDARDS - METAL AND FLEXIBLE, THIRD EDITION, SMACNA - 2006.
 2. DUCT WITH A CROSS-SECTIONAL AREA EQUAL TO OR GREATER THAN 6 SQUARE FEET, AND "L" GREATER THAN 12" REQUIRE SEISMIC BRACING.

TABLE 5-2 MINIMUM HANGER SIZES FOR ROUND DUCT			
DUCT DIAMETER	MAXIMUM SPACING	ROD DIAMETER	STRAP
≤ 10"	12'	1/4"	1" x 22 GA
11" TO 18"	12'	1/4"	1" x 22 GA
19" TO 24"	12'	1/4"	1" x 22 GA
25" TO 36"	12'	3/8"	1" x 20 GA
37" TO 50"	12'	2 @ 3/8"	2 @ 1" x 20 GA
51" TO 60"	12'	2 @ 3/8"	2 @ 1" x 18 GA
61" TO 84"	12'	2 @ 3/8"	2 @ 1" x 16 GA
85" TO 96"	12'	2 @ 1/2"	2 @ 1-1/2" x 16 GA

- NOTES:
1. STRAPS ARE GALVANIZED STEEL, RODS ARE UNCOATED OR GALVANIZED STEEL, WIRE IS BLACK ANNEALED, BRIGHT BASIC OR GALVANIZED STEEL, ALL ARE ALTERNATIVES.
 2. TABLE ALLOWS FOR CONVENTIONAL WALL THICKNESS, AND JOINT SYSTEMS PLUS 1 LB/SF INSULATION WEIGHT. IF HEAVIER DUCTS ARE TO BE INSTALLED, ADJUST HANGER SIZES TO BE WITHIN THEIR LOAD LIMITS, SEE ALLOWABLE LOAD LIMITS WITH TABLE 5-1. HANGER SPACING MAY BE ADJUSTED BY SPECIAL ANALYSIS.
 3. FOR INDUSTRIAL GRADE SUPPORTS, INCLUDING SADDLES, SINGLE POINT TRAPEZE LOADS, LONGER SPANS AND FLANGED JOINT LOADS, SEE SMACNA'S ROUND INDUSTRIAL DUCT CONSTRUCTION STANDARDS.

3 ROUND DUCT HANGER DETAIL
SCALE: NONE



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DESIGNER STAMP:

RECORD DRAWINGS

Designer: _____ Date: _____
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Project Engineer: _____ Date: _____
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CHECKED BY: _____ DATE: _____

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Revisions

Num.	Description	Eng.	Appr.	Date
1	PLAN CHECK #2			01.16.2025



CITY OF MILPITAS
ENGINEERING DIVISION
MILPITAS POLICE DEPARTMENT
1275 N. MILPITAS BLVD. MILPITAS, CA 95035

MECHANICAL - DETAILS

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Sams/Turnbull, Public Works Division Manager - Operations

PROJECT NO.
22043
REC. DWG. NO.
M3.0
PERMIT SET
01.16.2025
SCALE
As indicated
SHEET ____ OF ____



Consulting Mechanical Engineers
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Mission, CA 92051
Tel: 650.975.7288 Fax: 650.238.1076
www.nexusconsulting.com
HVAC, Plumbing/Piping, Fire Sprinklers
Process/Pneum Engineering, Refrigeration

FIXTURE	SYM	WASTE		TRAP	VENT	COLD WATER		HOT WATER	
		BRANCH	ROUGH			BRANCH	ROUGH	BRANCH	ROUGH
WATER CLOSET (F.V.)	WC	4"	3"	--	2"	1-1/2"	1"	--	--
LAVATORY	L	2"	1-1/2"	1-1/2"	1-1/2"	1/2"	1/2"	1/2"	1/2"
FLOOR DRAIN	FD	2"	2"	2"	1-1/2"	--	--	--	--
TRAP PRIMER	TP	--	--	--	--	1/2"	1/2"	--	--

PLUMBING MATERIAL SPECIFICATIONS

A. DWV
PPE: ABS SCH 40 PIPE PER ASTM D 2661-2011
FITTINGS: ABS SCH 40 FITTINGS PER D 2661-2011

B. DOMESTIC WATER
PIPE: COPPER TYPE B PER ASTM B-88
FITTINGS: WROUGHT COPPER OR ANS 18.22
INSULATION: 1/2" DIA. PIPE, 1" INS. MIN. INSULATE HW & HWYR WITH 1" FIBERGLASS
INSULATION AND ALL-SERVICE-JACKET
INSULATION (1" - 1 1/2" DIA. PIPE) MIN. INSULATE HW & HWYR WITH 1-1/2" FIBERGLASS
INSULATION AND ALL-SERVICE-JACKET
INSULATION (1/2" DIA. PIPE) AND 1" INSULATE HW & HWYR WITH 2" FIBERGLASS
INSULATION AND ALL-SERVICE-JACKET

ALL DOMESTIC HOT WATER PIPING SHALL BE INSULATE PER CPC 609.12 & CEC 120.3(c)

SHEET INDEX	
SHEET NO.	DESCRIPTION
P0.1	PLUMBING - LEGENDS, NOTES & SCHEDULES
P1.0	PLUMBING - DEMOLITION PLAN
P2.0	PLUMBING - FLOOR PLAN
P3.0	PLUMBING - DETAILS

LINE SIZE	DRAIN FU	VENT FU
1-1/4"	1	1
1-1/2"	2	8
2"	16	24
3"	48	84
4"	256	256
FIXTURE	DRAIN FU	MIN. SS/V SIZE
LAVATORY	1	1-1/4"/1-1/4"
FLOOR DRAIN		2"/1-1/2"
WATER CLOSET	4	3/2"

CHART SIZING PER CPC 703.0.

PLUMBING GENERAL NOTES

1. SCOPE:
A REMODEL OF THE EXISTING DOMESTIC PLUMBING SYSTEM AS GENERALLY DELINEATED ON THE PLUMBING DRAWINGS AND THE EXISTING PIPING AND FINISH CONNECTIONS TO THE EQUIPMENT FURNISHED AND INSTALLED BY OTHER TRADES AS MAY BE SHOWN ON THE ARCHITECTURAL, ELECTRICAL, OR OTHER DRAWINGS OF THE CONTRACT DOCUMENTS.

2. MATERIALS:
A. ALL HOT WATER DISTRIBUTION AND CIRCULATION LINES SHALL BE INSULATED IN ACCORDANCE WITH SECTION 03.03 OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 6, SUBCHAPTER 3.

B. ALL WATER, FUELS, AND EQUIPMENT USED (E.G., SHOWERSHEADS, LAVATORY FAUCETS, SINK FAUCET AND WATER HEATERS) SHALL HAVE BEEN CERTIFIED TO THE CALIFORNIA ENERGY COMMISSION BY ITS MANUFACTURER TO COMPLY WITH THE EFFICIENCY STANDARDS FOR SUCH APPLIANCES.

3. CODES:
A. ALL WORK, MATERIAL, AND EQUIPMENT SHALL BE FURNISHED AND INSTALLED IN COMPLIANCE WITH THE FOLLOWING CODES AS ADOPTED AND AMENDED BY THE RESPECTIVE AUTHORITY HAVING JURISDICTION. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT THE INSTALLATION OF WORK OR MATERIALS NOT CONFORMING TO THESE CODES OR TO ANY CODES APPLICABLE TO THIS PROJECT.

A. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) PART 1, TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR)
B. 2022 CALIFORNIA BUILDING CODE (CBC) PART 2, TITLE 24, COR BASED ON THE 2021 INTERNATIONAL BUILDING CODE (IBC)
C. 2022 CALIFORNIA ELECTRICAL CODE (CEC) PART 3, TITLE 24, COR BASED ON THE 2020 NATIONAL ELECTRICAL CODE (NEC)
D. 2022 CALIFORNIA MECHANICAL CODE (CMC) PART 3, TITLE 24, COR BASED ON THE 2021 UNIFORM MECHANICAL CODE (UMC)
E. 2022 CALIFORNIA PLUMBING CODE (CPC) PART 6, TITLE 24, COR BASED ON THE 2021 UNIFORM PLUMBING CODE (UPC)
F. 2022 CALIFORNIA ENERGY CODE (CEC) PART 6, TITLE 24, COR BASED ON THE 2021 INTERNATIONAL FIRE CODE (IFC)
G. 2022 CALIFORNIA GREEN BUILDING STANDARDS (CGBS) PART 1, TITLE 24, COR
H. 2022 MCLPITAS MUNICIPAL CODE (MMC)

4. WORKSMANSHIP:
ALL WORK SHALL BE DONE IN A NEAT AND WORKMANLIKE MANNER ACCORDING TO THE BEST TRADE PRACTICE FOR THOSE SKILLED IN THE PARTICULAR TRADE. EQUIPMENT FOR PLUMBING, ETC., SHALL BE PLUMB, LEVEL, SQUARE AND/OR CENTERED, ETC. EQUIPMENT TO BE INSTALLED MUST COMPLY WITH MANUFACTURER'S RECOMMENDATIONS.

5. EXISTING INFORMATION:
LOCATION, SIZE, ELEVATION, MATERIAL, ETC., OF EXISTING UTILITIES IS PROVIDED FROM SURVEY DATA AND RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE FIELD LOCATION OF ALL DATA BEFORE PROCEEDING WITH ANY WORK. NO EXTRA COST WILL BE ALLOWED FOR VERIFYING EXISTING DATA.

6. PERMITS AND UTILITY SERVICE FEES:
THE CONTRACTOR SHALL OBTAIN A PERMIT AND PAY FOR ALL PERMITS, INSPECTIONS, AND SERVICE CHARGES REQUIRED FOR THE INSTALLATION OF THE WORK.

7. ACCURACY:
THE PLANS ARE DIAGRAMMATIC. THE CONTRACTOR SHALL CONFIRM ALL DIMENSIONS AND LOCATION OF WALLS, PARTITIONS, FIXTURES, ETC., AGAINST EACH ASU PLAN FOR CONSISTENCY AND ACCURACY PRIOR TO THE START OF THE WORK.

8. PROVIDE AND INSTALL CONDENSATE DRAIN WITH TRAP AT EACH CUP UNIT PER THE UPC. AT LOCATIONS SHOWN ON DRAWINGS, COORDINATE WITH MECHANICAL CONTRACTOR.

9. PROVIDE AND INSTALL WALL MOUNTED SINK TRAP-OUT. SINK TRAP-OUT SHALL BE TRAP-ARM NOT READY ACCESSIBLE. ACCESS PANELS SHALL BE PROVIDED AND INSTALLED AT ALL TRAP-OUTS.

10. ALL PIPING PASSING THROUGH CEILING FLOORS SHALL BE SLEEVED TO PROTECT PIPING FROM DAMAGING RELEASE.

11. HORIZONTAL DRAINAGE PIPING LESS THAN 1/4" IN DIAMETER SHALL BE SLOPED AT A MINIMUM OF 1/4" PER FOOT (2%) DRAINAGE PIPING OF LARGER SIZE SHALL BE SLOPED AT A MINIMUM OF 1/4" PER FOOT (1 INCH PER 10 FEET) DRAINAGE PIPING.

12. ALL PLUMBING FIXTURES AND PIPING SHALL BE LISTED BY AN APPROVED LISTING AND TESTING AGENCY AND APPROVED FOR USE.

13. ALL PIPES SHALL BE LABELED WITH CLASSIFICATION, COLOR SCHEME, AND SIZING PER ANSI A13.1.

14. ALL NEW DOMESTIC WATER PIPING SHALL BE DESIGNED IN ACCORDANCE WITH CPC 609.8.

DEMOLITION NOTICES

1. THE CONTRACTOR SHALL VISIT THE PROJECT SITE AND MAKE HIMSELF AWARE OF ALL EXISTING CONDITIONS WHICH CAN BE OBSERVED. ADDITIONAL COSTS WILL NOT BE ALLOWED FOR REMOVAL OF ANY ITEMS NOT SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS BID. THE CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION WORK REQUIRED TO COMPLETE THIS PROPOSED PROJECT.

2. THE CONTRACTOR SHALL REVIEW THE DRAWINGS ON THIS SHEET DESCRIBE IN A GENERAL SENSE THE RESULT OF ITEMS TO BE MODIFIED, REMOVED OR INSTALLED. THIS DESCRIPTION DOES NOT NECESSARILY INCLUDE A DESCRIPTION OF ITEMS TO BE REMOVED OR REFINISHED AS A RESULT OF THIS REMOVAL OR MODIFICATION, IN THE ABSENCE OF ANY SPECIFIC DIRECTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONDITION EQUAL TO THE EXISTING (OR ADJACENT AREAS) AND/OR SIMILAR EXISTING CONDITIONS ON PROJECT.

3. THE CONTRACTOR SHALL PROVIDE DUST AND DEBRIS CONTROL THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL COORDINATE WITH THE BUILDING OWNER TO PROVIDE THE LEAST INTERRUPTION OF EXISTING BUILDING OPERATIONS. COORDINATE WITH THE OWNER TO DETERMINE THE BEST METHOD OF DEMOLITION.

4. NOT ALL REQUIRED PATCHING AND/OR REPAIRS ARE SPECIFICALLY NOTED ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL DAMAGE TO EXISTING WORK.

5. CONTRACTOR SHALL DISCARD AND DISPOSE OF ALL DEMOLISHED ITEMS.

6. EXISTING WORK AND MATERIALS TO BE REMOVED OR DESTROYED IN CONNECTION WITH THIS WORK SHALL BE RE-ROUTED BY THE CONTRACTOR.

PLUMBING LEGEND		
SYMBOL	ABBREVIATION	DESCRIPTION
-----	SS	SOIL, WASTE OR SANITARY SEWER BELOW FLOOR
=====	SS	SOIL, WASTE OR SANITARY SEWER OVERHEAD
-----	V	VENT PIPING
-----	CW	COLD WATER
----- HW (110°, 140°)	HW	HOT WATER SUPPLY
-----	HWR	HOT WATER RETURN
-----	G	NATURAL GAS - LOW PRESSURE
*****		EXISTING TO BE REMOVED
---D---OR---IW---	D OR IW	DRAIN OR INDIRECT WASTE
-----	CD	CONDENSATE DRAIN
-----	OCD	OVERFLOW CONDENSATE DRAIN
-----	SD, RWL	STORM DRAIN, RAINWATER LEADER
-----	OFL	RAINWATER OVERFLOW LEADER (STORM)
	AD, AP	ACCESS DOOR, ACCESS PANEL
	AC	AIR CHAMBER
	ANV	ANGLE VALVE
	AQ	AQUASTAT
	AD	AREA DRAIN
	AAV	AUTOMATIC AIR VENT
	BV	BALL VALVE
		BRANCH - TOP CONNECTION
		BRANCH - BOTTOM CONNECTION
		BRANCH - SIDE CONNECTION
	BFV	BUTTERFLY VALVE
	CEP	CAP ON END OF PIPE
	CBV	CALIBRATED BALANCE VALVE
	CB, RD	CATCH BASIN, ROOF DRAIN
	CKV	CHECK VALVE
	CP	CIRCULATING PUMP
	CO	CLEANOUT PLUG
	CR	CONCENTRIC REDUCER
	DIA	DIAMETER
	ER	ECCENTRIC REDUCER
	FC	FLEXIBLE CONNECTOR
	FCO	FLOOR CLEANOUT
	FD	FLOOR DRAIN
	FS	FLOW SWITCH
	GCK	GASE COCK
	SOV	SHUT OFF VALVE
	GSCK, PC	GAS COCK, PLUG COCK
	GPR	GAS PRESSURE REGULATOR
	GL V	GLOBE VALVE
	GCO	GRADE CLEANOUT
	HB	HOSE BIBB
	AN	PIPE ANCHOR
	PG	PIPE GUIDE
	POC	POINT OF CONNECTION
	PRV	PRESSURE REDUCING VALVE
		PRESSURE GAUGE
	RV or T&P	RELIEF VALVE OR TEMPERATURE & PRESSURE RELIEF VALVE
	SV	SOLENOID VALVE
	STR	STRAINER
	TH	THERMOMETER
	TP	TRAP PRIMER
	UN	UNION OR FLANGE
	WCO	WALL CLEANOUT



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Designer: _____ Date: _____
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 Utility/Facility Dept. Head: _____ Date: _____
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[illegible]

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
Samu Tiutulu, Public Works Division Manager - Operations

