



MILPITAS PLANNING COMMISSION STAFF REPORT

April 8, 2026

APPLICATION: **SITE DEVELOPMENT AMENDMENT – 1321 TERRA VISTA COURT – P-SA25-0003:** A request for a Site Development Permit Amendment to deviate from the approved designs under P-SD22-0013 for a new single-family home and to construct a 5,840-square-foot, two-story, single-family residence with an attached two-car garage on a vacant 1.1-acre site located in the R1-H Single-family Residential-Hillside Zoning District at 1321 Terra Vista Court (Countryside Estates, Lot 4). The proposed Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning).

RECOMMENDATION: **Staff recommends that the Planning Commission adopt Resolution No. 26-007, recommending approval of Site Development Permit Amendment SA25-0003 to the City Council, subject to the attached Conditions of Approval.**

LOCATION:

Address/APN: 1321 Terra Vista Court (APN 029-07-012)
Area of City: Northeastern portion of the City of Milpitas in the hillside area

PEOPLE:

Project Applicant: Eugene Sakai, Studio S Squared Architecture, Inc.
Project Planner: Randy Baez, Associate Planner

LAND USE:

General Plan Designation: Hillside Low-Density (HLD)
Zoning District: Single Family Residential-Hillside (R1-H)
Planned Unit Development: No. 68 (Countryside Estates)
Site Area: 1.1 acres

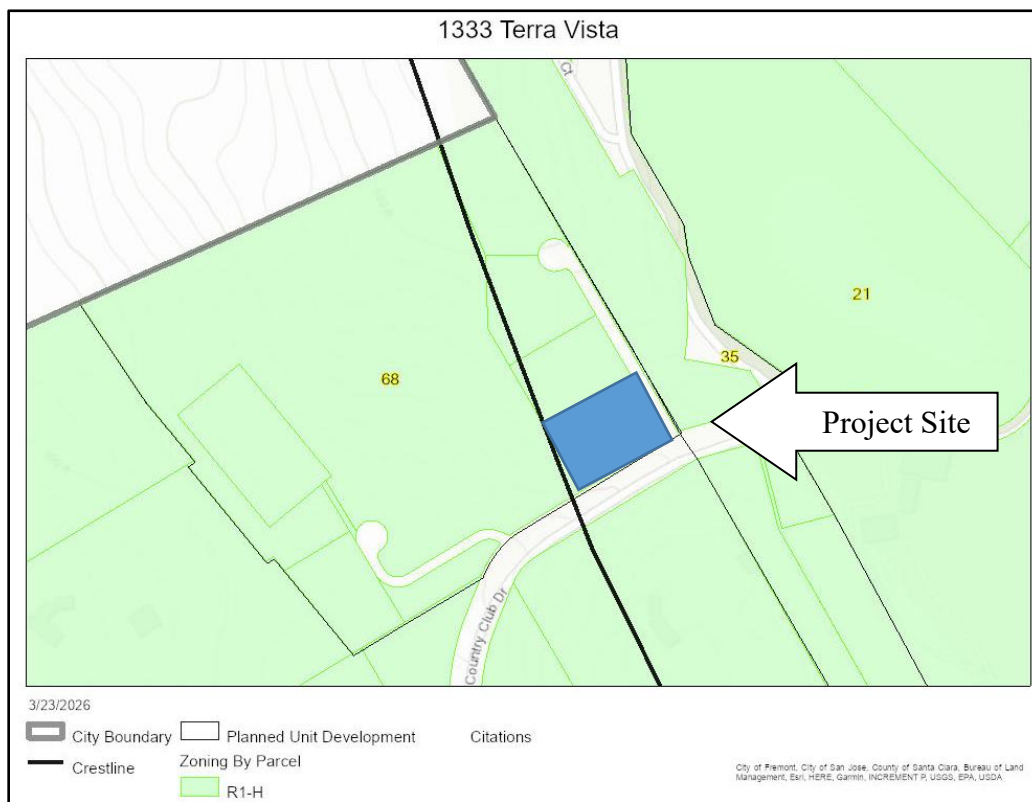
ENVIRONMENTAL:

Categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Map 1 – Project Location



Map 2 - Zoning Map



BACKGROUND

History

On November 17, 1992, the City Council approved Planned Unit Development (PUD) No. 68 (Countryside Estates) to allow the construction of six hillside residential home sites on a 24.5-acre parcel. Each home site would be reviewed separately under the provisions of an “S” Zone Application or Site Development Permit and subject to a precise building envelope established by the PUD. To date, lots 2, 3 and 6 have been approved for development.

