



## 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, December 6, 2022, starting at or soon after 7:00 p.m. on the following:

**ZONING ORDINANCE TEXT AMENDMENT – Accessory Dwelling Units (ADUs) – P-ZA22-0007 – CITY-WIDE:** Consideration of a Planning Commission recommendation to the City Council regarding adoption of a City-initiated urgency ordinance to amend Section 13 of Chapter 10 (Zoning) of Title XI of the Milpitas Municipal Code to comply with Assembly Bill 2221 (Quirk-Silva) and Senate Bill 897 (Wieckowski). The proposed amendment would modify regulations relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The proposed ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17. CEQA Guidelines Section. Project Planner: Michael Fossati, (408) 586-3274, [mfossati@milpitas.gov](mailto:mfossati@milpitas.gov)

Recommendation: Adopt an Urgency Ordinance amending Section 13 “Special Uses” of Chapter 10 “Zoning” of Title XI of the Milpitas Municipal Code to comply with Government Code Section(s) 65852.2, 65852.22, 65852.23 and Section 17980.12 of the Health and Safety Code and making findings that the proposed zoning ordinance amendment is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, which exempts from CEQA any ordinance that is adopted to implement Government Code Section 65852.1 or 65852.2.

At its November 9, 2022 meeting, the Milpitas Planning Commission voted unanimously (7-0) to adopt Resolution No. 22-027 recommending that the City Council adopt Zoning Text Amendment P-ZA22-0007 as presented by staff.

**ZONING ORDINANCE TEXT AMENDMENT – Accessory Dwelling Units (ADUs) – P-ZA22-0007 – CITY-WIDE:** Consideration of a Planning Commission recommendation to the City Council to adopt an Ordinance, replacing the Urgency Ordinance when effective 30 days after adoption, approving Zoning Text Amendment ZA22-0007 to amend Title XI, Chapter 10, Section 13.08 (Accessory Dwelling Units) of Chapter 10 (Zoning) of Title XI of the Milpitas Municipal Code to comply with recent changes to Section(s) 65852.2, 65852.22, and 65852.23 of the Government Code and Section 17980.12 of the Health and Safety Code. Project Planner: Michael Fossati, (408) 586-3274, [mfossati@milpitas.gov](mailto:mfossati@milpitas.gov)

Recommendation: Move to waive the first reading beyond title and introduce an Ordinance amending Section 13 “Special Uses” of Chapter 10 “Zoning” of Title XI of the Milpitas Municipal Code relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and making findings of CEQA exemption.

At its November 9, 2022 meeting, the Milpitas Planning Commission voted unanimously (7-0) to adopt Resolution No. 22-028 recommending that the City Council adopt Zoning Text Amendment P-ZA22-0007 as presented by staff.

**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](http://www.milpitas.gov). Written comments may be submitted prior to the public hearing by e-mailing the City Clerk at [cityclerk@milpitas.gov](mailto: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.

Suzanne Guzzetta  
City Clerk  
November 25, 2022