PLUMBING - LEGENDS, NOTES & SCHEDULES

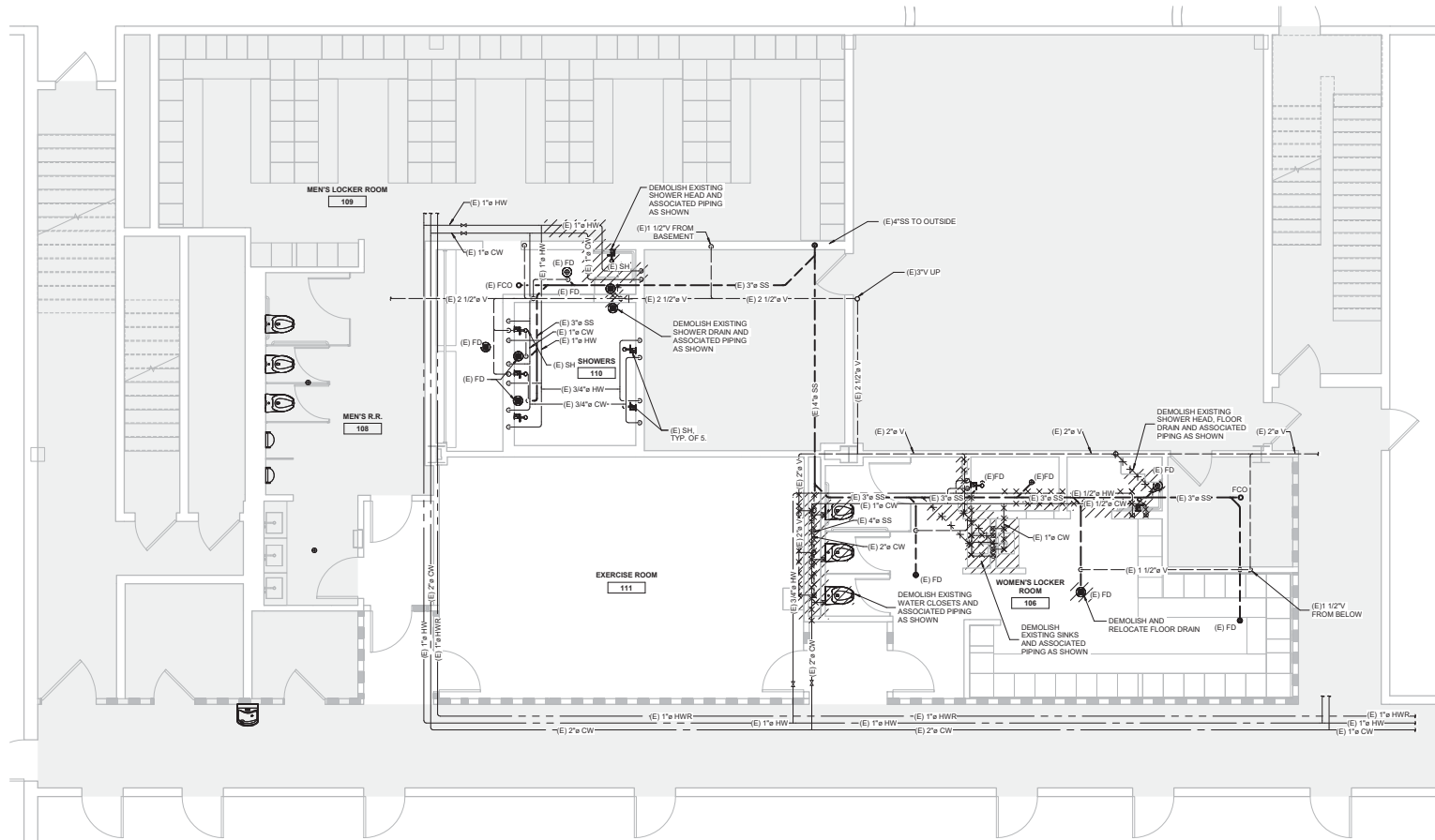
PROJECT NO. _____

REC. DWG NO.
P0.1

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01.16.2025

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



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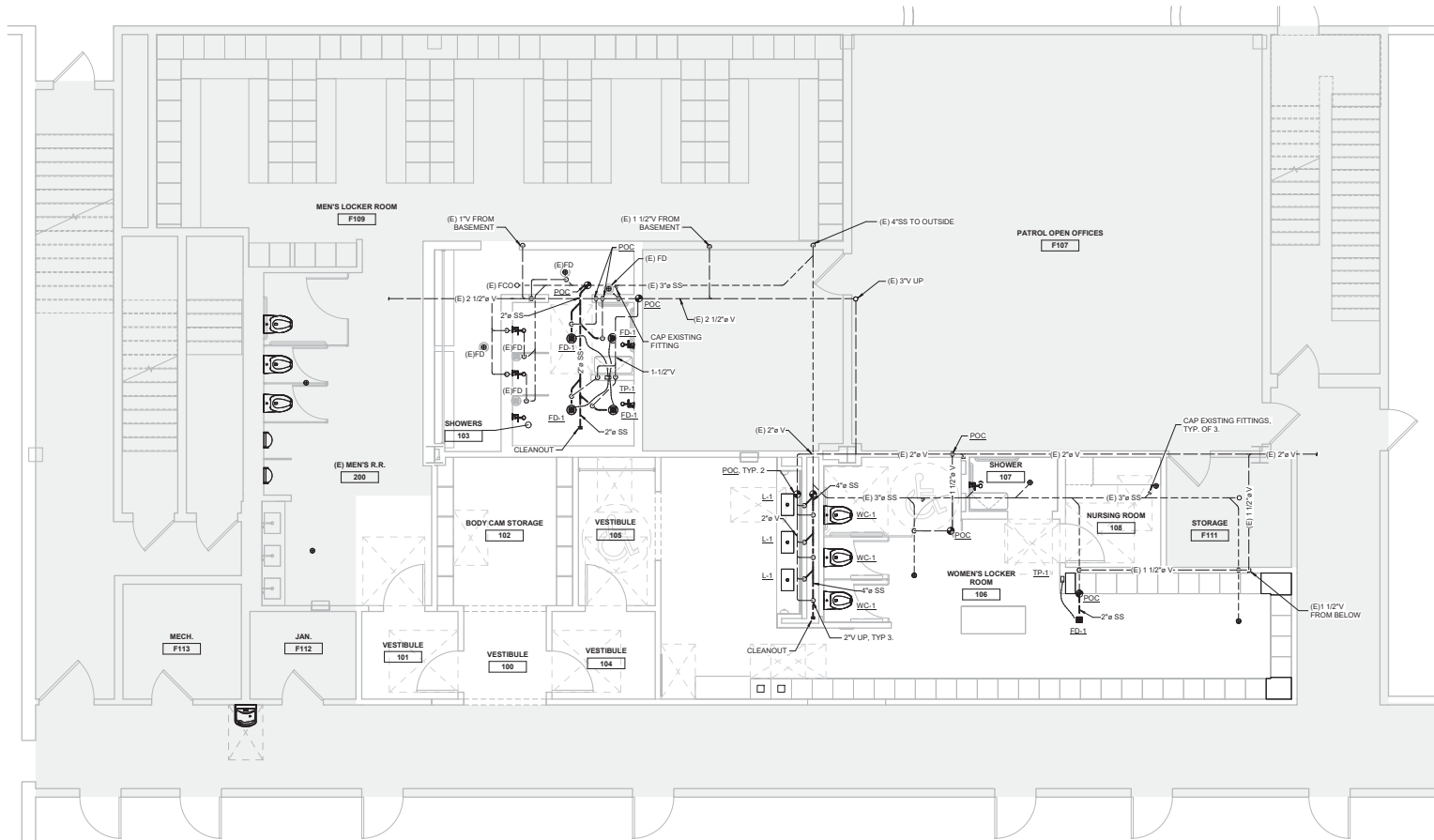
Num.	Description	Engr.	Appr.	Date
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CITY OF MILPITAS
ENGINEERING DIVISION
MILPITAS POLICE DEPARTMENT
1275 N. MILPITAS BLVD. MILPITAS, CA 95035
PLUMBING - DEMOLITION PLAN

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Soma Turrala, Public Works Division Manager - Operations

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P1.0
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PLUMBING - GRAVITY FLOOR PLAN
SCALE: 1/4" = 1'-0"



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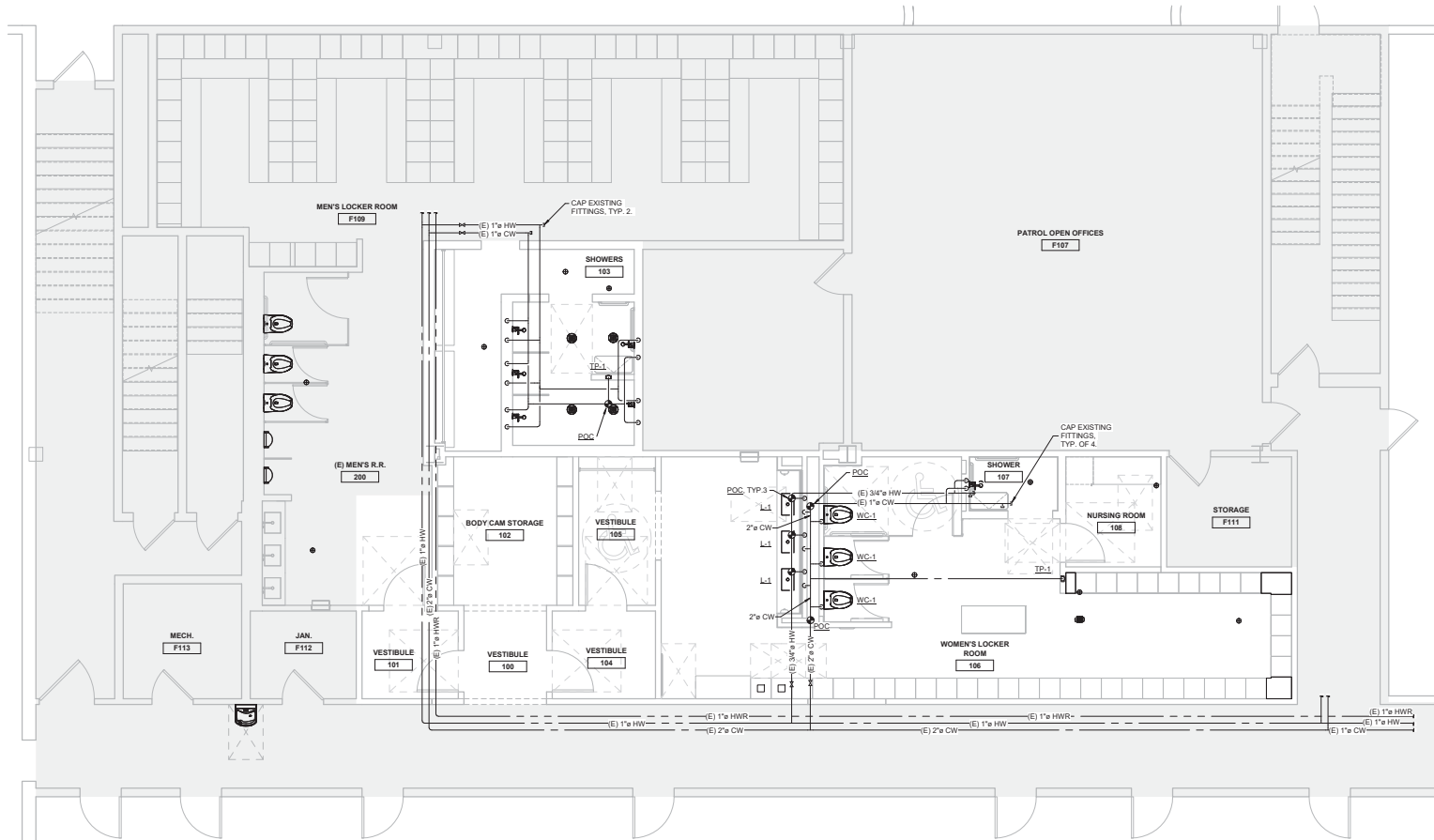
**CITY OF MILPITAS
ENGINEERING DIVISION**

MILPITAS POLICE DEPARTMENT
1275 N. MILPITAS BLVD. MILPITAS, CA 95035

PLUMBING - GRAVITY FLOOR PLAN

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Soma Turmal, Public Works Division Manager - Operations

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P2.0
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As indicated
SHEET ____ OF ____



PLUMBING - PRESSURE FLOOR PLAN
SCALE: 1/4" = 1'-0"



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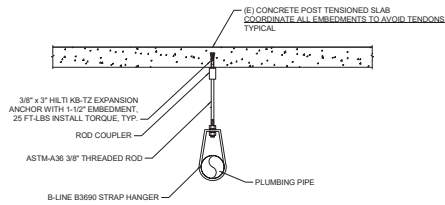


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PLUMBING - PRESSURE FLOOR PLAN

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SCH 40 PVC & ABS PIPE HANGER SCHEDULE HORIZONTAL SUPPORT SOLVENT CEMENTED JOINTS

PIPE SIZE	HANGER ROD	MAX HORIZONTAL SPAN
1/2" - 1-1/2"	3/8"	4'
2" - 4"	3/8"	4'
6"	1/2"	4'

SCH 40 PVC & ABS PIPE WITH SOLVENT CEMENTED PIPE JOINTS.
SIZES DEVELOPED FROM TABLE 313.3 & TABLE 313.6 OF THE 2022 CPC.

SUPPORT EACH HORIZONTAL BRANCH CONNECTION.

SEISMIC BRACING IS REQUIRED FOR ALL PIPE EXCEPT:

1. ANY PIPE SUSPENDED 12" OR LESS IN LENGTH FROM TOP OF PIPE TO BOTTOM OF SUPPORT STRUCTURE ("I" THIS DETAIL)
2. ANY PIPE WITH AN OPERATING WEIGHT ≤ 5 LBS/FT.
PIPES WITH HAZARDOUS CONTENTS (MEDICAL GASES, FUEL OIL, NATURAL GAS, ETC) SHALL BE BRACED REGARDLESS OF WEIGHT.
3. PIPE ≤ 1" SERVING MEDICAL GAS, FUEL OIL, NATURAL GAS OR ANY OTHER HAZARDOUS MATERIAL (MEDICAL VACUUM & COMPRESSED AIR ARE NON-HAZARDOUS)
4. ANY OTHER PIPE ≤ 1"

COPPER TUBE & PIPE HANGER SCHEDULE HORIZONTAL SUPPORT PIPE WITH SOLDER OR BRAZED JOINTS

PIPE SIZE	HANGER ROD	MAX HORIZONTAL SPAN
1/2" - 1-1/2"	3/8"	6'
2" - 4"	3/8"	10'
6"	1/2"	10'

COPPER TUBE AND PIPE WITH SOLDER, BRAZED OR WELDED JOINTS.
SIZES DEVELOPED FROM TABLE 313.3 & TABLE 313.6 OF THE 2022 CPC.

SEISMIC BRACING IS REQUIRED FOR ALL PIPE EXCEPT:

1. ANY PIPE SUSPENDED 12" OR LESS IN LENGTH FROM TOP OF PIPE TO BOTTOM OF SUPPORT STRUCTURE ("I" THIS DETAIL)
2. PIPE ≤ 2" DIAMETER VENT, GAS, OR EMPTY SCH 40 STEEL PIPE
3. PIPE ≤ 1-1/2" DIAMETER VENT FULL SCH 40 STEEL PIPE
4. PIPE ≤ 3" DIAMETER VENT, GAS, OR EMPTY SCH 40 COPPER PIPE
5. PIPE ≤ 2" DIAMETER VENT FULL COPPER PIPE
6. ANY PIPE WITH AN OPERATING WEIGHT ≤ 5 LBS/FT.
PIPES WITH HAZARDOUS CONTENTS (MEDICAL GASES, FUEL OIL, NATURAL GAS, ETC) SHALL BE BRACED REGARDLESS OF WEIGHT.
7. PIPE ≤ 1" SERVING MEDICAL GAS, FUEL OIL, NATURAL GAS OR ANY OTHER HAZARDOUS MATERIAL (MEDICAL VACUUM & COMPRESSED AIR ARE NON-HAZARDOUS)
8. ANY OTHER PIPE ≤ 1"

1
P3.0

PIPE HANGER DETAIL

SCALE: NONE



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CITY OF MILPITAS ENGINEERING DIVISION

MILPITAS POLICE DEPARTMENT

1275 N. MILPITAS BLVD. MILPITAS, CA 95035

PLUMBING - DETAILS

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Soma Turmalis, Public Works Division Manager - Operations

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205050. ELECTRICAL WORK FOR COMMON RESULTS.

1. ELECTRICAL INSTALLATION SHALL COMPLY WITH TITLE 24, CALIFORNIA CODE OF REGULATIONS, INCLUDING THE FOLLOWING:
TITLE 24, CCR, PART 2, 2022 CBC
TITLE 24, CCR, PART 3, 2022 CBC
TITLE 24, CCR, PART 4, 2022 CBC
TITLE 24, CCR, PART 5, 2022 CBC
TITLE 24, CCR, PART 6, 2022 CALIFORNIA ENERGY CODE
TITLE 24, CCR, PART 11, 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE
ALL APPLICABLE LOCAL CODES INCLUDING **602 MILPITAS MUNICIPAL CODE**
2. CONTRACTOR SHALL PROCURE AND PAY FOR ALL PERMITS, LICENSES, ETC. REQUIRED TO CARRY ON AND COMPLETE THE WORK.
3. PROVIDE ALL LABOR, MATERIALS, TOOLS, PLANT EQUIPMENT, TRANSPORTATION AND PERFORM ALL OPERATIONS NECESSARY FOR ANY REASONABLE INCIDENTAL TO PROPER EXECUTION AND COMPLETION OF ALL "ELECTRICAL WORK" WHETHER SPECIFICALLY MENTIONED OR NOT; ALL AS INDICATED, SPECIFIED HEREIN, AND/OR IMPLIED THEREBY TO CARRY OUT THE APPARENT INTENT THEREOF.
4. ALL MATERIALS SHALL BE NEW AND LISTED WITH THE UNDERWRITERS' LABORATORIES, INC. SHALL MEET THEIR REQUIREMENTS AND SHALL BEAR THEIR LABEL. WHEREVER STANDARDS HAVE BEEN ESTABLISHED AND LABEL SERVICE IS REGULARLY FURNISHED BY THAT AGENCY.
5. ELECTRICAL DRAWINGS ARE ESSENTIALLY DIAGRAMMATIC AND ALTHOUGH THE SIZE AND LOCATIONS OF EQUIPMENT ARE SHOWN TO SCALE WHEREVER POSSIBLE, CONTRACTOR SHALL MAKE USE OF ALL DATA IN ALL CONTRACT DOCUMENTS AND VERIFY THIS INFORMATION AT THE SITE. CONTRACTOR SHALL BE RESPONSIBLE FOR LAYING OUT AND INSTALLING HIS WORK TO AVOID INTERFERENCE WITH OTHER TRADES.
6. ALL ELECTRICAL EQUIPMENT EXPOSED TO THE WEATHER SHALL BE LISTED FOR EXTERIOR USE.
7. ALL U.L. LISTED EQUIPMENT SHALL BE INSTALLED AS PER THEIR LISTING OR LABELING.
8. IN LOCATIONS WHERE ELECTRICAL EQUIPMENT WOULD BE EXPOSED TO PHYSICAL DAMAGE, ENCLOSURES OR GUARDS SHALL BE SO ARRANGED AND OF SUCH STRENGTH AS TO PREVENT SUCH DAMAGE.
9. CONFLICTS BETWEEN SPECIFICATIONS AND PLANS:
- a. ANY CONFLICT BETWEEN ELECTRICAL SPECIFICATIONS AND ELECTRICAL PLANS, OR BETWEEN ELECTRICAL PLANS AND PLANS OF ANOTHER DISCIPLINE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND A RESOLUTION RECEIVED PRIOR TO PROCUREMENT OR INSTALLATION OF THE ITEM IN QUESTION.
- b. IF THE CONTRACTOR PROCEEDS WITH THE WORK WITHOUT RECEIVING ANY RESOLUTION TO THE CONFLICT HEREIN DOES SO AT HIS/HER OWN RISK AND SHALL RECTIFY THE WORK TO THE SATISFACTION OF THE ENGINEER AT NO ADDITIONAL COST TO THE OWNER OR ENGINEER.