On October 25, 2023, the Planning Commission recommended approval of Site Development Permit No. SD22-0013 to develop a new hillside home located at the Project site, also known as Lot 3 of the Countryside Estates. This proposal included a five-bedroom, 4,929 square-foot, one and a half-story single-family residence and a 797-square-foot, attached accessory dwelling unit. As part of this decision, the Planning Commission also recommended approval of an amendment/modification to PUD No. 68, Planned Unit Development No. PA23-0001, which allowed the Project site to deviate from the development standards of PUD No. 68.

On December 5, 2023, the City Council approved Site Development Permit No. SD22-0013 and PUD Amendment No. PA23-0001 to allow development for the hillside home at the Project site. Since that time, the property has been sold to a new property owner, who wanted to change some minor aspects of the Project’s exterior, while increasing interior living area square footage. Approximately 900-square-feet of living area was added to the main dwelling without modifying the building footprint. This was made possible by converting the previously attached accessory dwelling unit into living area for the main dwelling.

The Application

The following is a summary of the Applicant’s request:

- *Site Development Permit Amendment:* To allow the development of a 5,840-square foot, two-story single-family residence and an 831-square-foot detached Accessory Dwelling Unit (ADU¹) on a 1.1-acre vacant lot within the hillside (the “Project”). The residence will include an attached two-car garage, in addition to at least three off-street parking spaces accessed from the swing-in driveway. The proposal also includes an in-ground pool, outdoor kitchen, retaining walls, landscaping, and associated site improvements.

Process

In addition to satisfying the substantive and procedural requirements typically applicable to a Site Development Permit Amendment, because of the Project’s location within the Hillside Combining District (“H”), the application must be considered by both the Planning Commission and the City Council (Milpitas Municipal Code “MMC” Section XIII-B.22.090) for conformance with the Hillside Site and Architectural Approval Guidelines.

¹ The proposed detached ADU meets the minimum requirements per State law and Milpitas Municipal Code (MMC) Section XIII-C.10.030, Accessory Dwelling Units. Therefore, the ADU must be approved ministerially and is not subject to any discretionary review.

PROJECT DESCRIPTION

Overview

The project site is an undeveloped 1.1-acre parcel located at the intersection of Country Club Drive and Terra Vista Court within Planned Unit Development No. 68: Countryside Estates. The property and neighboring properties are zoned Single Family Residential – Hillside. The project site is located on the east side of the hillside crest line. An aerial map of the subject site location is shown on Map 1.

The applicant is requesting a Site Development Permit Amendment to develop a 5,840-square foot, two-story single-family residence (up to a maximum of 27-feet in height) and an 831-square-foot detached ADU on a 1.1-acre vacant lot. The residence will include an attached two-car garage, in addition to at least three off-street parking spaces accessed from the swing-in driveway.

A circular driveway approximately 200 feet long will be built matching the existing slope. One end of the driveway meets Terra Vista, while the other end splits towards the proposed two-car garage. Similar to the previous Site Development Permit, the majority of the lot area will remain undeveloped and designated as open space, per PUD No. 68. The primary residence will feature a two-car garage on the first floor, along with an office, media room, recreation room, and video game room. The second floor will include the primary living area, including five bedrooms, a family room, dining room, and kitchen. The rear of the residence will also include a large wrap-around patio. Other proposed accessory structures include an in-ground pool with integrated spa and an outdoor kitchen.

