

**County of Santa Clara**  
Office of the County Clerk-Recorder  
Business Division

County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688



Santa Clara County - Clerk-Recorder Office  
State of California

**File Number: ENV23201**

ENVIRONMENTAL FILING

No. of Pages: 16

Total Fees: \$3495.25

File Date: 03/12/2021

Expires: 04/11/2021

**REGINA ALCOMENDRAS, Clerk-Recorder**

By: Elaine Fader, Deputy Clerk-Recorder

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Milpitas - Planning Department
2. PROJECT TITLE: MILPITAS GENERAL PLAN UPDATE (SCH: 2020070348)
3. APPLICANT NAME: Jessica Garner, Planning Manager PHONE: 408-586-3284
4. APPLICANT ADDRESS: 455 East Calaveras Boulevard, Milpitas, CA 95035
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input checked="" type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152)	\$ 3,445.25	\$ 3,445.25
<input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C))	\$ 2,480.25	\$ 0.00
<input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ 0.00
<input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u>	\$ 1,171.25	\$ 0.00
<input checked="" type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 50.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ 0.00
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		
DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION	\$ 50.00	\$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

<input type="checkbox"/> NOTICE OF PREPARATION	<input type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ NO FEE
--	---	--------	-----------

8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_
9. TOTAL RECEIVED..... \$ 3,495.25

\*NOTE: \*SAME PROJECT\* MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. IF THERE ARE ATTACHMENTS, PLEASE PROVIDE THREE (3) SETS OF ATTACHMENTS FOR SUBMISSION. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

(Fees Effective 01-01-2021)



State of California - Department of Fish and Wildlife  
**2021 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.Sa (REV. 01/01/21) Previously DFG 753.Sa

RECEIPT NUMBER: 01 - ENV23201
STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF MILPITAS - PLANNING DEPARTMENT	LEAD AGENCY EMAIL	DATE 03/12/2021
COUNTY/STATE AGENCY OF FILING SANTA CLARA		DOCUMENT NUMBER

PROJECT TITLE  
MILPITAS GENERAL PLAN UPDATE (SCH: 2020070348)

PROJECT APPLICANT NAME JESSICA GARNER, PLANNING MANAGER	PROJECT APPLICANT EMAIL	PHONE NUMBER (408) 586-3284
PROJECT APPLICANT ADDRESS 455 EAST CALAVERAS BLVD	CITY MILPITAS	STATE CA
		ZIP CODE 95035

PROJECT APPLICANT (Check appropriate box)

Local Public Agency     School District     Other Special District     State Agency     Private Entity

**CHECK APPLICABLE FEES:**

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$3,445.25	\$ <u>3,445.25</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,480.25	\$ _____
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,171.25	\$ _____
<input type="checkbox"/> Exempt from fee		
<input type="checkbox"/> Notice of Exemption (attach)		
<input type="checkbox"/> CDFW No Effect Determination (attach)		
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)		
<hr/>		
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$ _____
<input checked="" type="checkbox"/> County documentary handling fee		\$ <u>50.00</u>
<input type="checkbox"/> Other		\$ _____

**PAYMENT METHOD:**

Cash     Credit     Check     Other

**TOTAL RECEIVED**    \$ 3,495.25

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Elaine Fader, Deputy County Clerk-Recorder
---------------	---

# Notice of Determination

## Appendix D

**To:**

Office of Planning and Research  
 U.S. Mail: Street Address:  
 P.O. Box 3044 1400 Tenth St., Rm 113  
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk  
 County of: Santa Clara  
 Address: 70 West Hedding Street, 1st Floor  
San Jose, CA 95110

**From:**

Public Agency: City of Milpitas, Planning Dept.  
 Address: 455 East Calaveras Boulevard  
Milpitas, CA 95035  
 Contact: Jessica Garner, Planning Manager  
 Phone: 408-586-3284

Lead Agency (if different from above):  
same as above  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Phone: \_\_\_\_\_

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): 2020070348

Project Title: MILPITAS GENERAL PLAN UPDATE

Project Applicant: Jessica Garner, Planning Manager

Project Location (include county): Milpitas - Santa Clara County

Project Description:

Comprehensive update to the Milpitas General Plan and Land Use Map.

This is to advise that the City of Milpitas has approved the above  
 ( Lead Agency or  Responsible Agency)

described project on March 9, 2021 and has made the following determinations regarding the above  
 (date)  
 described project.