205050.02. SUBMITTALS:

PROVIDE THE FOLLOWING SUBMITTALS FOR REVIEW AND APPROVAL.

1. EACH SHALL BE SUBMITTED SEPARATELY TO AVOID DELAYS IN THE REVIEW OF ONE SUBMITTAL IN HOLDING UP REVIEW OF THE REMAINDER.
- a. LIGHTING CONTROLS
b. BASIC ELECTRICAL MATERIALS
c. LIGHT FIXTURES

205050. GROUNDING:

1. GROUND AND BOND ALL EQUIPMENT AS REQUIRED BY GOVERNING CODES AND SPECIFICALLY INCLUDING SWITCHGEAR, PANELBOARDS, MOTOR CASES, METAL PIPING SYSTEMS, STRUCTURAL STEEL, ETC.
2. PROVIDE GROUND WIRES IN ALL FEEDERS AND BRANCH CIRCUITS, SIZE PER CEC TABLE 250.122
3. ALL GROUND WIRES SHALL BE INSULATED GROUND WIRES.

205050. INSTALLATION OF SUPPORT SYSTEMS

1. RACEWAYS, CABLE ASSEMBLIES, BOXES, CABINETS, AND FITTINGS SHALL BE SECURELY FASTENED IN PLACE PER CEC ARTICLE 300.11. SUPPORT WIRES THAT DO NOT PROVIDE SECURE SUPPORT SHALL NOT BE PERMITTED AS THE SOLE SUPPORT. SUPPORT WIRES AND ASSOCIATED FITTINGS THAT PROVIDE SECURE SUPPORT AND THAT ARE INSTALLED IN ADDITION TO THE CEILING GRID SUPPORT WIRES SHALL BE PERMITTED AS THE SOLE SUPPORT. WHERE INDEPENDENT SUPPORT WIRE ARE USED, THEY SHALL BE SECURED AT BOTH ENDS. CABLES AND RACEWAYS SHALL NOT BE SUPPORTED BY CEILING GRIDS.
2. FURNISH ALL NECESSARY FOUNDATIONS, SUPPORTS, BACKING, ETC., FOR ALL ELECTRICAL ENCLOSURES, CONDUITS AND EQUIPMENT.
3. ATTACH ALL BOXES, CABINETS, ETC. TO WOOD WITH WOOD OR LAG SCREWS, TO METAL WITH MACHINE SCREWS OR BOLTS AND TO CONCRETE WITH EXPANSION ANCHORS AND MACHINE SCREWS OR BOLTS.
4. RIGID STEEL CONDUIT SHALL BE SUPPORTED AT INTERVALS NOT GREATER THAN 10 FT, ELECTRICAL METALLIC TUBING AT INTERVALS NOT GREATER THAN 5 FT.
5. A SUPPORT SHALL BE PROVIDED NOT MORE THAN 3 FT. FROM ANY CHANGE IN DIRECTION. ADDITIONAL SUPPORTS TO THOSE SPECIFIED ABOVE SHALL BE INSTALLED WHERE REQUIRED TO SUIT JOB CONDITIONS AND TO PROVIDE A SECURE INSTALLATION. ALL HANGERS AND SUPPORTS SHALL BE THE PRODUCTS OF ONE MANUFACTURER.

205050. RULL OR JUNCTION BOXES:

1. INSTALL, WHERE INDICATED, OR AS REQUIRED BY CODE, PULL BOXES AND JUNCTION BOXES OF SUFFICIENT SIZE AND CAPACITY TO FACILITATE ALL WIRING. BOXES SHALL BE SIZED TO PROPERLY ACCOMMODATE ALL CONDUCTORS ENTERING SAME.
2. BOXES SHALL BE OF THE SHAPE AND SIZE BEST SUITED FOR THE PARTICULAR APPLICATION AND SHALL BE SUPPORTED DIRECTLY TO STRUCTURAL MEMBERS, FRAMING OR BLOCKING BY MEANS OF SCREWS, ANCHORS, BOLTS OR EMBEDDED IN MASONRY.
3. SWITCH AND RECEPTACLE BOX SHALL BE ONE PIECE DRAWN OR STAMPED STEEL. BOXES MINIMUM SIZE SHALL BE FOUR INCHES (4") SQUARE. BOXES SHALL BE FITTED WITH PLUSH DEVICE COVERS, PLASTER RINGS, OR TILE SWITCH RINGS IN MASONRY IN AREA WHERE EXPOSED WIRING IS PERMISSIBLE. BOXES SHALL BEFITTED WITH SURFACE TYPE COVERS.
8. BOXES SHALL BE LOCATED AND PLACED ACCORDING TO ARCHITECTURAL AND STRUCTURAL REQUIREMENTS.

205050. WIRING METHODS, LINE VOLTAGE SYSTEMS (120V AND ABOVE):

1. ALL WIRING SHALL BE INSTALLED IN CONDUITS. CONDUITS SHALL BE RUN CONCEALED IN WALLS AND CEILINGS WHERE FEASIBLE. ALL CONDUITS WHERE FEASIBLE, A SURFACE ON WALL SHALL BE PAINTED TO MATCH WALL FINISH. MOUNT EXTERIOR CONDUITS ON WALL ON GALVANIZED UNITS. ALL SURFACE CONDUIT INSTALLATION RUNS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
2. ALL CONDUITS RUN WITHIN INTERIOR FINISHED SPACES SUCH AS OFFICES, BREAKROOM, RESTROOM ETC. SHALL BE RUN CONCEALED.
3. ALL CONDUITS RUN IN DEDICATED ELECTRICAL AND MECHANICAL ROOMS SHALL BE RUN EXPOSED.
4. MINIMUM CONDUIT SIZE SHALL BE 1/2" ABOVE GRADE AND 3/4" UNDERGROUND.

5. MINIMUM ACCEPTABLE CONDUITS ARE:

- a. GALVANIZED RIGID STEEL - FOR USE ON:
(1) EXTERIOR WALL SURFACES.
(2) GALVANIZED STEEL EMT FOR USE:
(3) CONCEALED IN ROOFCE FINISHED SPACES.
(4) EXPOSED INSIDE ELECTRICAL & MECHANICAL ROOMS.
- c. LIGHT TIGHT STEEL FLEX:
- (1) FOR FINAL CONNECTION TO OUTDOOR EQUIPMENT. LENGTH SHALL NOT EXCEED 30'.
- d. FLEXIBLE STEEL CONDUIT:
- (1) FOR INDOOR FINAL CONNECTION TO RECESSED LIGHT FIXTURES. LENGTH SHALL NOT EXCEED 72'
- e. ALUMINUM CONDUITS, IMC CONDUITS OR ALUMINUM FITTINGS ARE NOT APPROVED FOR USE ON THIS PROJECT.
- f. ALL CONDUIT FITTINGS SHALL BE MALLEABLE IRONSTEEL.
- g. COUPLING:
- (1) EMT COUPLING - APPLETON TWC-CS SERIES
(2) EMT CONNECTOR - APPLETON TW-CS3 SERIES
(3) FLEX CONDUIT CONNECTOR - 1/8" TITE BITE - INSULATED
(4) LIQUID TIGHT FLEX CONDUIT CONNECTOR - APPLETON "STB" SERIES UP TO 2", "ST" SERIES OVER 2"
- h. RIGID STEEL CONDUIT CONNECTED TO BOXES AND CABINETS SHALL BE FITTED WITH TWO LOCKNUTS AND INSULATING BUSHING, ON "A" SERIES. PROVIDE GROUNDING BUSHING QZ "BL" SERIES WHERE LOCKNUTS AND BUSHING IS NOT USED. CONDUITS CONNECTED TO BOXES EXPOSED TO WEATHER/INDUSTRIAL SHALL BE FITTED WITH WATER/TIGHT SEALING HUBS OF STEEL OR MALLEABLE IRON WITH SEALING RING AND INSULATED "THREAT", A & B 370 SERIES.

1. TYPE NM AND NMC CABLES SHALL NOT BE USED ON THIS PROJECT.

3. THE PROJECT DRAWINGS ARE Laid OUT USING SOLID CONDUITS AND CABLES PULLED THROUGH SUCH CONDUITS. MC CABLES MAY BE UTILIZED AS DESCRIBED BELOW, WITH RESTRICTIONS NOTED.
- (1) PRIOR APPROVAL OF OWNER/ARCHITECT OR ENGINEER REQUIRED.
- (2) MC CABLES SHALL BE AS MANUFACTURED BY SOUTH-WIRE TYPE EZ-MC DURACLAD TYPE WITH LIGHT WEIGHT STEEL ARMOR AND INSULATED GREEN GROUNDING CONDUCTORS OR APPROVED EQUAL.
- (3) SHALL BE USED FOR BRANCH CIRCUITS ONLY AS NOTED BELOW.
- (4) CANNOT BE USED ANYWHERE EXPOSED.
- (5) LIGHTING, VERTICAL DROPS IN WALL FOR LIGHT SWITCHES FORM JBXX IN CEILING. HORIZONTAL RUNS IN CEILING SHALL BE IN SOLID STEEL CONDUITS.
- (6) POWER RECEPTACLES
- (A) FOR UNDERGROUND HOVERLINES: SOLID CONDUIT VERTICAL RISE IN WALL FROM UNDERGROUND CONDUIT TO FIRST RECEPTACLE JBXX. THEN HORIZONTAL RUNS WITHIN WALLS TO OTHER RECEPTACLES. HORIZONTAL RUNS IN CEILING SHALL BE IN SOLID STEEL CONDUITS.
- (B) FOR OVERHEAD HOVERLINES: VERTICAL DROPS FROM JBXX IN CEILING THEN HORIZONTAL RUNS WITHIN WALLS TO OTHER RECEPTACLES. HORIZONTAL RUNS IN CEILING SHALL BE IN SOLID STEEL CONDUITS.
- (6) NO OTHER USE IS PERMITTED WITHOUT SPECIFIC WRITTEN APPROVAL OF THE ARCHITECT OR ENGINEER.

- (4) ALL FITTINGS AND TERMINATIONS FOR THE MC CABBING SYSTEM SHALL BE METAL AND SUITABLE AND LISTED FOR SUCH USE.
- (5) ALL SUPPORTS, ATTACHMENTS SPACING SHALL BE PER CEC 330.30.
- (6) FOR MULTI-WIRE BRANCH CIRCUITS SUCH CABLES SHALL HAVE MULTIPLE NEUTRALS, ONE FOR EACH CIRCUIT.

6. CONDUCTORS SHALL BE COPPER CONDUCTORS TYPE THHN/THWN UNLESS OTHERWISE NOTED OR REQUIRED BY CODE.
7. ALL DEVICES, CONDUITS, RACEWAYS AND CABLES SHOWN ARE NEW TO BE PROVIDED UNLESS OTHERWISE NOTED.
8. THE OWNER RESERVES THE RIGHT TO RELOCATE ALL LIGHTING, OUTLETS AND SWITCHES BEFORE THEY ARE ROUGHED IN AT NO EXTRA COST.
205050. INSTALLATION OF RECEPTACLES AND FITTINGS:
1. CONCEAL RACEWAYS WITHIN CEILINGS, WALLS, AND FLOORS EXCEPT WHERE EXPOSED RECEPTABLES ARE SPECIFICALLY PERMITTED.
2. WHERE CONDUIT IS ALLOWED TO BE EXPOSED, INSTALL THE CONDUIT PARALLEL WITH OR AT RIGHT ANGLES TO STRUCTURAL MEMBERS, WALLS, AND LINES OF THE BUILDING.
3. INSTALL WHERE INDICATED, OR AS REQUIRED BY CODE, PULLBOXES AND JUNCTION BOXES OF SUFFICIENT SIZE TO FACILITATE WIRING. BOXES SHALL BE SIZED TO PROPERLY ACCOMMODATE ALL CONDUCTORS ENTERING SAME.
4. DO NOT INSTALL CONDUIT OR TUBING WHICH HAS BEEN CRUSHED OR DEFORMED.
5. RUN CONDUCTORS OF SAME CIRCUIT IN SAME CONDUIT. RUN CONDUCTORS OF DIFFERENT VOLTAGE SYSTEMS IN SEPARATE CONDUITS.
6. INSTALL NO CONDUCTORS UNTIL WORK WHICH MIGHT CAUSE DAMAGE TO SUCH CONDUCTORS OR THE CONDUIT HAS BEEN COMPLETED.
7. KEEP ALL CONDUITS AT LEAST SIX INCHES AWAY FROM THE COVERING ON HOT WATER OR STEAM PIPES.
8. CAP RACEWAY ENDS DURING CONSTRUCTION. CLEAN OR REPLACE CONDUITS IN WHICH WATER OR FOREIGN MATTER HAVE ACCUMULATED, TO THE SATISFACTION OF THE ARCHITECT.
9. CONDUITS SHALL BE SUPPORTED WITH STRAPS, WITH GALVANIZED MALLEABLE SPLIT RING AND ROD FOR INDIVIDUAL RUNS OR WITH INDOOR OR UNISTRUT CHANNELS. SUPPORTS FOR MULTIPLE RUNS, DISTANCE BETWEEN SUPPORTS SHALL NOT EXCEED 10 FEET. CONDUITS SHALL BE SUPPORTED INDEPENDENTLY OF ONE ANOTHER.
10. CONDUITS CONNECTED TO BOXES AND CABINETS SHALL BE FITTED WITH TWO LOCKNUTS AND INSULATING BUSHING, ON "A" SERIES.
11. CONDUITS NOT CONNECTED WITH LOCKNUTS AND BUSHINGS SHALL BE FITTED WITH GROUNDING BUSHING, QZ "BL" SERIES, U.L. APPROVED AND BONDED.
12. CONDUIT STRAPS FOR INDIVIDUAL RUNS SHALL BE SECURED BY TOGGLE BOLTS ON HOLLOW MASONRY, EXPANSION ANCHORS ON SOLID CONCRETE OR MASONRY, MACHINE SCREWS OR BOLTS ON METAL SURFACES AND WOOD SCREWS ON WOOD CONSTRUCTION. THE USE OF NAILS

TO ANCHOR STRAPS ON WOOD CONSTRUCTION IS PROHIBITED. STRAPS SHALL BE TWO HOLE MALLEABLE IRON OR SNAP-TYPE STEEL WITH RIBBED BACK, GALVANIZED OR CADMIUM PLATED.

13. PLACEMENT OF ALL BOXES SHALL BE GOVERNED BY APPLICABLE ARCHITECTURAL AND STRUCTURAL REQUIREMENTS.

14. CONDUIT FITTINGS, EXCEPT WHERE OTHERWISE NOTED, CONDUIT FITTINGS SHALL BE APPLETON OR APPROVED EQUAL. UNLETS SHALL BE MALLEABLE IRON AND FITTED WITH COVERS AND GASKETS.

15. TELEPHONE AND SIGNAL CONDUIT BENDS WHERE REQUIRED SHALL HAVE A RADIUS OF TEN TIMES THE CONDUIT TRADE SIZE.
16. PROVIDE PULL TAPE IN ALL EMPT CONDUITS.

205050. NAMEPLATES & IDENTIFICATION:

1. INSTALL ENGRAVED NAMEPLATES FOR EACH PANELBOARD, CABINET, DISCONNECT, ETC. NAMEPLATES SHALL BE SECURELY FASTENED TO THE EQUIPMENT WITH #4 PHILLIPS ROUND HEAD CADMIUM PLATED SELF-TAPPING SCREWS, BRASS BOLT.
2. PROVIDE CIRCUIT LABEL INDICATING PANEL AND CIRCUIT NUMBER ON EACH COVERPLATE FOR EACH RECEPTACLE AND LIGHT SWITCH, MOTION SENSOR SWITCH. SUCH LABEL SHALL BE SELF ADHESIVE WHITE TAPE WITH BLACK LETTERS MADE ON A LABEL MAKER.
3. ALL CONTROLLED RECEPTACLES SHALL BE PERMANENTLY MARKED TO DIFFERENTIATE THEM FROM UNCONTROLLED RECEPTACLES PER CALIFORNIA ENERGY CODE SECTION 130.56(i)(3).

205050. TESTING:

1. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE FREE FROM SHORT CIRCUITS AND IMPROPER GROUNDS. TEST ALL WIRING AND CONNECTIONS FOR CONTINUITY AND GROUNDS BEFORE ANY FUTURES OR EQUIPMENT ARE CONNECTED AND WHERE SUCH TESTS INDICATE FAULTY INSULATION OR OTHER DEFECTS, THEY SHALL BE LOCATED, REPAIRED AND RETESTED AT THE CONTRACTOR'S EXPENSE. PROVIDE ALL INSTRUMENTS TO MAKE SUCH TESTS.
2. DEMONSTRATE TO THE OWNER AND THE ARCHITECT THAT THE ENTIRE INSTALLATION IS COMPLETE, IN PROPER OPERATING CONDITION AND THAT THE CONTRACT HAS BEEN PROPERLY AND FULLY EXECUTED.

205050.02. WARRANTIES, GUARANTEES, CERTIFICATES, ETC.

1. WARRANTIES, GUARANTEES, CERTIFICATES, ETC. THAT ARE FURNISHED AND AVAILABLE FOR EQUIPMENT AND MATERIALS FURNISHED AND INSTALLED UNDER THIS SECTION SHALL BE PROPERLY FILLED OUT AS OF DATE OF ACCEPTANCE OF THE WORK BY THE OWNER AND SHALL BE DELIVERED TO THE ARCHITECT.