There are no existing trees onsite, and the proposed residence and associated structures will be constructed on the flattest portion of the lot. Landscaping throughout the lot include drought tolerant, fire resistant, and low water use plants such as Crape Myrtle trees, Royal Purple Smoke Trees, and Fortnight Lily bushes.

Location and Context

The Project site is located in the northeastern portion of the City of Milpitas in the hillside area as shown on Map 2. The following table provides a summary of the Zoning and Land Uses surrounding the site:

Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Use
Subject Site	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)/PUD 68	Vacant
North	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)/PUD 68	Vacant
South	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Single-Family Home
East	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Vacant
West	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)/PUD 68	Vacant

PROJECT ANALYSIS

General Plan and Zoning Conformance

Milpitas General Plan 2040

The General Plan designation for the Project site is Hillside Low Density (HLD). The General Plan details the goals, objectives and policies for the City's Hillside Area. It is characterized by gentle to steep slopes, grassy terrain with some chaparral and trees, wildlife, geologically unstable areas, the Ed R. Levin County Regional Park, and a feeling of remoteness from the more urban portions of the City. The Hillside Low Density designation allows a maximum of one (1) housing unit per gross acre. The Project is in conformance with the policies and standards in the City's General Plan policies, as outlined in the following table:

Table 2: General Plan Consistency

Policy	Conformance
<i>CD 7-1 Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.</i>	Consistent. The proposed Project will not impact the visual character of the hillside from the valley floor or other viewpoints, as the Project site is located over 100 feet east of the crestline. Project plan sheets A0.4 and A0.5 illustrate how the proposed residence will not obstruct panoramic public views from and of the hillsides.
<i>CD 7-2 Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.</i>	Consistent. The proposed Project will be situated at the flattest portion of the lot to limit disruption to the existing natural topography by limiting cut to 4,160 cubic yards and fill to 490 cubic yards for both construction phases. The total earthwork exported is necessary to accommodate the home's footprint and meet the grade requirements to not be visible from the valley floor.
<i>CD 7-3 Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.</i>	Consistent. Minimal contour grading will be required for the construction of the new residence due to its siting on the flattest areas of the lot. All new contours will be designed to blend with the natural existing site contours as demonstrated in the civil drawings in the plan set.
<i>CD 7-4 Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.</i>	Consistent. The building pad is proposed at the flattest portion of the lot and will only necessitate minimal grading to accommodate the residence. Grading has been minimized as much as feasibly possible in the Project, in that the site follows the site's natural contours in an effort to preserve the natural terrain quality.

<i>CD 7-5 Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed especially with respect to runoff and erosion.</i>	Consistent. No changes are proposed to the existing land use and zoning designation, as the subject site is to be used as a single-family residence.
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Development Standards

The site is located in the R1-H Single-Family Residential-Hillside Combining District. The “H” Zoning District promotes and encourages the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the constraints associated with the development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility.

Per MMC Section XIII-B.22.170, the subject parcel in the hillside is less than 3.0-acres, which allows up to 6,000-square-foot maximum size for the main residence and the impervious surface coverage to be limited to 8,000 square-feet or 10 percent of the total lot area, whichever is greater. The Project maintained the same building layout as SD22-0013 but will be increasing the habitable space of the main residence by expanding the living room area by converting the previously attached ADU into a detached ADU. Table 3 demonstrates the Project’s consistency with the applicable development standards of the R1-H zoning district and PUD 68.