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
5. A statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

455 East Calaveras Boulevard, Milpitas, CA 95035

Signature (Public Agency):  Title: Sr. Planner

Date: 3/11/2021 Date Received for filing at OPR: \_\_\_\_\_



FINAL  
ENVIRONMENTAL IMPACT REPORT

FOR THE

MILPITAS GENERAL PLAN UPDATE  
(SCH: 2020070348)

JANUARY 2020

*Prepared for:*

City of Milpitas  
Planning Department  
455 East Calaveras Boulevard  
Milpitas, CA 95035

*Prepared by:*

De Novo Planning Group  
1020 Suncast Lane, Suite 106  
El Dorado Hills, CA 95762  
[www.denovoplanning.com](http://www.denovoplanning.com)

D e N o v o P l a n n i n g G r o u p

---

A Land Use Planning, Design, and Environmental Firm





FINAL  
ENVIRONMENTAL IMPACT REPORT

FOR THE  
MILPITAS GENERAL PLAN UPDATE  
(SCH: 2020070348)

JANUARY 2020

*Prepared for:*

City of Milpitas  
Planning Department  
455 East Calaveras Boulevard  
Milpitas, CA 95035

*Prepared by:*

De Novo Planning Group  
1020 Suncast Lane, Suite 106  
El Dorado Hills, CA 95762  
[www.denovoplanning.com](http://www.denovoplanning.com)



FINAL EIR

Chapter	Page Number
Executive Summary .....	ES-1
1.0 Introduction .....	1.0-1
1.1 Purpose and Intended Uses of the EIR .....	1.0-1
1.2 Environmental Review Process .....	1.0-2
1.3 Organization of the Final EIR.....	1.0-4
2.0 Comments on Draft EIR and Responses .....	2.0-1
2.2 List of Commenters and Comment Responses .....	2.0-1
3.0 Errata.....	3.0-1
3.1 Revisions to the Draft EIR .....	3.0-1
4.0 Report Preparers.....	4.0-1



*This page left intentionally blank.*

## 1.1 PURPOSE AND INTENDED USES OF THE EIR CEQA REQUIREMENTS FOR A FINAL EIR

---

This Final Environmental Impact Report (FEIR) for the proposed Milpitas General Plan has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- The Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the lead agency to significant environmental issues raised in the review and consultation process; and
- Any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose a proposed project's expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its significant adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize significant environmental impacts of proposed development, and creates an obligation for such agencies to balance a variety of public objectives, including economic, environmental, and social factors.

### PURPOSE AND USE

---

The City of Milpitas has determined that a program-level EIR was required for the proposed General Plan Update (herein the General Plan) Project (proposed project) pursuant to the requirements of CEQA. The Draft EIR focuses on the environmental effects related to aesthetics, agriculture, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gases, climate change and energy, hazards and hazardous material, hydrology and water quality, land use and population, mineral resources, noise, public services, transportation and circulation, utilities, and wildfire.

The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend potentially feasible methods to eliminate or reduce potential significant adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding or lessening significant adverse environmental effects, the lead agency must balance such significant adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

## 1.0 INTRODUCTION

---

This document and the Draft EIR, as amended herein, constitute the FEIR, which will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the proposed project. Subsequent actions that may be associated with the proposed project are identified in Chapter 2.0, Project Description, of the Draft EIR.

### 1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

#### NOTICE OF PREPARATION AND INITIAL STUDY

---

The City circulated a Notice of Preparation (NOP) of an EIR for the proposed project on July 17, 2020 to responsible and trustee agencies, the State Clearinghouse, and the public. A virtual public scoping meeting was held on August 11, 2020 at 11:00 a.m., to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in **Appendix A** of the Draft EIR (six comment letters were received).

#### NOTICE OF AVAILABILITY AND DRAFT EIR

---

The City published a public Notice of Availability (NOA) for the Draft EIR on November 2, 2020 thereby soliciting comments from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2020070348) and the County Clerk, and was published in a regional newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for a 45 day public review extending from November 2, 2020 to December 17, 2020. The Draft EIR contains a description of the project, descriptions of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies environmental subject areas for which the City determined that there would be no impacts or less than significant impacts, and provides detailed analysis of potentially significant and significant impacts.

#### RESPONSE TO COMMENTS/FINAL EIR

---

The City of Milpitas received zero (0) comment letters during the Draft EIR public review period. This document and the Draft EIR, constitute the Final EIR.

#### CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

---

The City Council of Milpitas will review and consider the Draft EIR together with the Final EIR. In order to take actions based upon the Final EIR (such as approving the proposed project or an alternative), the City Council must first “certify” the document under State CEQA Guidelines section 15090. Certification consists of three separate findings to the effect that “(1) The final EIR has been

completed in compliance with CEQA; (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis." In addressing the first of these three issues, the City Council may find that the Final EIR complies with CEQA if the Council finds that the Final EIR is "adequate and complete." The rule of adequacy generally holds that a Final EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Upon review and consideration of the certified Final EIR, the City Council may take action to approve, revise, or reject the proposed project. A decision to approve the proposed project, for which this FEIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and a statement of overriding considerations in accordance with State CEQA Guidelines Section 15093. A Mitigation Monitoring Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the proposed project to reduce or avoid significant effects on the environment.