205050. INTERIOR LIGHTING CONTROL SYSTEM:

1. PROVIDE A COMPLETE AND FULLY OPERATIONAL INTERIOR LIGHTING CONTROL SYSTEM FOR INTERIOR LIGHTING AS SPECIFIED HEREIN AND SHOWN ON THE DRAWINGS.
2. THE COMPLETE SYSTEM, INCLUDING ALL DEVICES SHALL BE IN COMPLIANCE WITH THE 2019 CALIFORNIA ENERGY CODE.
3. THE COMPLETE SYSTEM SHALL BE AS MANUFACTURED BY NULIGHT, WATTS TOPPER, OR GREENGATE CONSISTING OF:
- A. LUMINAIRES WITH 0-10V DIMMING LED DRIVERS.
B. WALL DIMMER SWITCHES THAT COMMUNICATE THROUGH ROOM CONTROLLERS.
C. OCCUPANCY SENSORS THAT COMMUNICATE THROUGH ROOM CONTROLLERS.
4. ALL SYSTEM COMPONENTS SHALL BE U.L. LISTED. ALL SYSTEM CONTROL COMPONENTS SHALL BE APPROVED BY THE CALIFORNIA ENERGY COMMISSION.
5. ALL EQUIPMENT AND ITEMS OF CONTROL SHALL BE INSTALLED AND WIRED IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS.
6. PROVIDE WALL OCCUPANCY SENSOR LIGHT SWITCHES WHERE SO SHOWN ON PLANS. SUCH OCCUPANCY SENSOR SWITCHES SHALL BE SINGLE LEVEL AUTOMATIC "ON/AUTOMATIC" "OFF" AS SHOWN ON PLANS. SENSORS SHALL COMPLY WITH SECTION 120.9 OF THE ENERGY CODE.
7. THE SYSTEM SHALL AUTOMATICALLY SWITCH OFF ALL LIGHTS WHEN CONTROLLED SPACE BECOMES UNOCCUPIED AND SWITCH ON LIGHTS WHEN THE SPACE IS RE-OCCUPIED. ALL SENSORS SHALL BE PROVIDED WITH USER ADJUSTABLE TIME DELAY (15 SEC. TO 20 MINUTES) FOR "SWITCH-OFF" FUNCTION AND ADJUSTABLE SENSITIVITY.
8. LOW VOLTAGE WIRING IS NOT REQUIRED TO BE IN CONDUIT EXCEPT IN HAROLD CEILINGS WHERE SUCH WIRES SHALL BE RUN IN CONDUIT.

207276. WIRING DEVICES:

1. UNITS SHALL BE EQUAL TO THE DEVICES SET FORTH HEREIN, IN STANDARD COLORS (BROWN, WHITE, GREY, BEIGE OR IVORY) AS SELECTED BY THE ARCHITECT.
- A. WIRING DEVICES
- | WIRING DEVICES | LEVITON # | HUBBELL # | P & S # |
|------------------------------|-----------|-----------|---------|
| SINGLE POLE SWITCH, 15A | 1200-2 | HL301 | PS3AC1 |
| DUPLEX COUP, GFI OUTLET, 20A | 6999 | GF13 | 2096L |
2. THE MOUNTING HEIGHTS OF LIGHT SWITCHES, RECEPTACLES AND CONTROLS SHALL BE MAXIMUM 48" MEASURED TO THE TOP OF BOXES OR MINIMUM 36" TO THE BOTTOM OF BOXES. SEE "LEGEND" FOR ACTUAL MOUNTING HEIGHTS OF DEVICES. VERIFY HEIGHT WITH ARCHITECT WHERE AN ACTUAL MOUNTING HEIGHT IS NOT CALLED OUT ON PLANS.
3. SINGLE RECEPTACLE SERVED BY INDIVIDUAL 20A BRANCH CIRCUIT DEDICATED TO THE OUTLET SHALL BE 20A RATED PER CEC 210.21(b)(1). ALL OTHERS SHALL BE 15A RATED.
4. 120V, 15A AND 20A RECEPTACLES ARE NOW SUBJECT TO CALIFORNIA ENERGY CODE, SECTION 120.9(i)(6). ALL SUCH OUTLETS SHALL BE CONSIDERED AS UNCONTROLLED EXCEPT THOSE WHICH ARE SPECIFICALLY CALLED OUT ON THE PLANS AS CONTROLLED. SEE "CONTROLLED 120V RECEPTACLES" PARAGRAPH BELOW.

207276.02. DEVICE PLATES:

1. ALL DEVICE PLATES FOR INDOOR USE SHALL BE NYLON.
2. ALL DEVICE BOXES WHICH ARE INSTALLED IN FIRE RATED WALL ASSEMBLY AND IS PROVIDED WITH A FIRE STOPPING PUTTY PAD SHALL HAVE A BRUSHED STAINLESS STEEL COVERPLATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUTTY PAD.
3. DEVICE COVERS FOR SURFACE MOUNTED BOXES SHALL BE 1/2" RAISED STEEL PLATES.
4. DEVICE COVERS FOR DEVICES LOCATED IN DAMP LOCATIONS SHALL COMPLY WITH CEC 406.9(A).
5. DEVICE COVERS FOR DEVICES LOCATED IN WET LOCATIONS SHALL COMPLY WITH CEC 406.9(B).

205050. LIGHTING:

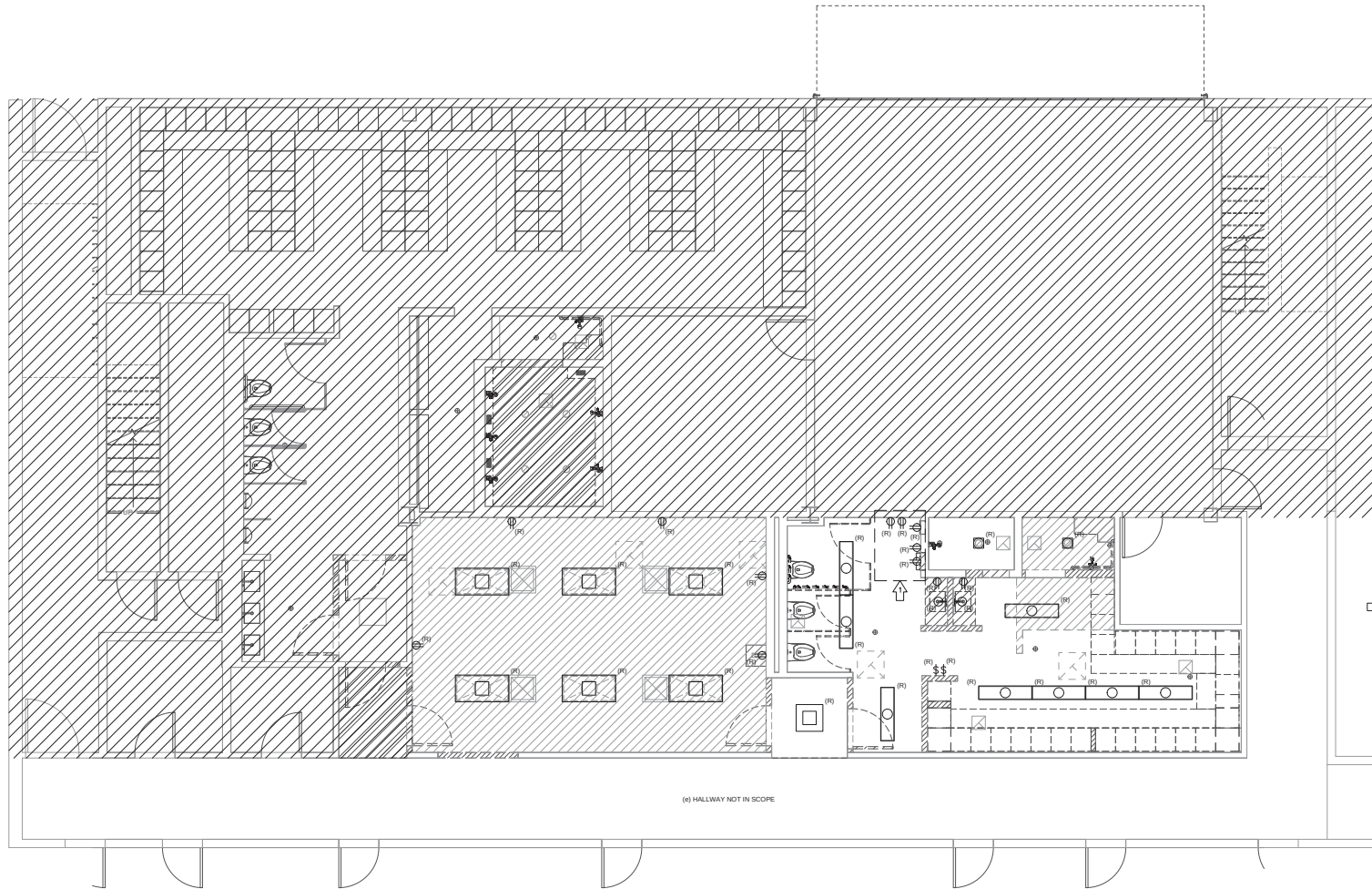
1. ALL LUMINAIRES SHALL BE CERTIFIED BY THE MANUFACTURER TO THE CALIFORNIA ENERGY COMMISSION.
1. ALL LUMINAIRES SPECIFIED ON THIS PROJECT SHALL BE AS NOTED IN THE "LIGHT FIXTURE SCHEDULE" ON THESE PLANS. NO SUBSTITUTES ARE PERMITTED WITHOUT WRITTEN APPROVAL OF THE ENGINEER.
6. ALL INTERIOR LUMINAIRES SHALL BE PROVIDED WITH 0-10V DIMMING LED DRIVERS.

C. ALL EXTERIOR LUMINAIRES SHALL BE PROVIDED WITH 0-10V DIMMING LED DRIVERS WITH INTEGRAL MOTION SENSORS WHERE SO NOTED.

ELECTRICAL LEGEND	
	LIGHTING FIXTURES LINEAR FIXTURE - SQUARE = RECESSED - CIRCLE = SURFACE DOWNLIGHT, SQUARE = RECESSED CEILING EXHAUST FAN EMERGENCY LIGHTING EXIT SIGN WITH 90 MIN BATTERY BACKUP WALL MOUNT EMERGENCY LIGHT WITH 90 MIN BATTERY BACK FIXTURES WITH INTEGRAL EMERGENCY BALLAST BASIC LIGHTING CONTROLS LIGHT SWITCH, 48" TO TOP OF BOX WALL MOUNT OCCUPANCY SENSOR (LINE VOLTAGE), 48" TO TOP OF BOX WALL MOUNT SWITCH, 48" TO TOP OF BOX TITLE 24 LIGHTING CONTROLS LIGHT SWITCH COMPONENTS OF DIMMING ROOM CONTROLLER CEILING MOUNT OCCUPANCY SENSOR NOTES: 1. FOR SUBMITTAL INCLUDE FACTORY CONTROL DRAWINGS. 2. CONDUCT A CONTROLS PRE CONSTRUCTION MEETING WITH THE SCHEDULES STARTUP TEAM. PROVIDE AGENDA AND ATTENDEES AS A SUBMITTAL. INCLUDE SERVICE LOG TAGS, PROGRAMMING, CABLE ROUTING, PROGRAM AND TIME SCHEDULES AND DATE OF PROGRAMMING AND TESTING. 3. CONTRACTOR TO HAVE SYSTEM FACTORY SUPPORT FOR START UP, PROGRAMMING AND COMMISSIONING. VERIFY OPERATIONAL HOURS WITH OWNER PRIOR TO COMMISSIONING. ELECTRICAL POWER ALL LINE VOLTAGE WIRING IN CONDUIT. SEE GENERAL NOTES TICKS = OF #12 WIRE. SHORT = HOT, LONG = NEUTRAL, DOT = GROUND, DASHED = UNDERGROUND UNLESS NOTED OTHERWISE 120V OUTLET, 48" TO BOTTOM OF BOX (MINIMUM) - GFI = GROUND FAULT INTERRUPTER 120V DUPLEX OUTLET MOUNTED AT 42" A.F.F. OR 44" ABOVE COUNTERTOP AS APPLICABLE QUADRUPLX OUTLET PANELBOARD TRANSFORMER / SWITCHBOARD AS NOTED

 NJA ARCHITECTURE 212 W. HILL ST., 3RD FL. LOS ANGELES, CA 90012 213.400.0380 www.njaarchitecture.com	DESIGNER STAMP 	RECORD DRAWINGS	DESIGNED BY: _____ DATE: _____	DRAWN BY: _____ DATE: _____	Num. _____	Description _____	Eng. _____	Appr. _____	Date _____	
	Public Works Inspector: _____	Checked BY: _____ DATE: _____	DESIGNED BY: _____ DATE: _____	DRAWN BY: _____ DATE: _____	Num. _____	Description _____	Eng. _____	Appr. _____	Date _____	
	Utility/Facility Dept. Head: _____	Checked BY: _____ DATE: _____	DESIGNED BY: _____ DATE: _____	DRAWN BY: _____ DATE: _____	Num. _____	Description _____	Eng. _____	Appr. _____	Date _____	
	Project Engineer: _____	Checked BY: _____ DATE: _____	DESIGNED BY: _____ DATE: _____	DRAWN BY: _____ DATE: _____	Num. _____	Description _____	Eng. _____	Appr. _____	Date _____	
Public Improvements Initially Accepted by _____		Res. No. _____								
The City Council on: _____										

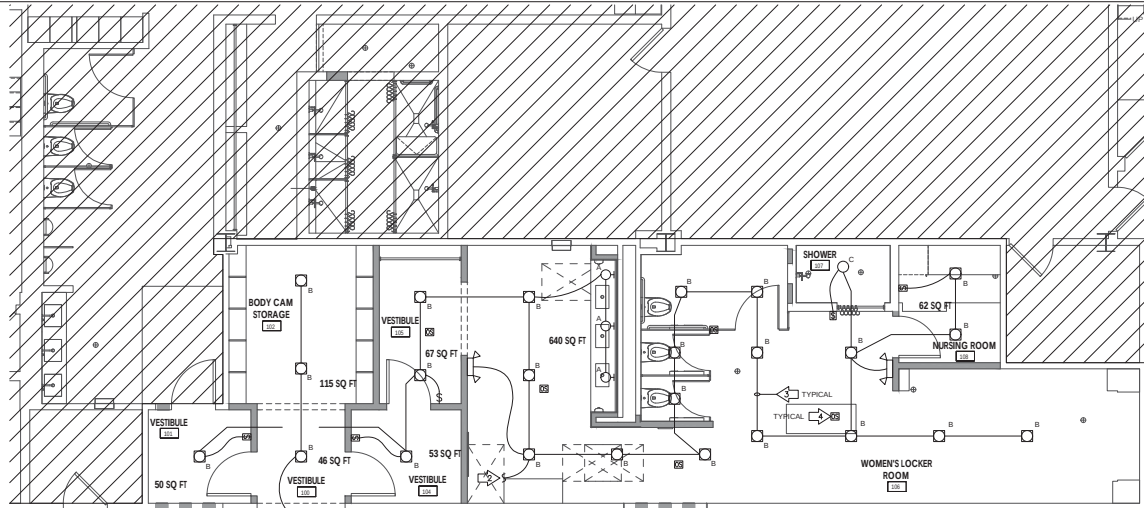
CITY OF MILPITAS ENGINEERING DIVISION MILPITAS POLICE DEPARTMENT 1275 N. MILPITAS BLVD. MILPITAS, CA 95035		PROJECT NO. 2024.173
GENERAL NOTES & LEGEND		REC. DWG NO. E0.1
RECOMMENDED FOR BIDDING BY: _____ DATE: _____		PERMIT SET 01/16/2025
Same Terms, Public Works Division Manager - Operators		SCALE AS NOTED
		SHEET 42 OF 48



DEMOLITION FLOOR PLAN
SCALE: 1/4"=1'-0"
NORTH

HCS Engineering
50 years
4522 Feather River Dr. #F, Stockton, CA 95209
209-478-8270 | www.hcs-eng.com
Richard C. Smith, PE richard@hcs-eng.com
Christopher A. Hall, PE chris@hcs-eng.com
PROJECT # 2024.173

 NJA ARCHITECTURE 222 W. HINE STREET, STE #1 LOS ANGELES, CA 90012 213.400.0880 www.njaarchitecture.com	DESIGNER STAMP: 	RECORD DRAWINGS Designer: _____ Date: _____ Public Works Inspector: _____ Date: _____ Utility/Facility Dept. Head: _____ Date: _____ Project Engineer: _____ Date: _____ Public Improvements Initially Accepted by the City Council on: _____ Res. No. _____	DRAWN BY: _____ DATE: _____ CHECKED BY: _____ DATE: _____ DESIGNED BY: _____ DATE: _____	Revisions <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">Num.</th> <th style="width: 45%;">Description</th> <th style="width: 10%;">Eng.</th> <th style="width: 10%;">Appr.</th> <th style="width: 30%;">Date</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> <tr><td> </td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	Num.	Description	Eng.	Appr.	Date	1																																																			CITY OF MILPITAS ENGINEERING DIVISION MILPITAS POLICE DEPARTMENT 1275 N. MILPITAS BLVD. MILPITAS, CA 95035 DEMOLITION FLOOR PLAN RECOMMENDED FOR BIDDING BY: _____ DATE: _____ Same Name, Public Works Division Manager - Operations	PROJECT NO: 2024.173 REC. DWG NO. E1.0 PERMIT SET 01.16.2025 SCALE: AS NOTED SHEET 44 OF 44
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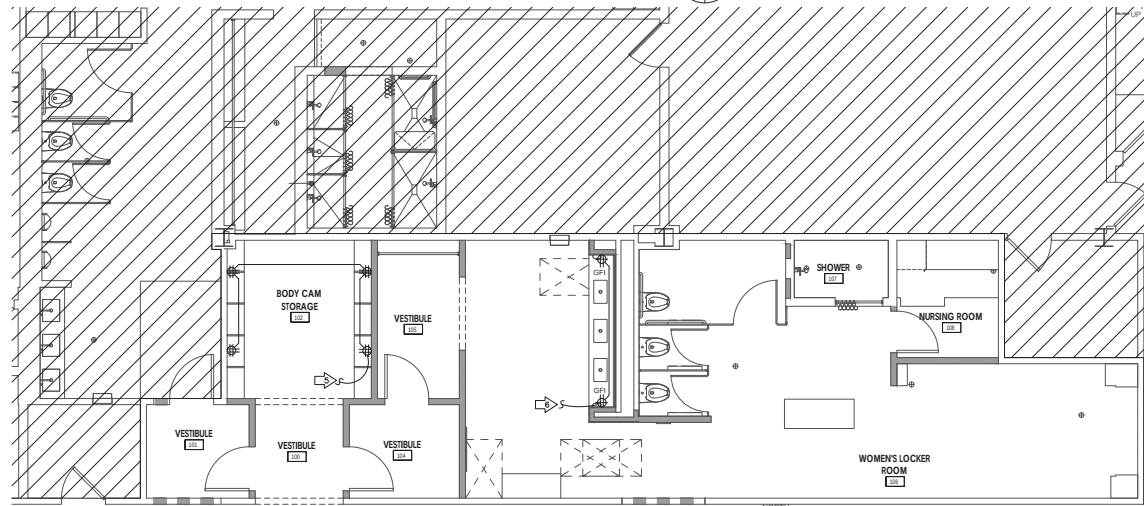
LIGHTING FLOOR PLAN

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



NUMBERED NOTES THIS SHEET:

- ➡ CONNECT FIXTURES TO EXISTING CORRIDOR CIRCUIT & CONTROLS.
- ➡ CONNECT TO EXISTING LIGHTING CIRCUIT.
- ➡ CONDUITS TO CONTAIN UNSWITCHED HOT LEG, SWITCHED HOT LEG, NEUTRAL, GROUND AND GRAY AND VIOLET 0-10V DIMMING CONTROL.
- ➡ INTERCONNECT ALL LIGHTING CONTROL DEVICES (DIMMERS, OCCUPANCY, PHOTOCELL AND LOCAL LIGHTING CONTROLLER) PER MANUFACTURER REQUIREMENTS.
- ➡ CONNECT TO REMOVED OUTLET STRIP CIRCUIT. SEE SHEET E1.0 FOR OUTLET STRIP CIRCUIT TO BE REUSED.
- ➡ CONNECT TO EXISTING BATHROOM CIRCUIT.