Table 3: Summary of Development Standards

Standards	Hillside & PUD 68 Requirements	Proposed	Complies
Front Setback	25 ft. minimum when avg. slope is <16%. Otherwise, 40 ft. minimum	55 ft. and 7 inches from the property line	Yes
Side Yard Setback	40 ft. minimum	44 ft. and 11 in. on south; 50 ft. and 8.5 in. on north.	Yes
Rear	40 ft. minimum	127 ft. and 7.5 inches	Yes
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres)	5,840 sq. ft.	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres)	7,661 sq. ft.	Yes
Building Height (Maximum)	17 ft. west of crestline; 27 ft. east of crestline / 1 ½ stories	1 ½ story or 26 feet and 10.5 inches	Yes
Parking	Three spaces required, including one covered	Six spaces (two inside garage & four outside)	Yes
Crestline Zone of Protection	Within three hundred (300) feet easterly of the crestline, structure heights	Within 300 ft east of the crestline, not visible from the three closest	Yes

Standards	Hillside & PUD 68 Requirements	Proposed	Complies
	shall be restricted so that no structure extends above the crestline site line	viewpoints nor does the height of the structure extend into the crestline site line	

Due to the subject property's location, the Project is also required to comply with the development standards in the City's Hillside Combining District. Per MMC Section XIII-B.22.090.G, the Planning Commission and City Council shall consider the following guidelines in its review. Staff has determined the Project to be consistent with the Hillside Architectural Guidelines as demonstrated in Table 4 below.

Table 4: Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines MMC XIII-B.22.090(G)	Consistency Finding
<i>(a) 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.</i>	Consistent. Due to the proposed location and minimal scale of the home relative to the maximum allowable size outlined in Table 3, the development will not substantially interfere with views and privacy to adjacent lots. In addition, the proposal exceeds all setback requirements, is within its 27-foot, two-story height limit at 26-feet and 10.5 inches, and substantially setback from adjacent property lines to the north and south, which minimizes interference with views and privacy. Additionally, the lot to the west is dedicated as Common Area only and will not be developed with future residential uses.
<i>(b) 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.</i>	Consistent. The Project site is currently vacant and undeveloped and has no existing trees. As such, no trees will be removed. As proposed, the design of the house is carefully sited to be built on the flattest portions of the lot, following the natural landscape and existing contours of the site to limit cut to 4,160 cubic yards and fill to 490 cubic yards. Minimal landscaping is also proposed, including 22 mid-size trees and various flowering plants, ground cover, succulents and shrubs.
<i>(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the</i>	Consistent. The proposed design includes varying rooflines, a clear delineation of different colors and materials, and punctuation of certain front and side facing elevations to remove the

Site and Architectural Guidelines MMC XIII-B.22.090(G)	Consistency Finding
<i>immediate neighborhood should minimize the perception of excessive bulk.</i>	perception of bulk within the one-and-a-half-story residence. The footprint of the proposed home is also angled in its orientation to the front property line, thus minimizing the perception of excessive bulk. Furthermore, as described above and shown in Table 3, the proposed main residence is proposed to be sized in scale closer to immediate neighbors' proposed residences built on lots less than 3.0-acres in size. The overall building footprint of the main residence on the 1.1-acre lot is consolidated, and the remaining portions of the lot will also remain undeveloped, and no accessory structures are proposed.
<i>(d) 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.</i>	Consistent. The proposed home will not exceed 27 feet in height as permitted for homes east of the crestline, and exceeds all minimum setbacks as required by the Hillside development standards. The proposed home also has a combination of mansard-style and minimally pitched roof systems that could be used to utilize future solar energy. With regards to adjacent properties, the lot to the west is reserved as Common Area and the residences to the east are located greater than 429 feet away. As such, the proposed main residence will not cause an impairment to the adjacent properties access to light and air.
<i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	Consistent. The proposed location of the main dwelling is where the existing lot is most flat, and grading is limited to 4,160 cubic yards of necessary cut to accommodate the two-story dwelling and modest pool and 490 cubic yards of the grading will be repurposed as fill.

Site & Architectural Design

The Project is designed in a modern French Chateau style, which adds to the diversity of the neighborhood. The exterior materials are composed of painted stucco, high quality stone veneer and a standing seam metal roof, with metal and stain grade wood accents. The articulation of the architectural forms blending with a variety of finishes creates an attractive front elevation, along with an integrated curved driveway pattern that enhances the house and the neighborhood. All exterior materials and finishes work together as a palette of earth tone colors creating harmony

with the surroundings. The colors and materials are complementary to the neighboring residences and within an earth tone range.