### 1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

#### CHAPTER 1.0 – INTRODUCTION

---

Chapter 1.0 (this chapter) briefly describes the purpose of the environmental evaluation, identifies the lead agency (the City), summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

#### CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

---

Chapter 2.0 provides a list of commenters, copies of written comments made on the Draft EIR (coded for reference), and responses to significant environmental issues raised in those written comments. As noted previously, there were no comments submitted on the Draft EIR.

#### CHAPTER 3.0 - ERRATA

---

Chapter 3.0 consists of any minor revisions to the Draft EIR in response to comments on the Draft EIR, as well as minor staff edits. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

## CHAPTER 4.0 - REPORT PREPARERS

---

Chapter 4.0 lists authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

## 2.1 LIST OF COMMENTERS AND COMMENT RESPONSES

As noted in the previous chapter of this Final EIR, the City did not receive any comments during the 45-day review period for the Draft EIR. As such, there are no comments to list and no responses to provide.

*This page left intentionally blank*

This chapter includes any minor edits to the FEIR. As described in FEIR Chapter 2.0, no comments were received on the Draft EIR. Therefore, no changes to the FEIR resulting from comments are warranted.

## 3.1 REVISIONS TO THE DRAFT EIR

### EXECUTIVE SUMMARY

No changes were made to the Executive Summary of the Draft EIR (DEIR).

#### 1.0 INTRODUCTION

No changes were made to Chapter 1.0 of the DEIR.

#### 2.0 PROJECT DESCRIPTION

No changes were made to Chapter 2.0 of the DEIR

#### 3.1 AESTHETICS

No changes were made to Section 3.1 of the DEIR.

#### 3.2 AGRICULTURAL AND FOREST RESOURCES

No changes were made to Section 3.2 of the DEIR.

#### 3.3 AIR QUALITY

No changes were made to Section 3.3 of the DEIR.

#### 3.4 BIOLOGICAL RESOURCES

No changes were made to Section 3.4 of the DEIR.

#### 3.5 CULTURAL AND TRIBAL RESOURCES

No changes were made to Section 3.5 of the DEIR.

#### 3.6 GEOLOGY

No changes were made to Section 3.6 of the DEIR.

#### 3.7 GREENHOUSE GAS EMISSIONS AND ENERGY

No changes were made to Chapter 3.7 of the DEIR.

#### 3.8 HAZARDS AND HAZARDOUS MATERIALS

No changes were made to Section 3.8 of the DEIR.



### 3.9 HYDROLOGY AND WATER QUALITY

No changes were made to Chapter 3.9 of the DEIR.

### 3.10 LAND USE PLANNING AND POPULATION/HOUSING

No changes were made to Section 3.10 of the DEIR.

### 3.11 MINERAL RESOURCES

No changes were made to Section 3.11 of the DEIR.

### 3.12 NOISE

No changes were made to Section 3.12 of the DEIR.

### 3.13 PUBLIC SERVICES AND RECREATION

No changes were made to Section 3.13 of the DEIR.

### 3.14 TRANSPORTATION

No changes were made to Section 3.14 of the DEIR.

### 3.15 UTILITIES AND SERVICE SYSTEMS

No changes were made to Section 3.15 of the DEIR.

### 3.16 WILDFIRE

No changes were made to Section 3.16 of the DEIR.

### 4.0 CUMULATIVE/OTHER CEQA-REQUIRED TOPICS

No changes were made to Section 4.0 of the DEIR.

### 5.0 ALTERNATIVES

No changes were made to Chapter 5.0 of the DEIR.

### 6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the DEIR.

### 7.0 REFERENCES

No changes were made to Chapter 7.0 of the DEIR.

REPORT PREPARERS

---

**City of Milpitas**

Ned Thomas ..... Planning Director  
 Jessica Garner ..... Planning Manager

**De Novo Planning Group**

Ben Ritchie ..... Principal Planner/Project Manager  
 William Crenshaw ..... Senior Planner  
 Josh Smith ..... Associate Planner  
 Zach Dahla ..... Associate Planner  
 Jeff Setterlund ..... Assistant Planner

REPORT CONTRIBUTORS

---

**West Yost Associates (Water and Wastewater)**

Doug Moore, P.E. .... Project Manager  
 Elizabeth Drayer, PE. .... QA/QC Review

**W-Trans (Transportation)**

Mark Spencer, PE. .... Senior Principal  
 Barry Bergman ..... Senior Planner  
 Andre Huff ..... Assistant Planner

**Kittelson & Associates, Inc. (Transportation)**

Damian Stefanakis ..... Principal Planner

**Saxelby Acoustics (Noise)**

Luke Saxelby ..... Principal Consultant

**Peak & Associates, Inc. (Cultural/Historical)**

Melinda A. Peak ..... Archaeologist

*This page left intentionally blank.*