POWER FLOOR PLAN

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



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 PROJECT # 2024.173



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DESIGNER STAMP:



RECORD DRAWINGS

Designer: _____ Date: _____
 Public Works Inspector: _____ Date: _____
 Utility/Facility Dept. Head: _____ Date: _____
 Project Engineer: _____ Date: _____
 Public Improvements Initially Accepted by
 the City Council on: _____ Res. No. _____

DRAWN BY: _____ DATE: _____
 CHECKED BY: _____ DATE: _____
 DESIGNED BY: _____ DATE: _____

Revisions

Num.	Description	Eng.	Appr.	Date
1				



**CITY OF MILPITAS
 ENGINEERING DIVISION**

MILPITAS POLICE DEPARTMENT
 1275 N. MILPITAS BLVD. MILPITAS, CA 95035

LIGHTING FLOOR PLAN & POWER FLOOR PLAN

RECOMMENDED FOR BIDDING BY: _____ DATE: _____
 Same Name, Public Works Division Manager - Operations

PROJECT NO:
2024.173
 REC. DWG NO.
E2.0
 PERMIT SET
01.16.2025
 SCALE AS NOTED
 SHEET 45 OF 48

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Engineering
50 years
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CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Authorizing Submittal of a Grant Application to the California Department of Resources Recycling and Recovery for the Rubberized Pavement Grant Program, and Authorize the City Manager, or Designee, to Execute Grant Funding Agreements and Appropriate Award Funds (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602; and Michael Silveira, City Engineer, 408-586-3303)
Category:	Consent Calendar-Community Development
Meeting Date:	9/2/2025
Recommendation:	(1) Adopt a resolution authorizing submittal of a grant application to the California Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Grant Program, and (2) Authorize the City Manager, or designee, to execute grant funding agreement(s) with CalRecycle and appropriate awarded funds into City's street resurfacing program for five fiscal years.

BACKGROUND:

The Traffic and Transportation Engineering section of the Public Works Department is responsible for planning and managing the Citywide Street Resurfacing Program including searching for grant opportunities to enhance the Program. The Rubberized Pavement Grant Program (Grant Program) established by the California Department of Resources Recycling and Recovery (CalRecycle) provides grant funding to local agencies that uses rubberized material for hot mix asphalt concrete and chip seal projects.

The Grant Program aims to repurpose waste tires to reduce the environmental impacts of disposal and stockpiling generated in California. The waste tires are processed into crumb rubber granules, which are then blended with asphalt cement to form an asphalt rubber binder. This binder serves as the initial oil layer that embeds the aggregates for hot mix and chip seal, providing improved resistance to reflective cracking, oxidation, and aging compared to conventional materials.

CalRecycle awards grant up to \$375,000 for an individual application that utilizes at least 2,000 tons of Rubberized Asphalt Concrete (RAC) or 40,000 square yards of Rubberized Chip Seal (RSC) for a proposed project. The Citywide Street Resurfacing Program is an ideal candidate for this grant program and would contribute to maintaining the City's goal minimum Pavement Condition Index (PCI) rating of 70.

ANALYSIS:

CalRecycle issues funds on a reimbursement basis at a rate of \$30 per ton for RAC and \$1.00 per square yard for RSC, up to a maximum of \$375,000. Staff will submit a grant application to CalRecycle for the FY 2025/26 cycle of the Grant Program by the application deadline of September 11, 2025. It will include a request of funding for approximately 12,500 tons of rubberized asphalt concrete for the street resurfacing projects to be completed in 2026. The projects are associated with Dempsey Road, CIP No. 4305, Great Mall Parkway Phase 2, CIP No. 4300, and/or Yellowstone Ave., CIP No. 4307 which are predominantly funded from 2016 Measure B, SB1 – RMRA funds and Vehicle Registration Fund. If awarded, the final report on the use of the 2025-26 grant funds must be submitted to CalRecycle no later than April 1, 2028, when the grant term ends.

Staff recommends the City Council adopt the resolution to authorize staff to submit a grant application to CalRecycle and authorize the City Manager or designee to execute grant funding agreement(s) with CalRecycle and appropriate the awarded funds, if received, into the Citywide Street Resurfacing Program.

POLICY ALTERNATIVE(S):

Alternative 1: Not approving the Resolution to apply for CalRecycle Grant.

Pros: None

Cons: The City will miss an opportunity to receive up to \$375,000 in grant funding for Annual Street Resurfacing Project.

Reason for Not Recommending: The Street Resurfacing Program is essential to ensuring long-term pavement performance throughout the City and maintaining a PCI rating of at least 70. Not approving the resolution would miss an opportunity to increase the annual project budget that would be used to extend street maintenance efforts in future fiscal years.

FISCAL IMPACT:

There are no matching funds required in the event of this grant award. Therefore, there is no adverse fiscal impact to apply for this grant. This action creates an opportunity for the City to receive up to \$375,000 in grant funding for the Annual Street Resurfacing Program.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

No environmental review is required because the recommended actions are fiscal and administrative in nature and do not constitute “a project” as defined in CEQA Guidelines Section 15378. Actions undertaken to approve construction of pavement maintenance projects related to this item will be considered for appropriate environmental review.

ATTACHMENT:

(a) Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
AUTHORIZING SUBMITTAL OF GRANT APPLICATIONS TO THE CALIFORNIA
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY UNDER THE
RUBBERIZED PAVEMENT GRANT PROGRAM (CALRECYCLE); AND
AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE GRANT
FUNDING AGREEMENTS WITH CALRECYCLE AND APPROPRIATE AWARDED
FUNDS INTO THE STREET RESURFACING PROGRAM FOR FIVE FISCAL YEARS**

WHEREAS, California Public Resources Code 48000 et seq. authorizes the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs in furtherance of the State of California's efforts to reduce, recycle and reuse solid waste generated in the state preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the grant programs; and

WHEREAS, CalRecycle Grant Application procedures require an Applicant's governing body to authorize by resolution its approval for submittal of the Grant Application(s) identified below, and the designation by job title of the individual authorized to execute all Grant documents on behalf of City of Milpitas; and

WHEREAS, if awarded, the City of Milpitas will enter into a Grant Agreement with CalRecycle for implementation of said Grant(s).

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other 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.
2. The City Council hereby approves to submit an application to CalRecycle for the Rubberized Pavement Grant Program for the next five fiscal years.
3. The City Manager, or designee, is hereby authorized and empowered as Signature Authority in the name of the City of Milpitas to submit applications to CalRecycle for the Rubberized Pavement Grant Program.
4. This authorization is effective for five fiscal years, commencing with fiscal year 2025/26 and terminating at the end of fiscal year 2029/30, or, until rescinded by the Signature Authority or this governing body.
5. The City Manager, or designee, is authorized and empowered to execute in the name of the City of Milpitas all grant documents, including but not limited to, applications, agreements, amendments, and requests for payment, necessary to secure grant funds and implement the approved grant projects.

PASSED AND ADOPTED this 2nd day of September 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



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider a Fee Waiver Request from PRAGNYA (Preparing Resources & Alliances Galvanizing Neurodiversity Acculturation) (Staff Contact: Renée Lorentzen, Recreation and Community Services Director, 408-586-3409)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	9/2/2025
Recommendation:	Approve a Fee Waiver of \$872 for the PRAGNYA event Dinkchak Dhamaal Dandiya at the Milpitas Senior Center on September 27, 2025.

BACKGROUND:

On August 19, 2025, staff received a Donation and Fee Waiver/Reduction Policy request from PRAGNYA for the event Dinkchak Dhamaal Dandiya at the Milpitas Senior Center. The request is for an \$872 fee waiver for their hourly rental fees for the Milpitas Senior Center Community Room and Dance Studio.

ANALYSIS:

A Donation and Fee Waiver/Reduction Policy application was received by the Recreation and Community Services Department for a fee waiver for PRAGNYA.

Fee Waiver Request

PRAGNYA submitted the required application and documentation for their Dinkchak Dhamaal Dandiya integrated community event:

- Facility Rental Application and Permit
- City Council Donation and Fee Waiver/Reduction Policy request
- Non-profit status letter

PRAGNYA is requesting that City Council waive eligible fees for facility rental hourly fees in the amount of \$872. Fees ineligible for waiver are the application fee, refundable rental security/damage deposits, and staff fees.

The Milpitas City Council adopted an updated "City Council Donation and Fee Waiver/Reduction Policy" on June 21, 2022. Per the policy, eligible organizations can request City fees to be waived up to \$1,500 or a donation amount up to \$500 to be granted upon request. Eligible organizations are defined as "a non-profit organization as described by the Internal Revenue Section such as 501(c)(3) or an intergovernmental agency; Non-discriminatory, and non-political in nature." Fee Waiver or Donation requests for events must provide a community benefit within the City of Milpitas proper. Applying organizations must provide proof of non-profit status from the federal Internal Revenue Service or the state Franchise Tax Board.

As required, PRAGNYA provided a copy of their determination letter from the Internal Revenue Service stating they are a tax-exempt organization. The applicant meets the requirements as outlined in the Council adopted Donation and Fee Waiver/Reduction Policy.

POLICY ALTERNATIVE(S):

Alternative: Do not approve any one or combination of received fee waivers and donation applications as requested.

Pros: The City's General Fund will not incur the costs of the fees waived.

Con: Denial of the request may not allow the non-profit organization to hold their events.

Reason not recommended: This request is consistent with the Council approved Policy.

FISCAL IMPACT:

\$25,000 was approved and included in the FY 2025-26 City budget for City Council's Unallocated Community Promotions with a current balance of \$23,916. If this request is approved by the City Council, then \$23,044 would remain in that line item of the current fiscal year's budget.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and is not a project pursuant to Pub. Resources Code, § 21065 and Cal. Code Regs., tit. 14, § 15378. Even if a project, the action is exempt from further CEQA review pursuant to Cal. Code Regs., tit. 14, § 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ATTACHMENT(S):

- (a) PRAGNYA Application
- (b) PRAGNYA Internal Revenue Service (IRS) non-profit letter

City of Milpitas City Council Non-Profit Donation/Fee Waiver Request Program Application Form #44

Name of Organization	PRAGNYA
Is there a Milpitas Branch or Affiliation?	- Yes
Organization Address (as listed on your 501 (c) 3)	[REDACTED] San Jose, CA 95131 United States
Organization Web Site	https://www.pragnya.org
Organization Contact Name	Kavita Sreedhar
Organization Contact Phone	[REDACTED]
Organization Contact Email	[REDACTED]
Request Type	- Fee Waiver (up to \$1,500)
Requested Amount (request types cannot be combined or exceed maximum listed amounts)	872
Description of Use of Funds/Fees to be Waived	Room rental for hosting the only All Inclusive Dinkchak Dandiya that brings together community members and those from the Neurodiverse community
Event Name	PRAGNYA Dinkchak Dhamaal Dandiya
Event Date(s)	Sep 27, 2025
Event Location (Facility Name and Address)	Barbara Lee Senior Center
Is your Event Open to the Public	Yes
What is you anticipated Event attendance?	150

What is the purpose of the Event?

PRAGNYA is an organization that fosters neurodiversity inclusion and appreciation through integrated community events like the Dinkchak Dhamaal Dandiya. We train individuals to be NeuroAllies to facilitate this and we also provide navigation support for families of children with special needs, especially developmental disabilities. Often such individuals and families get excluded, lead lives of isolation, seclusion due to fear of judgement, guilt, shame and lack of acceptance and belonging in their local communities. Breaking that barrier down and pulling people into our larger society and community is what PRAGNYA works towards through each and every initiative and activity such as the Dinkchak Dhamaal Dandiya. The Dandiya is a very symbolic dance where there is no one person is singled out, and everyone dances in circles and no one is left behind, everyone moves along in circles of support for everyone and it perfectly worked with our circles of belonging and support for all of our individuals who are in the neurominority. We would love to reach out to the city of Milpitas to be able host this along with us to welcome families and individuals into the warm circle of support that is our city.

Is your event a Fundraiser	Yes
What percentage of your event fundraising proceeds will benefit the Milpitas Community?	60% or more

How will the Milpitas Community Benefit from this Event?

A. majority of the individual allies and the families we serve are from Milpitas. We have chapter of PRAGNYA at the Milpitas High School and our Allies from there will be organizing this event.

How will the City's contribution (if approved) be recognized in event media and publicity?

We will recognize the City as a proud NeuroInclusive City partner cohosting the one and only All inclusive and Longest Running Dinkchak Dhamaal Dandiya in the entire world. We will carry the City's logos on all of our event collateral and we would love for the councilmembers, mayor and everyone else to attend this event to show support.

Upload your Entity Status Letter (Entity Name listed on this application must match the Entity Status Letter Name)	501c 3 for Pragnya (2).pdf
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Within 60 days after completion of the event for which a donation was received or a fee waiver

was granted by the City of Milpitas, your organization will provide a report to the Director of Recreation and Community Services to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Failure to abide by the rules and procedures set forth in the City Council Donation/Fee Waiver Policy will result in the organization being denied for funding and/or fee waiver in the future. Draw your signature into the box below.



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 28 2017

PRAGNYA
225 BUTLER ST
MILPITAS, CA 95035-0000

Employer Identification Number:

DLN:

26053712001817

Contact Person:

CUSTOMER SERVICE

ID# 31954

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

December 31

Public Charity Status:

170(b)(1)(A)(vi)

Form 990/990-EZ/990-N Required:

Yes

Effective Date of Exemption:

June 8, 2017

Contribution Deductibility:

Yes

Addendum Applies:

No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

PRAGNYA

Sincerely,

Stephen A. Martin

Director, Exempt Organizations
Rulings and Agreements

Letter 947



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Modifying the City Council Code of Conduct Regarding Electronic Device Use at the Dais (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)
Category:	Leadership and Support Services
Meeting Date:	9/2/2025
Recommendation:	Adopt a revision to Chapter 3 of the City Council Procedures and Protocols Handbook to (1) Maintain the existing Code of Conduct with no changes; or (2) Revise the Code of Conduct language to state, "Use electronic devices appropriately while on the Council dais."

BACKGROUND:

The City Council Code of Conduct for the City of Milpitas was formally adopted as part of the City Council Procedures and Protocols Handbook (Handbook), which underwent a substantial overhaul beginning in 2018 and culminating in its adoption on [January 11, 2022](#). This update replaced the previous 2004 version and was the result of significant effort, including the formation of an Ad Hoc Council Handbook Subcommittee and review of best practices from other cities. The Handbook, including the Code of Conduct, is designed to be updated as needed to reflect changes in law or Council direction, with subsequent revisions approved in February and June 2023, and further updates in January 2024. The Code of Conduct is included in every Council meeting agenda and is read aloud at all City Council meetings to reinforce its importance and visibility to both Councilmembers and the public.

At the [March 18, 2025](#), City Council meeting, Councilmember William Lam proposed revising the existing Code of Conduct language from "Refrain from using electronic devices while on the Council dais" to "Refrain from using electronic devices inappropriately while on the Council dais." This received unanimous consensus from the rest of the City Council to move forward for staff evaluation. Per City Council policy, since this task requires less than four hours of work it does not require further prioritization, and staff are proceeding on bringing this item forward directly to the City Council.

ANALYSIS:

It is important to maintain a policy that reflects an effort to maintain public focus, avoid the appearance of distraction, and minimize the risk of real-time communications that could be perceived as deliberation outside of the public meeting. Limiting the use of electronic devices also supports compliance with the Brown Act and the City's Open Government Ordinance, while maintaining a professional meeting environment.

Councilmembers are provided with City-issued devices at the dais to access electronic agenda packets, presentations, and other official materials, as well as City-owned cell phones for official communications. These devices are governed by City IT security policies and Public Records Act (PRA) retention requirements, ensuring that messages are preserved in compliance with state law.

Currently, the policy is a total prohibition which means that both personal and work electronic devices are not to be used while on the dais. While this eliminates ambiguity, it unnecessarily restricts legitimate uses. Allowing limited device use at the dais can provide several benefits for councilmembers. It offers quick access to reference materials and documents and preserves the ability to communicate in an emergency.

Amending the Code of Conduct to allow device use with limits would bring the policy in line with how many jurisdictions handle modern meeting tools while aiming to preserve transparency and public trust.

Public Records Act Implications

The California Supreme Court in *City of San José v. Superior Court* (2017) held that communications about public business — including those sent or received on personal devices — are public records. This ruling applies regardless of whether the device is City-issued or privately owned.

Key considerations for the City Council:

- Messages on personal devices about public business are subject to PRA requests.
- Mixed personal/business use of devices complicates record searches and increases litigation risk.
- Public perception issues arise when device use during meetings appears unrelated to the agenda.
- Using City-issued dais devices and City-owned cell phones helps ensure official communications are archived, monitored, and compliant with the PRA.

Brown Act Considerations

The Brown Act requires City Council discussions and decisions to occur openly. Device use that gives the appearance of decisions being influenced by real-time, non-public communications rather than public discussion can raise compliance considerations under the Act.

