

City of Milpitas Comprehensive Zoning Ordinance Update Project

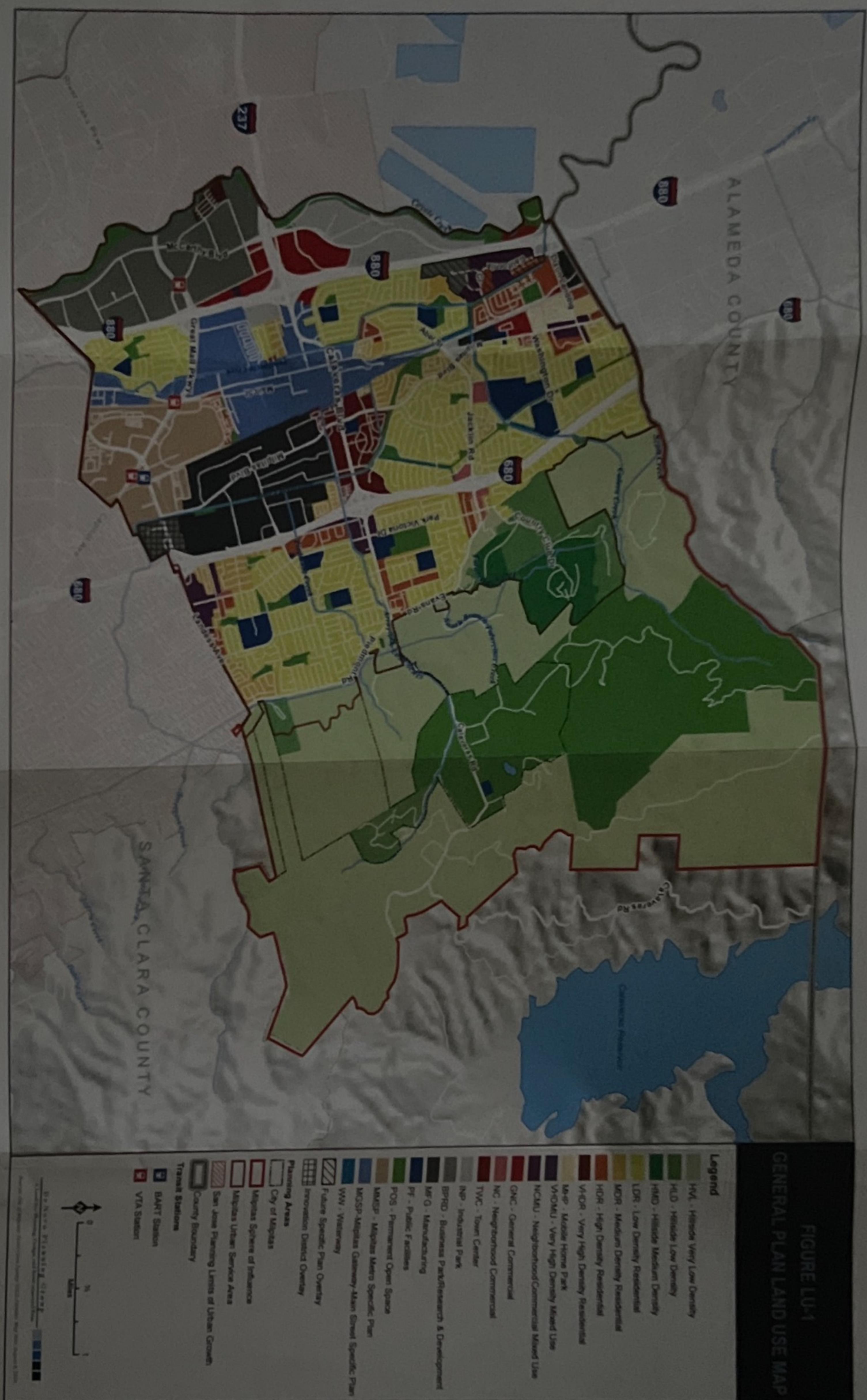
Addendum

Appendix A:

