



CITY OF MILPITAS NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Milpitas City Council will hold a public hearing in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar, on Tuesday, August 9, 2022, starting at or soon after 7:00 p.m. on the following:

Zoning Text Amendment – Building Heights – P-ZA22-0002: A City-initiated Zoning Ordinance Text Amendment to modify maximum building height regulations within certain commercial zoning districts in the City of Milpitas. This project is exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183 (Project Consistent with General Plan, Community Plan, or Zoning), and as a separate and independent basis, Section 15061(b)(3) (Common Sense Exemption). Project Planner: Lillian VanHua, (408) 586-3073, lvanhua@milpitas.gov

Recommendation: Waive the first reading beyond the title and introduce an Ordinance amending sections of Chapter 10 of Title XI of the Milpitas Municipal Code relating to Non-Residential Building Heights. In addition, determine that the Municipal Code amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183 (Projects Consistent with a General Plan and Zoning) and 15061(b)(3) (Common Sense Exemption).

At its June 8, 2022 meeting, the Milpitas Planning Commission voted (Ayes: 5; Albana and Medina-Ashby absent) to adopt Resolution No. 22-006, recommending that the City Council adopt Zoning Text Amendment ZA22-0002 amending sections of Chapter 10 – Zoning of the Milpitas Municipal Code to modify and add regulations relating to maximum heights for non-residential buildings in the General Commercial (C2), Highway Services (HS), and Town Center (TC) zones. The Planning Commission recommended minor modifications to the proposed amendments to further limit non-residential building heights within 100 feet of the boundary of a low-density residential zone (R1 or R2) to two stories or 30 feet.

Zoning Text Amendment – Outdoor Music – P-ZA22-0003: A City-initiated Zoning Ordinance Text Amendment to modify outdoor music regulations within the City of Milpitas. This project is exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183 (Project Consistent with General Plan, Community Plan, or Zoning), and as a separate and independent basis, Section 15061(b)(3) (Common Sense Exemption). Project Planner: Lillian VanHua, (408) 586-3073, lvanhua@milpitas.gov

Recommendation: Waive the first reading beyond the title and introduce an Ordinance amending sections of Chapter 10 of Title XI "Zoning" and Chapter 213 of Title V "Noise Abatement" of the Milpitas Municipal Code relating to Outdoor Music in Bars and Restaurants and Review and Permitting Requirements for Special Events. In addition, determine that the Municipal Code amendment is exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15183 (Projects Consistent with a General Plan and Zoning) and 15061(b)(3) (Common Sense Exemption).

At its June 22, 2022 meeting, the Milpitas Planning Commission voted (Ayes: 6; Mohsin absent) to adopt Resolution No. 22-007 recommending that the City Council adopt Zoning Text Amendment P-ZA22-0003 amending sections of Title XI, Chapter 10 "Zoning" and Title V, Chapter 213 "Noise Abatement" of the Milpitas Municipal Code to modify and add regulations relating to outdoor music as an accessory use in certain Commercial and Mixed Use zones; and to modify and add regulations relating to special events.

NOTICE IS FURTHER GIVEN, pursuant to CA Government Code § 65009, that any legal challenge of this matter in court may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

INTERESTED PERSONS MAY provide public comments during the public hearing in person or virtually through the Zoom webinar. Those wishing to participate virtually are asked to register in advance using the link that will be located on the agenda. Additional procedures will be detailed in the published meeting agenda; and any updated information will be posted to the City's website at www.milpitas.gov. Written comments may be submitted prior to the public hearing by e-mailing the City Clerk at cityclerk@milpitas.gov. Please be advised that written comments will not be read during the meeting. Written comments will be digitally distributed to the City Council if received on the public hearing date by 5:00 p.m. and will be part of this meeting's public record.

Wendy Wood
City Clerk
July 29, 2022