City Council Options

Two primary options are listed below for City Council's consideration:

- 1) Leave policy language as-is with no changes: This removes any ambiguity; however, it ignores the fact that each Councilmember has a computer screen in front of them that allows them to review the City Council agenda and the associated City staff reports during the meeting. These are very real and necessary reviews that Councilmembers must be able to perform to fulfil their responsibilities to the public.
- 2) Change policy language to "Use electronic devices appropriately while on the Council dais." This language allows City Councilmembers to utilize their own judgement in the use of personal and work-related devices during City Council meetings, while remaining mindful of the legal and regulatory framework.

Staff is asking the City Council to consider options for modifying the City Council Code of Conduct regarding electronic device use at the dais and directing staff on which of the above two options, or an alternative option, to implement.

FISCAL IMPACT:

There is no direct fiscal impact associated with modifying the City Council Code of Conduct regarding electronic device use. Any changes to the policy would be implemented within existing staff resources.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action is a continuing administrative or maintenance activity comprising of general policy and procedure making and is not a project pursuant to Cal. Code Regs., tit. 14, § 15378.

ATTACHMENT(S):

- (a) City Council Procedures and Protocols Handbook



City of Milpitas City Council Procedures and Protocols Handbook 2024

Revised January 23, 2024

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CHAPTER I. Purpose and Overview

A. Purpose

This City Council Procedures and Protocols Handbook (Handbook) outlines the Milpitas City Council governing practices.

B. Applicability of Handbook

When not in conflict with the Constitution, the laws of the State of California or the Milpitas Municipal Code, this Handbook shall govern.

C. Revisions to the Handbook

This Handbook will be brought to Council for updates, as needed, due to changes in the law or if the City Council desires to change its procedures or protocols.

Adoption Date: January 11, 2022

Revision 1: February 21, 2023

Revision 2: June 20, 2023

Revision 3: January 23, 2024

CHAPTER II. Duties of the City Council

A. General Authorities of City Council

Milpitas was incorporated on January 26, 1954. As a general law city, Milpitas derives its authority from and is subject to the California Constitution and the general laws of the State of California.

The City Council is the policy and lawmaking body of the City. State and local laws define the powers and responsibilities of the City Council.

The City has a Council-Manager form of government in which the elected City Council sets policy direction and the City Manager implements Council policy, manages day-to-day operations and provides professional recommendations to support the Council on policy decisions. Although the Council and City Manager operate in all four dimensions of the governance process: mission, policy, administration and management, the Council's focus is on the mission and policy while the City Manager's focus is on administration and management. Clarity of roles are informed by this Handbook and Municipal Code provisions that provide the overall framework for the governance relationship.

B. Duties of Mayor

The Mayor is directly elected by Milpitas voters. The Mayor is the official head of the City of Milpitas for all ceremonial purposes. The Mayor is entitled to vote on all matters but does not possess any veto power. The Mayor signs all ordinances and resolutions after approval by the majority of the City Council.

C. Duties of Vice Mayor (Mayor Pro Tempore)

The Vice Mayor is selected from those on the Council during the first meeting at which the Mayor and returning or incoming Councilmembers commence their terms. Nomination is done through a motion and appointment is based on a majority vote.

In the event that the Mayor cannot attend a ceremonial function, the Vice Mayor shall serve as the official head of the City in his or her stead. In the event that neither the Mayor nor Vice Mayor can preside at a ceremonial function, one of the remaining members of the City Council shall serve as the official head of the City on a rotating basis to be administered by City staff.

D. Duties of Mayor and Councilmembers

1. Arrive on time for all Council meetings.
2. Review all meeting materials published in accordance with the Open Government Ordinance and other applicable laws, in preparation for Council meetings. As a body, provide clear direction to staff to aid in the development and consideration of proposed ordinances, policies, and

procedures. Pass ordinances, adopt resolutions, approve new projects and programs, and approve the budget and contracts.

3. Keep in touch with the community and interpret what is heard to Council colleagues and to the staff.
4. Participate in City Council meetings and other public forums.
5. Represent the City Council by fulfilling the liaison assignments to legislators, external agencies, and the City's boards and commission.
6. Requests for Staff Resources
 - a. Mayor and Councilmember requests to consider new programs, services, or requests for significant allocations of resources, shall be directed to the budget process to the maximum extent possible.
 - b. Mayor or Councilmember requests for minor (generally less than four hours of staff time) research or other staff work must be directed to the City Manager.
 - c. If more than four hours of staff time will be required to complete the task/project, the item will be placed on the agenda to ask the City Council if time should be spent on the proposed item. A discussion and prioritization of Mayor and Councilmember requests are scheduled on a quarterly basis.
 - d. Mayor and Councilmember requests for more than four hours of staff work for City Council consideration will adhere to all the City of Milpitas Open Government Ordinance provisions, including, but not limited to:
 - I-310-2.30 Agenda Requirements. "(b) At least six (6) days before a regular City Council meeting, a preliminary agenda shall be posted containing a meaningful description of each item of business to be transacted."
 - "(c) A description is meaningful if it is sufficiently clear and specific to alert members of the public whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item.
 - To achieve the above requirements, all materials must be submitted to the City Clerk, to the extent possible, no less than eight (8) days in advance of a Council meeting.
 - e. Staff responses to a Councilmember inquiry, including the original inquiry, shall be distributed to the Mayor and all City Councilmembers.
7. Absences

- a. Whenever a member knows in advance that he or she will be absent from a City Council meeting, it is the responsibility of that member to notify the City Manager or City Clerk as soon as possible of the impending absence.
- b. If a City Council member is absent without permission from all regular City Council meetings for 60 calendar days consecutively from the last regular meeting he or she attended, his or her office becomes vacant pursuant to Government Code 36513.

8. Administration of Oaths

The Mayor may require any person addressing the City Council to be sworn as a witness and to testify under oath; and must so require if directed to do so by a majority of the City Council. The Mayor may administer oaths. Appeals and revocation hearings are the most likely instances when testimony is taken under oath.

9. Subpoenas

In accordance with Government Code 37104, the City Council may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before it.

10. City Council Subcommittees

Council subcommittees, when used, are to help the Council do its job. Subcommittees ordinarily will assist the Council by studying an issue and preparing policy alternatives and implications for Council deliberation. Council subcommittees may not speak or act for the Council, and the subcommittee members should be regularly reporting out their work to the City Council through a scheduled agenda item.

There are generally two types of subcommittees as follows:

- Standing subcommittees that have continuous subject matter jurisdiction and will continue to exist until the City Council terminates their existence through formal action.
- Ad hoc subcommittees have limited subject matter jurisdiction and are usually formed primarily to study a particular topic or immediate issue, and once their task is complete, the ad hoc subcommittee will automatically terminate.

Both standing and ad hoc subcommittees of the City Council are subject to the Brown Act pursuant to the City's Open Government Ordinance.

Subcommittees shall obtain City Council concurrence before they proceed in any direction different from the original instructions of the City Council. In addition, Subcommittees should not implement policy, provide direction that would result in incurring additional expenses or provide direction to staff to

take any actions that are not consistent with existing City Council direction without first obtaining City Council approval for such actions.

11. Compensation for Mayor and Councilmembers

Information about compensation for the Mayor and Councilmembers can be found in the Milpitas Municipal Code I-14-1.00, et seq.

12. Travel Expenses and Reimbursements

Information about travel expenses and reimbursements for City related expenses can be found in the City Council Travel Policy 3-1.

E. City Council Vacancies

A vacancy in the office of Councilmember or Mayor may be filled by appointment by the City Council. The appointee shall hold office until the next special municipal election which shall be immediately called to fill the remainder of the vacant term as provided under Milpitas Municipal Code Section I-3-2.00. Any unexpired remainder of the term of such office shall be filled by the voters at such election.

F. Role of City Manager.

1. The City Manager is the chief executive officer and the head of the administrative branch of the City government. The City Manager is appointed by the City Council and reports to the full City Council. The City Manager shall work in collaboration with the City Attorney.
2. The City Manager implements policies and procedures initiated by City Council and manages the day-to-day operations of the City. The City Manager supports the full Council in setting clear goals for the City and optimizes the use of City resources to meet these goals.
3. The City Manager is the appointing authority, responsible for all City personnel. The City Manager or designee serves as a liaison to each commission. The use of City-owned property is handled through the City Manager's Office. The City Manager supports effective policy making and oversight by the City Council by providing information, formulating policy proposals, advising and informing the Council on policy matters while promoting team building and collaboration, and ensuring that the administration's delivery of service is consistent with City Council direction.
4. The City Manager prepares the budget annually, advises the City Council of future financial needs, and is responsible for budget administration after adoption. The City Manager prepares and submits to the City Council a complete report at the end of each fiscal year on the finances and administrative activities of the City during the preceding year. City Manager shall also present quarterly fiscal/budgetary updates or as requested throughout the year.

G. Role of City Attorney.

1. The City Attorney is appointed by the City Council and reports to the full City Council. The City Attorney advises the City Council and City officers in their official capacity on legal matters affecting the City, attends all City Council meetings and some board/commission meetings, and represents the City in legal actions and proceedings. The City Attorney shall work in collaboration with the City Manager.
2. The Office of the City Attorney approves as to form all bonds and contracts made by the City, approves all ordinances and resolutions and related amendments for the City, and prosecutes criminal cases for violation of City ordinances.
3. The members of the City Attorney's Office (attorneys and staff) maintain an attorney-client relationship with the City, full City Council or individual members thereof, its officers, agents and employees, so their official communications are protected as confidential attorney-client privilege.

H. Photographs of Past Councilmembers.

1. Past Mayor and Councilmember Photos will be displayed in the City Council Chamber as soon as reasonably practicable after the Mayor or City Councilmember's term ends.

CHAPTER III. Mayor and Councilmember Conduct

A. Mayor and Councilmembers shall:

The Milpitas City Council Code of Conduct, as approved by the City Council and noted below, shall be included in Council meeting agendas and read aloud at all City Council meetings.

Milpitas City Council Code of Conduct

- Be respectful and courteous (words, tone, and body language)
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

B. Mayor and Councilmember Best Practices for Council Meetings

- put constituents first at all times;
- treat each other and members of the public with dignity, courtesy, and respect;
- maintain confidentiality of all closed session materials and discussion;
- be attentive to others, limiting interruptions and distractions;
- encourage diverse viewpoints in debate while being mindful not to prolong discourse or block consensus;
- agree to respectfully disagree;
- keep comments clear, concise, and on topic;
- start meetings on time, work from the agenda; and
- present problems in a way that promotes discussion and resolution.

C. Mayor and Councilmember Conduct with City Staff:

1. Always maintain professionalism, treat all staff with respect.
2. Direct staff personnel issues to the City Manager.
3. Comments about staff performance should not be made in public or to the individual employee and should only be made to the City Manager through private correspondence or conversation.
4. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.
5. In accordance with Milpitas Municipal Code VI-1-2.04, except for purposes of inquiry, the City Council and its members shall deal with the administrative staff solely through the City Manager.
6. The Mayor and Councilmembers must not attempt to influence City staff on the making of employment appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
7. Routine administrative support will be provided to the Mayor and all Councilmembers. Requests for additional staff support – even in high priority or emergency situations — should be made to the City Manager.
8. Do not solicit political support from staff. The Mayor and Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and on personal time.

CHAPTER IV. Meetings

- A. All Council decisions must occur at City Council meetings pursuant to the requirements of the Ralph M. Brown Act. The City Council shall not use a series of telephone calls, a conference call, mass e-mailing or any other method of communication to discuss or decide matters within the jurisdiction of the Council among a majority of the Councilmembers.
- B. Quorum
 - 1. No business may be transacted by the Council at a regular or special meeting unless a quorum of the membership is present (on a 5 member Council, a quorum is 3 members).
 - 2. When there is no quorum, the Mayor or Vice Mayor, or any Councilmember may adjourn a meeting, or if no Councilmember is present, the City Clerk may adjourn a meeting.
- C. Council Meeting Dates; Cancellation
 - 1. If at any time any regular meeting of the Council falls on a holiday, the regular meeting shall be held on the next business day or the earliest business day within a week.
 - 2. Any meeting of the City Council may be canceled in advance by the Mayor. It can also be cancelled by a majority of the Councilmembers at a City Council meeting. The City Manager may also cancel a meeting in cases of need, such as an emergency or when a majority of members have provided notice of their unavailability to attend a meeting.
- D. Types of Meetings
 - 1. Regular meetings are held on the first and third Tuesdays of each month in the City Hall Council Chambers, 455 E. Calaveras Blvd., Milpitas, California. Pursuant to the requirements of the City's Open Government Ordinance, the Preliminary agenda is posted by the Wednesday preceding the regular meeting date. The Brown Act requires the posting of an agenda at least 72 hours prior to a regular meeting.
 - 2. Special Meetings may be called by the Mayor. They can also be called by a majority of the Council at a public meeting. Any special meeting called requires a minimum of 24 hours notice as required by the Brown Act. Only business described in the notice may be transacted.
 - 3. Study Sessions may be held as part of a regular meeting or special meeting and are held for the purpose of providing information to the City Council, particularly on issues that are more complex or more time-consuming. Study sessions may be conducted jointly with another City board, commission or committee or another governmental agency. At study sessions Councilmembers may state their individual responses and

questions to the information provided and may collectively provide direction to City staff. No formal action is taken at the study sessions.

4. Closed Sessions can be part of either regular or special meetings, typically in advance of the regular or special meetings. The start time of the Closed Sessions shall be publicly noticed in accordance with the law. The Council conducts its business in public to the greatest extent possible. State law, however, recognizes that in certain limited circumstances authorized by the Brown Act, that the Council will need to meet in private without the public present. These matters may include certain personnel matters, labor negotiations, real property negotiations, matters of public security, and the discussion of litigation, among other topics listed in the Brown Act. These rules provide for strict confidentiality of City Council discussion as required by State law, and no Councilmember shall disclose anything discussed in closed session to any individual not present in that closed session. Violating this confidentiality requirement can subject an individual Councilmember to disciplinary action, a referral to the grand jury, and in some limited circumstances, criminal prosecution. In limited instances, if action is taken in closed session, the City Attorney may need to report out any action taken and any vote on that action. Closed Session meetings will be conducted in accordance with Milpitas City Council Code of Conduct.
5. Emergency Meetings can occur in limited circumstances when there is a work stoppage, crippling activity, other activity that impairs public health, safety, or dire emergency. Depending on the factual circumstances, 24 hour notice or one hour notice may be required, or no notice at all.

E. Teleconferencing

1. Pursuant to Government Code Section 54953(b), teleconferencing may be used as a method for conducting meetings where Councilmembers may be counted towards a quorum and participate fully in the meeting from remote locations. If a Councilmember participates in a meeting via teleconference, the following requirements must be met:
 - a. The remote locations must be connected to the main meeting location by telephone, video, or both.
 - b. The notice and agenda of the meeting must identify the remote location.
 - c. The agenda must be posted at the remote location and be accessible to the public.
 - d. All votes must be by roll call.
 - e. The meeting must in all respects comply with the Brown Act, including participation by members of the public present in the remote locations.

- f. During the teleconference, at least a quorum of the members of the City Council shall participate from locations within the boundaries of the City.
- 2. Alternatively, a Councilmember may appear virtually at a limited number of meetings without identifying his or her location on the agenda, posting the agenda in the remote location, or allowing public attendance in the remote location so long the Councilmember is participating remotely for just cause or due to emergency circumstances. The Councilmember must inform the City Manager as early as possible of the just cause or emergency circumstance so that the need for a remote appearance can be agendaized and acted on by the entire Council.
 - a. An emergency circumstance means a physical or family medical emergency that prevents a Councilmember from attending in person.
 - b. Just cause means, (A) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Councilmember to participate remotely, (B) a contagious illness that prevents a Councilmember from attending in person, (C) a need related to a physical or mental disability, or (D) travel while on official business of the City or another state or local agency.
 - c. The Councilmember requesting the virtual appearance shall offer the Council a general description of the circumstances relating to his or her need to appear virtually. The description generally need not exceed 20 words and shall not require the Councilmember to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. The Council shall act on the request based on this description
 - d. A Councilmember may appear virtually for just cause not more than two times per calendar year. A Councilmember may not participate virtually pursuant to the relaxed Brown Act rules for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.
 - e. During the meeting, the Councilmember shall publicly disclose, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the Councilmember, and the general nature of the Councilmember's relationship with any such individuals.
 - f. The member shall participate through both audio and visual technology, which means that the Councilmember must have their camera turned on during the conduct of the meeting.
- 3. Because there are other legal nuances to making use of the teleconferencing provisions in the Brown Act, please check in with the City Attorney or City Clerk in advance.

4. During certain state of emergency situations, it may also be possible to meet remotely without complying with some of the requirements above, depending on certain findings that must be met during a state of emergency as required by the Brown Act. See, Cal. Gov. Code 54953(e)

F. Presiding Officer

1. The Mayor presides at all City Council meetings. In the absence of the Mayor, the Vice Mayor is the presiding officer. If both the Mayor and Vice Mayor are absent, the remaining Councilmembers should select a presiding officer for that meeting. The presiding officer votes on all questions as do other members of the City Council.
2. The Mayor/presiding officer always sits in the middle seat at all formal council meetings. The Vice Mayor and City Manager are always seated immediately next to the Mayor/presiding officer. Councilmembers then select their dais position based on seniority. Seniority is defined by continuous time of service as an elected member of the City Council. When two or more Councilmembers have equivalent time of service, those Councilmembers shall be given priority in seat selection by the highest number of votes in his/her most recent election.
3. The presiding officer conducts the meetings of the City Council to:
 - a. Ensure that consideration of items on the agenda move along without delay.
 - b. Ensure that petitioners, proponents and opponents are heard but not allowed to disrupt the meeting.
 - c. Ensure that decorum is maintained at the meeting.
 - d. In presiding over matters where the public has provided testimony and/or raised questions, the presiding officer should:
 - (i) Restate every question coming before the Council.
 - (ii) Direct questions or comments requiring a response to staff for a response.
 - (iii) Ensure that staff and members of the public direct their comments to the presiding officer.
 - (iv) If necessary, help keep Councilmember questions relevant to the matter being considered by the Council.
 - (v) If necessary, consider calling for a brief recess if orderly conduct of the meeting is being disrupted.
 - (vi) Announce the decision of the Council on all subjects.

4. Ensure that each member of the Council is provided an opportunity to completely express their views on items of business, the Mayor should:
 - (i) See that Councilmembers ask to be recognized by the Mayor before speaking.
 - (ii) Ensure that each Councilmember is given the opportunity to fully express their views.
5. The Chief of Police, or his or her representative, is the ex officio sergeant-at-arms of the City Council. The ex officio sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the council chamber.