Tribal Cultural Resources Supporting Information

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FIGURE LU-1
GENERAL PLAN LAND USE MAP





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

May 2, 2025

Via E-mail with Certified Mail to Follow

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

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

Dear Mr. Massiatt:

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

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

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

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

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

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



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

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

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

At your request we can email you our services and our Muwekma Rate sheet for your review. Any other future concerns please contact us.
Please update new mailing address 1169 S. Main St. Ste. 336 Manteca CA. 95337

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City of Milpitas

408.586.3000

455 E. Calaveras Blvd.

Milpitas, CA 95035

www.milpitas.gov

May 2, 2025

Via E-mail with Certified Mail to Follow

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

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

Dear Ms. Geary:

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

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

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

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



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

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

We look forward to receiving your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly Pearson".

Holly Pearson, AICP
Senior Special Projects Associate



TN-20250520-01

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

June 02, 2025

Holly Pearson, AICP Senior Special Projects Associate

City of Milpitas

455 East Calaveras Blvd., Milpitas, CA 95035

Sent Via Email: hpearson@milpitas.gov

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

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

Dear Holly,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please include all listed contacts in any correspondences.

Quirina Geary Chairwoman (707) 295-4011 qgeary@tamien.org	Lillian Camarena Director of Cultural Resources (559) 363-5914 lcamarena@tamien.org	Tracie Carrasco Administrative Assistant (559) 975-9407 tcarrasco@tamien.org
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For physical mail, address it to the same individuals at the following address: PO Box 8053, San Jose, CA 95155.

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter.

Please refer to identification number TN-20250520-01 in any correspondence for this project.

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

Sincerely,



Quirina Geary
Chairwoman

cc: Native American Heritage Commission

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

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

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

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

Good afternoon,

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

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

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

Kind regards,
Holly Pearson

Holly Pearson, AICP
Zoning Update Project Manager – Planning



Department
Phone [\(408\) 609-0072](tel:(408)609-0072) **Fax** (408) 586-2700
Email hpearson@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.milpitas.gov



From: Tracie Carrasco <tcarrasco@tamien.org>
Sent: Monday, June 2, 2025 11:30 AM
To: Holly Pearson <hpearson@milpitas.gov>
Cc: Quirina Geary <qgeary@tamien.org>; Lillian Camarena <lcamarena@tamien.org>
Subject: RE: Senate Bill 18 Consultation for Proposed General Plan Amendment, Milpitas, CA

Good Morning,

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

Please see the attached letter requesting formal consultation. Kindly reference TN-20250520-O1 in all future correspondence.

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

We appreciate your time and look forward to your response.

Best regards,

Tracie Carrasco
Administrative Assistant
Tamien Nation
www.tamien.org

Holly Pearson

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

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

Recurrence: (none)

Meeting Status: Accepted

Organizer: Quirina Geary

CAUTION: EXTERNAL SENDER

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

Event Name: AB 52/SEC 106 Consultation

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

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

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

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

Project address: Citywide (City of Milpitas)

Please enter a virtual meeting invite link here or email link to: qgeary@tamien.org :
Milpitas Planning Department is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://ci-milpitas-ca-gov.zoom.us/j/86902690846?pwd=bRundTyYOVWYIAiwagXynqLhRy14WH.1>

Meeting ID: 869 0269 0846

Passcode: 734135

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

Need to make changes to this event?

Cancel: <https://calendly.com/cancellations/6901b228-53d7-4de1-a4cd-fefae3289207>

Reschedule: <https://calendly.com/reschedulings/6901b228-53d7-4de1-a4cd-fefae3289207>

Powered by [Calendly.com](#)

When

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

Location

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

[View map](#)

Guests

Quirina Geary - organizer

Tracie Carrasco

hpearson@milpitas.gov

Lillian Camarena

[View all guest info](#)

Reply for hpearson@milpitas.gov

Yes	No	Maybe
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[More options](#)

Invitation from [Google Calendar](#)

You are receiving this email because you are an attendee on the event.

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP. [Learn more](#)

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