G. Voting; Rules of Procedure

1. A motion, second, and a majority vote of the Council shall be required for any formal action of Council (except where a different vote requirement is set by state law). Votes and abstentions are taken by roll call, electronic voting, or any other means that allows the public to determine the votes of individual members as allowed by law. Votes and abstentions shall be recorded in the meeting minutes.
2. Steps in making, discussing and voting on a formal motion:
 - a. The maker of the motion asks for recognition by the presiding officer. After the individual is recognized, he or she will say, "I move that we ..."
 - b. The presiding officer will ask if there is a second. Another member of the group must second the motion in order for it to be discussed. A second is made by saying "I second the motion." The Mayor or any Councilmember can suggest one or more modifications in the motion, which the member making the motion can accept or reject. There also may be times where the City Manager or City Attorney may suggest an amendment to the motion for clarity purposes for the public, which the member making the motion can accept or reject.
 - c. The presiding officer then restates the motion "It has been moved and seconded that ..." and opens the floor to discussion and debate.
 - d. The presiding officer will recognize members who wish to comment on the motion. Only one "main motion" may be discussed at a time.
 - e. Once discussion has concluded, the presiding officer will "call for the question" and conduct a ~~roll call~~ vote.
 - f. The presiding officer will announce the result of the vote.

3. Unless state law requires otherwise, a majority vote is needed for the motion to pass. In the event of a tie vote, the motion does not pass.
4. Subject to state law limitations and to the extent this Handbook does not address an issue of parliamentary procedure, Roberts Rules of Order shall apply. For example, even though Roberts Rules of Order permit a legislative body to reconsider or rescind prior actions, under due process the City Council cannot reconsider or rescind a quasi-judicial decision after the decision is final, in the absence of statutory authority to the contrary.
5. The City Attorney serves as parliamentarian during City Council meetings. The role of the parliamentarian is advisory; the Chair has the power to rule on questions of order.

H. Continued Matters

1. Any matter may be continued to a subsequent meeting.
2. If the Mayor or Councilmember who was not present at a prior meeting has reviewed the relevant documents and minutes from the missed meeting and, if possible, reviewed the recording or webcast from the meeting, then he or she shall disclose those actions on the record at the beginning of the discussion of the item and may vote on the continued matter.
 - a. Exception: Continued Public Hearing. If a hearing is required for an agenda item, then the Mayor or a Councilmember shall not participate in the decision if that member was not present during the entire hearing from the time of its opening to the time of its close. (MMC § I-20-3.14.)

I. Public Participation

1. Members of the public are encouraged and invited to participate in the legislative process by submitting written comments before the meeting or speaking at a meeting.

It is the intent of these rules to allow everyone to be heard without fear of jeers or cheers that may discourage public participation. For this reason, these rules are taken seriously. Persons attending the meeting will refrain from behavior which will disrupt the public meeting. This includes making loud noises, clapping, shouting, booing, hissing, or engaging in any other activity in a manner that disturbs, disrupts, or impedes the orderly conduct of the meeting. Disruptive or threatening behavior may result in removal from the Council meeting.

2. Only the presiding officer can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disruptive.
3. Time Limits for public comment:

- a. Individual Speakers - 3 minutes or less as determined by the Mayor/presiding officer.
 - b. Organized group (in lieu of individual speakers) – up to 15 minutes, depending on the number of speakers represented and at the discretion of the Mayor.
 - c. The presiding officer may take a poll to determine number of speakers for each item and, at his/her discretion, limit the amount of time allotted to the speaker(s) when needed.
 4. Individuals who wish to speak should submit a speaker card to the City Clerk to be called up at the appropriate time. Each speaker may only speak once on an item and shall speak at the podium into the microphone and address the City Council. A speaker may also provide comments virtually if the meeting format allows virtual participation.
 5. Written or photographic materials relevant to consideration of a matter may be submitted to the Council. Copies of such materials should be provided for the Mayor, Councilmembers, City Clerk, City Manager and City Attorney. The materials must be submitted to the City Clerk's Office by email to CityClerk@milpitas.gov by 12:00 p.m. on the day of the meeting, for distribution to the city officials in advance of the meeting/hearing. The City Council retains discretion to accept or to reject new documentation furnished on the night of the City Council meeting/hearing. Accepted materials are retained by the City and become part of the official public record.
 6. Wireless/Cellular telephones or any other telecommunications device should be in silent mode or turned off during the City Council meeting.
 7. Literature distribution or petition circulation is not permitted when the City Council is in session. Such activity may occur outside the meeting room, provided access is not blocked.
 8. Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers, with the following restrictions:
 - a. Signs or symbolic objects shall not obstruct the view or passage of other attendees or otherwise disturb the meeting.
 - b. Objects that are deemed a safety threat to persons at the meeting or could damage the facility itself will not be allowed.
- J. Discussion Items on the agenda are to be conducted in the following order:
1. Staff / applicant presentation
 2. Council questions to applicant and/or staff
 3. Open public hearing (or public comment section) for comments

4. Close public hearing (or public comment section)
5. Response by staff to public questions/concerns, if warranted
6. Council discussion and deliberation
7. Council votes

K. Quasi-Judicial Matters/Appeals/Revocation Hearings

1. Quasi-judicial matters and appeals will be considered at a noticed public hearing and will follow the order stated in Section I above, with the following time allocations:
 - a. Applicant/Appellant – 15 minutes
 - b. Individual Speakers – 3 minutes
 - c. Rebuttal – 5 minutes
 - d. In an appeal, if the appellant is not the applicant, the applicant shall also have 15 min and is entitled to make any concluding remarks prior to closure of the public hearing

The time limits may be changed by the presiding officer to permit full and fair consideration of a particular matter depending on the number of items on the agenda and the number of persons desiring to speak on a matter.

2. If the Mayor or a Councilmember has spoken or met with a proponent or opponent of a quasi-judicial matter or has visited the site of a project which is the subject of a hearing, that contact, or visit should be acknowledged and described on the record prior to the opening of the hearing. Any facts that could influence the Mayor or a Councilmember's decision, must be included in the public record.

L. Items Considered after 11:00 p.m.

1. Unless a majority of the Council determines there is a need to act, no items shall continue, and no new items shall be heard after 11:00 p.m.

M. Conflict of Interest

1. The Political Reform Act (PRA) enforced by the Fair Political Practices Commission (FPPC), controls financial conflicts of interest.
2. In accordance with the Open Government Ordinance (MMC I-310-2.180), at the beginning of each City Council meeting or upon the arrival of the Mayor or Councilmember, the City Attorney shall ask the Mayor and each member of the City Council to disclose any financial or personal conflict with any item on the City Council's agenda. Pursuant to Government Code section 87105, if the Mayor or a Councilmember discloses that such a personal financial interest is present, he or she shall publicly identify the

conflict or potential conflict in detail sufficient to be understood by the public and shall recuse him or herself from taking action on the item if required to do so by law and leave the meeting room.

3. The other applicable law is Government Code §1090, which applies only to contracts in which a public official has a financial interest.
4. Whenever it appears to a Councilmember that he or she may have a prohibited financial interest in any item that may be presented to the City Council, the Councilmember should consult with the City Attorney at the earliest opportunity for advice on whether a disqualifying conflict of interest exists.
5. With full consideration of the City Attorney's advice, it is up to each individual Councilmember to decide for him/herself whether there is a conflict of interest. When a Councilmember may be in doubt, the City Attorney can obtain more formal advice from the Fair Political Practices Commission (FPPC).
6. A member shall not vote upon any matter on which s/he has a conflict of interest.
7. A member shall openly state the reason for his/her conflict of interest, or work in consultation with the City Attorney to state something on the record.
8. A member who is disqualified by a conflict of interest shall recuse him/herself from the dais and leave the room unless it is during the Consent Calendar.

N. Meeting Language

1. In accordance with Article III, Section 6 of the California Constitution, English is the official language of the State of California. English should be the language used for the formal portions of any meeting. All business of the Council should be transacted in English.
2. Councilmembers who wish to translate brief comments or questions made in English from the dais into a language that assists limited English-proficient speakers may do so, so long as the question or comment is first placed into the record in English, and the translation is a true and correct translation of the English comment.
3. Councilmembers may address their constituents in any language they choose outside of a meeting in which the official business of the City is conducted.
4. When appropriate or otherwise required by law, the City may provide access, services, and programs for limited English-proficient speakers such as translation services for limited English-proficient speakers including in person, telephonic, or Zoom translation services.

5. Limited English-proficient speakers must be allowed the same amount of time to comment on at item or at public comment as other speakers. The translation of a person's comments cannot be counted toward his or her time limit.

CHAPTER V. Meeting Agendas and Minutes

A. Agenda Order

City Council agendas will be prepared by the City Clerk and presented to the City Council in the order described below. The presiding officer with the approval of a majority of the Council can change the order of hearing the items on the agenda.

1. Opening
 - a. Call to Order by Mayor and Roll Call by City Clerk
 - b. Adjourn to Closed Session
 - c. Closed Session Announcement
 - d. Pledge of Allegiance. If the Mayor and Vice Mayor are both absent, then the City Clerk calls the meeting to order and a temporary presiding officer is elected by a majority of those councilmembers present. Upon the arrival of the Mayor or Vice Mayor, the temporary presiding officer relinquishes the chair at the conclusion of the business then before the City Council.
 - e. Invocation. In accordance with the policy adopted by City Council (SOP 1.2), the Mayor and Councilmembers shall invite a community member to give an invocation at the speaker podium.
2. Ceremonial matters. The presentation and receipt of proclamations and commendations not requiring formal legislative action.
3. Public Forum. Members of the public wishing to comment on any item not appearing on the agenda may address the City Council at this time. State law prevents Council from taking action on any matter not on the agenda. Comments may be referred to staff for follow up. Individuals are limited to 3 minutes. However, the presiding officer has discretion to reduce the speaking time in situations where there are a large number of persons who wish to speak.
4. Announcements of Conflict of Interests and Campaign Contributions. City Attorney shall ask the Mayor and Councilmembers to declare any conflicts of interest or campaign donations related to items on the agenda in accordance with the Milpitas Open Government Ordinance (Municipal Code I-310)
5. Reading of the City Council Code of Conduct
6. Approval of Agenda

7. Consent Calendar. All matters listed under the Consent Calendar, including minutes, are considered by the Council to be routine and will be enacted by one motion without discussion (except for simple clarifying questions). If discussion is desired, that item may be removed and considered separately.
8. Public Hearing. Duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the Council.
9. Community Development. This section will cover the Community Development City Service Area and will include items related to Building Safety and Housing, Economic Development, Engineering (Land Development), Fire (Fire Prevention), and Planning.
10. Community Services and Sustainable Infrastructure. This section will cover the Community Services and Sustainable Infrastructure City Service Area and will include items related to Engineering (Capital Projects), Public Works, and Recreation and Community Services.
11. Public Safety. This section will cover the Public Safety City Service Area and will include items related to Fire/ and Police.
12. Leadership and Strategic Support. This section will cover the Leadership and Strategic Support City Service Area and will include items related to the City Clerk, City Council, City Manager, Finance, Human Resources, and Information Technology.
13. Reports of Mayor and Councilmembers. Reports and work plans from Commissions will be presented in this section. Reports from Council Subcommittees will also be presented in this section.
14. Announcements and Future Agenda Items. The Mayor and Councilmembers shall report on any meetings or conferences attended and paid for by the City and may also report on various assignments or other events. The Mayor and Councilmembers shall be limited to the same amount of speaking time as members of the public during open public comment (3 minutes). The City Manager may also make brief announcements. This section will include special reports and any other requests for staff work by the Mayor and Council.
15. Adjournment

B. Agenda Item Submission

1. The City Manager has the primary responsibility for the development of the Council Agenda, excluding closed session items, ensuring all protocols are followed, and that management of the agenda is closely linked to

organizational goals and work plans. The City Attorney has the primary responsibility for development of the Closed Session items, ensuring all protocols are followed and that the management of the closed session items is closely linked to the organizational goals. Any item that is placed on the agenda shall be in accordance with the City's Open Government ordinance (MMC I-310) so that it can be clearly understood by members of the community.

2. Mayor or Councilmember:

- a. The Mayor or a Councilmember may request the City Manager to add an item to the open session of a Council agenda or the City Attorney to add an item to the closed session. No staff report or other staff work will occur until the item is discussed before the full City Council. Discussion and prioritization by the City Council will occur on a quarterly basis.
- b. Councilmembers may make this request verbally during a meeting or may submit a written request to the City Manager or City Attorney at other times.
- c. See Section 2.C.4 "Request for Staff Resources" for further details on any associated staff work related an agenda item request.

3. Members of the Public. A member of the public may request Council action in the following ways:

- a. Write a letter to the City Council
- b. Speak during the Public Comment period at a City Council meeting
- c. Attend annual Council goal setting meeting and provide input

Upon agreement of a majority of the City Council, Council will determine whether to place on a future agenda an item requested by the public.

C. Meeting Minutes

1. The preparation of accurate minutes is the responsibility of the City Clerk.

- a) In general, summary minutes are used to record proceedings. The record focuses on who spoke and the motions and votes. Video recordings are used in order to serve a number of administrative, legal, and historical functions and to provide verbatim record of meetings. Failure to record does not affect the validity of any proceedings or action taken by the City Council.
- b) The City Clerk may be directed by the presiding officer, with the consent of the City Council, to enter in the minutes a synopsis of the

discussion of any matter coming before the City Council. The synopsis should be in complete sentences.

- c) The Mayor or a Councilmember may request, through the presiding officer, the privilege of having a previously prepared written abstract summarizing the major points of his or her statement on any subject under consideration entered into the minutes. If the City Council consents, such an abstract is entered into the minutes. d) Items such as letters which individuals request "to have entered into the record" are referred to in, but do not become a part of, the minutes.
- e) Changes in substantive matters may be made only at the direction of a majority of the City Council. Clerical corrections are to be made when discovered in order to maintain accuracy.

CHAPTER VI. City Council Actions

Several different types of action may be taken by the Mayor and/or City Council.

A. Proclamations.

Proclamations are issued by the Mayor without formal action by the City Council. Proclamations are public announcements directing attention to a person, organization or event, such as Citizen of the Year, Girl Scout Week, or International Year of the Child. Councilmembers need to make their requests to the Mayor, only the Mayor can issue proclamations. If the Mayor refuses to sign a particular proclamation, the requesting Councilmember may ask that this be considered by the Mayor and City Council at the following City Council meeting. This request must be provided to the City Manager in writing.

B. Commendations.

Commendations are acknowledgments of the activities of a person or organization, signed by the Mayor and any additional councilmembers who have proactively expressed interest in signing without formal action being taken. Commendations typically acknowledge exceptional endeavors or are given to retiring employees and departing board and commission members and are presented at an appropriate function or council meeting. If the Mayor refuses to sign a particular commendation, the requesting Councilmember may ask that this be considered by the Mayor and City Council at the following City Council meeting. This request must be provided to the City Manager in writing.

C. Keys to the City

Keys to the City of Milpitas are only to be issued upon majority approval by the Mayor and City Council. The only exception to this is that a key to the City may be provided to a City with which Milpitas has a formal Sister City relationship without City Council approval. Any City Councilmember may request that consideration for issuance of a key to the City be added to a future City Council agenda. This request must be provided, in writing to the City Manager. The request must define the significant and/or extraordinary achievement or contribution that the recipient (person, group or organization) has made to the City of Milpitas to justify the presentation of the key to the City.

D. Ordinances.

Legislative acts of the City Council are known as ordinances. Subject to certain state law exceptions, most ordinances are introduced at one meeting and are adopted by majority vote at a subsequent meeting, and go into effect 30 days after adoption.

An ordinance is necessary (1) when state law requires a regulation to be adopted by ordinance, (2) to amend or repeal provisions of the Municipal Code or any uncodified ordinances, and (3) to impose regulations on persons or property in the City.

Ordinances shall be prepared by the City Attorney. Ordinances are prepared for presentation to the City Council when ordered by a majority vote of the City Council, or when requested by the Mayor or the City Manager, or when prepared on the City Attorney's own initiative.

E. Resolutions.

Resolutions are City Council actions which become effective upon adoption and encompass the business not addressed through ordinances. They are typically used to handle routine business and administrative matters requiring some type of formal memorialization. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another agency, or where the frequency of future reference back to its contents warrants separate documents to facilitate reference and research.

F. Motions.

The least formal of City Council actions, motions typically are used for procedural matters (such as to continue items) or for administrative matters (such as to accept reports). An adopted motion is as legally effective and binding as an adopted resolution but generally is recorded simply as an item entry in the minutes.

CHAPTER VII. Communication

A. California Public Records Act.

All letters, memoranda, and email and other electronic communications involving City Councilmembers and members of boards, commissions, committees and task forces, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. Emails and texts with content that concerns City business with other City employees or officials or interested members of the public are likely public records even if they are sent to/from a personal account or device.

B. Ralph M. Brown Act

Each Councilmember should be mindful of all of the requirements of the Brown Act and the Open Government Ordinance contained at Milpitas Municipal Code I-310.1.00 in communicating with each other. A majority of the Council shall not use a series of telephone calls, a conference call, mass e-mailing or any other informal session to discuss or decide matters before the City Council. This type of communication would be considered a “serial meeting” in violation of the law.

Section 54952.2(b)(1) of the Brown Act prohibits a majority of members of a legislative body outside of a lawful meeting from directly or indirectly using a series of meetings to discuss, deliberate or take action on any item of business within the subject matter jurisdiction of the body. Paragraph (b)(2) expressly provides that substantive briefings of members of a legislative body by staff are permissible, as long as staff does not communicate the comments or positions of members to any other members.

A serial meeting is a series of meetings or communications between individuals in which ideas are exchanged among a majority of a legislative body (i.e., three council members) through either one or more persons acting as intermediaries or through use of a technological device (such as a telephone answering machine, or e-mail or voice mail), even though a majority of members never gather in a room at the same time. Serial meetings commonly occur in one of two ways; either a staff member, a member of the body, or some other person individually contacts a majority of members of a body and shares ideas among the majority (“I’ve talked to Councilmembers A and B and they will vote ‘yes.’ Will you?”) or, without the involvement of a third person, member A calls member B, who then calls member C, and so on, until a majority of the body has reached a collective concurrence on a matter.

1. Contacts with staff

Staff can inadvertently become a conduit among a majority of a legislative body in the course of providing briefings on items of local agency business. To avoid an illegal serial meeting through a staff briefing:

- a. Individual briefings of a majority of members of a legislative body should be “unidirectional,” in that information should flow from staff to the member and the member's participation should be limited to asking questions and acquiring information. Otherwise, multiple members could separately give staff direction thereby causing staff to shape or modify its ultimate recommendations in order to reconcile the views of the various members, resulting in an action outside a meeting.
- b. Members should not ask staff to describe the views of other members of the body, and staff should not volunteer those views if known.
- c. Staff may present its viewpoint to the member but should not ask for the member's views, and the member should avoid providing his or her views unless it is absolutely clear that the staff member is not discussing the matter with a quorum of the legislative body.

2. Contacts with constituents, bargaining unit representatives, developers, and lobbyists

As with staff, a constituent, bargaining group representative, developer, or lobbyist can also inadvertently become an intermediary who causes an illegal serial meeting. Constituents' unfamiliarity with the requirements of the Act aggravates this potential problem because they may expect a member of a legislative body to be willing to commit to a position in a private conversation in advance of a meeting. To avoid serial meetings via constituent conversations:

- a. First, state the ground rules “up front.” Ask if the constituent has or intends to talk with other members of the body about the same subject; if so, make it clear that the constituent should not disclose the views of other members during the conversation.
- b. Explain to the constituent that you will not make a final decision on a matter prior to the meeting. For example: “State law prevents me from giving you a commitment outside a meeting. I will listen to what you have to say and give it consideration as I make up my mind.”
- c. Do more listening and asking questions than expressing opinions.

d. If you disclose your thoughts about a matter, counsel the constituent not to share them with other members of the legislative body.

3. Contacts with fellow members of the same legislative body

Direct contacts concerning local agency business with fellow members of the same legislative body, whether through face-to-face or telephonic conversations, notes or letters, electronic mail, or staff members, are the most obvious means by which an illegal serial meeting can occur. This is not to say that a member of a legislative body is precluded from discussing items of agency business with another member of the body outside of a meeting; as long as the communication does not involve a quorum of the body, no “meeting” has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth member, creating an illegal serial meeting. Therefore, it is recommended you avoid discussing local agency business with a quorum of the body or communicating the views of other members outside a meeting.

C. Mail Processing

1. Members of the City Council may receive mail and other materials through City Hall.
2. All mail received and specifically addressed to the Mayor or a Councilmember shall be placed in the mail drawer for that person without first being opened.
3. General correspondence addressed to Councilmembers as a whole may be opened and delivered to all Councilmembers if appropriate.

D. Correspondence

1. The City Manager or designee is authorized to receive and take administrative action on all correspondence directed to the City Council. The City Manager or designee may also respond to correspondence submitted to the full City Council on non-agenda items or authorize a staff member to respond. A courtesy copy is provided to each Councilmember.
2. Generally, correspondence relating to a specific City Council agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packets is to be compiled and distributed to the City Council prior to the City Council meeting.
3. After the City Council has taken a position on an issue, official correspondence should reflect this position. While Councilmembers who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official City Council title, and staff

support should not be utilized. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

- E. City letterhead, logo, insignia, and brand, as well as staff support, cannot be utilized for personal or political purposes.
- F. Council Communication to Planning Commission
 - 1. The Mayor and Councilmembers should be mindful not to unduly influence the decision at the Planning Commission meeting so as not to get ahead of the process.
 - 2. It is not appropriate for the Mayor or a Councilmember to make public comments at the Planning Commission meeting unless he/she is acting in his or her personal capacity. If/when the matter comes before the City Council, such member should recuse him or herself from the matter.
- G. External Communication
 - 1. The Mayor and Councilmembers may communicate on behalf of the City through media interviews, letters, and newsletters. They may also be quoted in City issued press releases. Although the Mayor and Councilmembers are able to express individual opinions, any communication made on behalf of the City shall be aligned with Council adopted policies, programs, priorities. City issued press releases will include a quote by Mayor and other quotes, if any, will be determined by the City Manager, based on related work by each Councilmember.

CHAPTER VIII. Council Liaison Roles

The Mayor and Councilmembers serve on behalf of Milpitas as members of other governmental entities, committees, and agencies.

A. City Council Liaison

1. All City Councilmembers shall serve as liaisons to other City Commissions which shall be approved by the full City Council. In serving as a liaison, a City Councilmember shall endeavor to attend all Commission meetings of the Commission to which he or she is assigned.
2. Statements made by the City Council liaison about the City's official position should reflect the majority opinion of the City Council, which is defined by current or past official City Council action via City Council vote or consensus.
3. If the Mayor or a Councilmember wishes to attend the meeting of a Board, Agency, Committee or Task Force to which he/she has not been appointed to serve on by the City Council, the Mayor or Councilmember, as a courtesy, should advise the City representative(s), if any, as well as the respective chair, and should be mindful of the influence of his/her presence. If the presence of the Mayor or Councilmember shall constitute a quorum of the City Council, the meeting should be noticed as that of the City Council and all Councilmembers invited. An exception to this rule is when the Mayor or Councilmember observes only and does not speak at the meeting.

B. Milpitas Public Financing Authority, Milpitas Municipal Financing Authority, and Housing Authority Commission.

The Mayor and Councilmembers serve as the members of the Milpitas Public Financing Authority, Milpitas Municipal Financing Authority, and Housing Authority Commission.

C. Regional Boards and Outside Agency Representatives.

1. The role of a Member on regional Boards will vary depending on the nature of the appointment.
2. Reporting. Council representatives to Regional Boards shall keep the Mayor and Councilmembers informed of ongoing business through short written reports to the Mayor and Councilmembers or update reports to the City Council during the "Mayor and Councilmember Reports" opportunity on the City Council meeting agenda.
3. In the event the primary assigned liaison is unable to attend a particular meeting, he or she should notify the chair of the board/agency, and the appointed alternate Council representative, or Mayor, should attend in the place of the primary.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Provide Direction on City Council Salaries in Accordance with California Government Code (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)
Category:	Leadership and Support Services
Meeting Date:	9/2/2025
Recommendation:	Provide direction to staff to return to City Council with an ordinance to update Chapter 14 of Title 1 of the City of Milpitas Municipal Code, which outlines City Council salaries.

BACKGROUND:

Chapter 14 of Title 1 of the City of Milpitas Municipal Code (Attachment 1) outlines the salaries for the Milpitas Mayor and City Council which were last amended on December 2, 2014. Specifically, it indicates each member of the City Council shall receive the following:

- Mayor: Salary of \$1,130.75 per month (\$13,569.00 per year);
- City Council members: Salary of \$904.37 per month (\$10,852.44 per year).

California Government Code section 36516 (Attachment 2), which outlines allowable salaries for non-charter cities such as Milpitas, was amended effective January 1, 2024. The Analysis section below provides information regarding how these changes could impact the salaries to be paid to the Mayor and City Council.

On January 21, 2025, the Milpitas City Council received a report on potential options to change the salary of City Councilmembers based on the recent changes to Government Code section 36516 and directed staff to return at a future date for potential City Council action.

ANALYSIS:

The State of California Legislature amended California Government Code section 36516 effective January 1, 2024. Specific amendments that would be applicable to the salary payable to the Milpitas Mayor and City Council are as follows:

1. In Cities between 75,000 and 150,000 in population, a member of the City Council (which includes the Mayor) may receive a salary of \$1,900 per month (\$22,800 per year) or;
2. The salary may be increased by the greater of: (1) 5% per year from the operative date of the last adjustment of the salary in effect when the ordinance was enacted; or (2) An amount equal to inflation, based on the California Consumer Price Index (CCPI), since January 1, 2024, which shall not exceed 10% for each calendar year.
3. The Mayor may be provided with additional compensation above and beyond their base salary as a member of the City Council. There is no limit to this additional compensation. This additional compensation is for performing mayoral duties, not duties otherwise required as a member of the City Council.

Additionally, from a timing perspective:

- Pursuant to California Government Code section 36516.5, any increases to Councilmember salary under item number one above will not apply to Councilmembers during their current term in office. For cities like Milpitas where Councilmembers serve staggered terms, however, salary changes can take effect when any seat on the Council begins a new term of office. So, for example, if a change was made in September 2025, it could take effect after the November 2026 municipal election when any

seat on the Council beings a new term of office.

- Any increases to the additional compensation provided to the Mayor could take effect thirty days after an ordinance is passed. Alternatively, the City Council could choose to defer this increase until a later date.

Based upon the above, the Mayor and City Council could choose to increase their salaries to as much as \$22,800 per year (or slightly higher if CCPI is taken into account). In conjunction with this, an additional compensation amount can be provided to the Mayor. There is no defined limit on this amount in the Government Code, however this amount should correlate with reasonable compensation for the additional responsibilities of the Mayor's position.

For reference, as of August 2025, the below table provides salaries of Mayors and City Councilmembers for the other cities within Santa Clara County based upon available data from the most up to date salary schedule information on the respective city's website, combined with information from city staff members where the information was not readily available from the website. The table is divided between non-charter cities and charter cities as charter cities are not required to follow this section of the California Government Code.

The following table provides the summary of this analysis:

City	Population*	2025 Mayor Annual Salary	2025 Councilmember Annual Salary
Non-Chartered Cities			
Campbell	41,700	\$15,300	\$15,300
Cupertino	57,285	\$8,917	\$8,917
Los Altos	31,625	\$11,400	\$11,400
Los Altos Hills	8,489	\$3,600	\$3,600
Los Gatos	32,216	\$6,840	\$6,840
Milpitas	77,321	\$13,569	\$10,852.44
Monte Sereno	3,479	\$0	\$0
Morgan Hill	44,478	\$40,764	\$15,300
Saratoga	29,607	\$3,000	\$3,000
Charter Cities			
Gilroy	58,250	\$29,174	\$19,450
Mountain View	81,785	\$20,547	\$16,436
Palo Alto	65,882	\$19,200	\$19,200
San José	969,655	\$231,300	\$173,732
Santa Clara	131,062	\$31,500	\$25,200
Sunnyvale	151,967	\$49,822	\$37,367

*Population data is from census.gov. Monte Sereno data is from 2020, remaining cities as of 2023.

The below table provides various options for which Council could change their salaries in alignment with California Government Code. Any of these options, or combinations thereof, could be considered:

Options	Mayor*	Council	Total General Fund Cost
A. Set salary at maximum per gov't code	\$22,800	\$22,800	\$75,738
B. Set at Region's average salary (excluding Milpitas, Monte Sereno and San José)	\$20,005	\$15,167	\$31,513
C. "Catch Up" at 3%/year since December 2014	\$18,236	\$14,585	\$26,064

Options	Mayor*	Council	Total General Fund Cost
D. Variable Approach (maintains differential between Mayor and City Council)	\$27,500	\$22,800	\$82,089
E. Maintain Status Quo with 3% COLA	\$13,976	\$11,178	\$2,273

*There is no limit in the California Government Code regarding the Mayor's maximum salary

As part of the staff presentation on this item the following questions will be raised for the Mayor and City Council's consideration and feedback:

- 1) Which, if any, of the approaches in the above table would the City Council like for staff to bring back in a draft ordinance for consideration at a future City Council meeting?
- 2) The maximum amount of salary can increase annually in an amount equal to inflation, based on the California Consumer Price Index (CCPI), since January 1, 2024, which shall not exceed 10% for each calendar year. If choosing the maximum amount of compensation, should this CCPI increase be considered?
- 3) If the City Council prefers for the Mayor to receive a higher increment than the rest of the councilmembers, should that increment be provided immediately or wait until after the November 2026 municipal election?

POLICY ALTERNATIVE(S):

Alternative 1: Do not provide for an adjustment to City Council salaries

Pros: By not making changes to the City Council salaries, the City will save General Fund dollars.

Cons: The City would not be compensating the Mayor and City Council similar to other local municipalities.

Reason for Not Recommending: The last time the Mayor and City Council salaries were adjusted was in 2014. Inflation as well as the comparison of the current salaries to other jurisdictions justifies a review of the current salary structure.

FISCAL IMPACT:

The ongoing General Fund impact would be determined by the option that City Council provides direction on, as indicated in the options table in the Analysis section above, or an alternate option the City Council may determine and direct. Due to Government Code section 36516.5 restrictions, any base salary increases for City Council members would not take effect until after the November 2026 municipal election when new terms begin, meaning the ongoing General Fund budget impact would begin in Fiscal Year 2026-2027. However, any additional mayoral compensation could take effect thirty days after ordinance passage, creating a potential incremental impact in FY 2025-26, with the City Council having discretion to defer implementation until the general City Council salary increases take effect in FY 2026-27.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and is not a project pursuant to Pub. Resources Code, §21065 and Cal. Code Regs., tit. 14, §15378. This action is organizational, administrative, or fiscal activity of the City government that does not require commitment to any specific project that may result in a potentially significant impact on the environment and therefore is not a project pursuant to Cal. Code of Regs., tit. 14, § 15378.

ATTACHMENT(S):

- (a) Milpitas Municipal Code Title 1, Chapter 14
- (b) California Government Code 36516

Attachment 1 – Title 1, Chapter 14 of Milpitas Municipal Code

I-14-1.00 - Purpose

The Ordinance codified in this chapter is enacted pursuant to Section 36516 of the Government Code, as amended, authorizing the Council to provide by ordinance that each member of the Council shall receive a prescribed salary, the amount of which is based upon the population of the City as determined by estimates made by the State Department of Finance, and prescribing the methods by which Council salaries may be increased or decreased in the future. Government Code Section 36516.1 authorizes additional compensation for a Mayor elected pursuant to Section 34900 et. seq. as may be approved by an ordinance adopted by the City Council.

(Ord. 128.10 (part), 8/1/00)

I-14-2.00 - Salaries

Each member of the City Council shall receive as salary the following:

- A. City Council members shall receive the sum of \$904.37 dollars per month.
- B. The Mayor of the City of Milpitas shall receive the sum of \$1,130.75 dollars per month.

(Ord. No. 128.12, § 2, 12/16/14; Ord. 128.11, 3/5/02; Ord. 128.10 (part), 8/1/00)

I-14-3.00 - Increase or Decrease in Salary

The salaries provided in this Chapter may be increased or decreased as follows:

- A. Following any new and later estimate of population made by the Department of Finance, the salary payable to each member of the Council may be increased or decreased by resolution of the City Council to equal the sum prescribed for that population group in Section 36516 of the Government Code as amended.
- B. An amount equal to five percent for each calendar year from the operative date of the last adjustment of the salaries in effect, in accordance with Government Code Section 36516(c) and as approved by City Council resolution.
- C. In accordance with Government Code Section 36516(b), by a majority of the electors voting at any municipal election.
- D. The salaries as so increased or decreased shall become payable only on and after the date upon which one or more members of the Council becomes eligible upon beginning a new term of office following a general municipal election held in the City.

(Ord. 128.10 (part), 8/1/00)

I-14-4.00 - Reimbursement

The salaries prescribed herein are and shall be exclusive of any amounts payable to each member of the Council as reimbursement for actual and necessary expenses incurred by him in the performance of official duties for the City of Milpitas.

(Ord. 128.10 (part), 8/1/00)

Attachment 2 – California Government Code 36516

Government Code - GOV

TITLE 4. GOVERNMENT OF CITIES [34000 - 45345]

(Title 4 added by Stats. 1949, Ch. 79.)

DIVISION 3. OFFICERS [36501 - 41805]

(Division 3 added by Stats. 1949, Ch. 79.)

PART 1. GENERAL [36501 - 36525]

(Part 1 added by Stats. 1949, Ch. 79.)

36516.

(a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including nine hundred fifty dollars (\$950) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including one thousand two hundred seventy-five dollars (\$1,275) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including one thousand six hundred dollars (\$1,600) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including one thousand nine hundred dollars (\$1,900) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including two thousand five hundred fifty dollars (\$2,550) per month.

(F) In cities over 250,000 population, up to and including three thousand two hundred dollars (\$3,200) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed the greater of either of the following:

(A) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.

(B) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year.

(5) No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

(g) (1) For the purposes of this section, a city council shall consider the adoption of an ordinance to increase compensation in open session during at least two regular meetings of the city council.

(2) At the first meeting, the city council shall present the proposed ordinance, which shall include findings demonstrating the need for the increased compensation. The ordinance shall not be adopted at the first meeting.

(3) At least seven days after the first meeting, the city council shall hold a second meeting to consider whether to adopt the ordinance.

(Amended by Stats. 2023, Ch. 27, Sec. 2. (SB 329) Effective January 1, 2024.)

Attachment 2 – California Government Code 36516

Government Code - GOV

TITLE 4. GOVERNMENT OF CITIES [34000 - 45345]

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(a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including nine hundred fifty dollars (\$950) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including one thousand two hundred seventy-five dollars (\$1,275) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including one thousand six hundred dollars (\$1,600) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including one thousand nine hundred dollars (\$1,900) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including two thousand five hundred fifty dollars (\$2,550) per month.

(F) In cities over 250,000 population, up to and including three thousand two hundred dollars (\$3,200) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed the greater of either of the following:

(A) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.

(B) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year.

(5) No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

(g) (1) For the purposes of this section, a city council shall consider the adoption of an ordinance to increase compensation in open session during at least two regular meetings of the city council.

(2) At the first meeting, the city council shall present the proposed ordinance, which shall include findings demonstrating the need for the increased compensation. The ordinance shall not be adopted at the first meeting.

(3) At least seven days after the first meeting, the city council shall hold a second meeting to consider whether to adopt the ordinance.

(Amended by Stats. 2023, Ch. 27, Sec. 2. (SB 329) Effective January 1, 2024.)

36516.1.

A mayor elected pursuant to Sections 34900 to 34904, inclusive, may be provided with compensation in addition to that which he or she receives as a council member. That additional compensation may be provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election.

(Amended by Stats. 2010, Ch. 699, Sec. 14. (SB 894) Effective January 1, 2011.)

36516.5.

A change in compensation does not apply to a council member during the council member's term of office. This prohibition shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of the city council becomes eligible for a salary increase by virtue of the council member beginning a new term of office.

- *(Amended by Stats. 2010, Ch. 699, Sec. 15. (SB 894) Effective January 1, 2011.)*