Grading and Landscaping

Due to the sloped lot and vehicular access requirements, the applicant has requested that the site be graded in order to make the site feasible for residential development. In an effort to limit the amount of ground to be removed, the applicant has proposed a site plan which locates the proposed home on the flattest portion of the site. Given the steep slope of the lot, grading was required to accommodate a two-story home with rear yard access. In order to minimize grading, the rear yard entry is located on the second floor, which requires considerably less grading than having the exit on the first floor.

However, due to the property slope and proximity to the crestline, the Project will result in 4,160 cubic yards of cut and 490 cubic yards of fill for the construction of a new home and the required grade at the driveway for firetruck access. The amended design results in approximately 1,000 cubic yards more of cut, the difference of which was required to accommodate the new detached ADU while maintaining protection of the crestline. Per MMC Section B.22.180(D)(3), grading over 1,500 cubic yards requires Planning Commission and City Council approval. Given the proximity of the crestline, the lot requires a significant amount of grading in order to develop a residence that would not be visible from the valley floor. Furthermore, no grading is proposed in the crestline zone of protection, and grading is limited to near the footprint of the home and rear patio area. Therefore, this Project will not impact the public views of the hillside and will not result in any other significant impacts.

The proposed landscape plan includes a variety of flowers, shrubs, succulents, and trees. As demonstrated in Attachment B (Project Plans), these plans are consistent with the grading and landscaping requirements within the Hillside Ordinance.

Crestline Zone of Protection

In an effort to protect the quality of views of the hills from the valley floor, development standards related to the crestline have been incorporated into the Zoning Code. Per MMC Section XIII-B.22.060, 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. In addition, MMC Section XIII-B.22.060.B states that, 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. An exhibit was given to the applicant demonstrating the location of prominent crestlines identified by the City. To demonstrate compliance with the crestline zone of protection and site line, which is located within the rear half of the existing lot, the Applicant installed “story poles” (Attachment C) along the minimum setback line and took pictures from areas recognized by the City as vantage points and required by the Hillside Section B.22.060. Specifically, designated viewpoints VP2, VP3, and VP4 were included within this analysis. As demonstrated in Attachment C (Story Pole Installation) and Project plan sheet A0.5, although cross section #3 for VP4 would intrude into the site line, the story pole tests confirm the Project will not be visible from the valley floor, and therefore, is compliant with the Crestline Zone of Protection.

Planned Unit Development No. 68 Conformance

The Project is also located within PUD 68, which established total allowable square footage, total allowable grading, size of the garage, and exterior finish materials. Per PUD 68, which was adopted in November of 1992, the lot shall have a 3-car garage, 4,000-5,000 square feet of total allowable square footage for the residential structure and only permit certain types of exterior finishes.

The Project site's previous entitlement (SD22-0013) also included a Planned Unit Development Amendment (PA23-0001) that determined through analysis and research that PUD 68, which was established to regulate the construction of six custom homes, is no longer reflective of the current development patterns of the Bay Area. For that reason, the PUD was amended for this lot to allow for an increase in residential square footage, a modification for a two-car garage instead of a three-car garage, and proposed changes in exterior finishes.

Staff finds that the Project is consistent with the recent PUD Amendment in that the building footprint has not changed from the previous approval, nor has the height. Therefore, the Project still meets the finding that these changes will not be detrimental to the light, air or privacy of any other structure or use currently existing or anticipated. Furthermore, the Project will maintain the two-car garage that was previously approved, and the elevations are substantially similar.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Based on substantial evidence in the public record, Staff has found that the proposed Project is consistent with the General Plan, Zoning Ordinance, and all required Findings.

Site Development Permit Findings (MMC Section XIII-D.4.020.F(1.a-d) for All Site Development Permits and MMC Section XIII-D.4.020.F(2.a-c) for Specific Projects)

1a. The proposed project is consistent with this Title.

As described within the staff report, the architectural design and site planning of the proposed home is aesthetically compatible with the neighboring homes with an emphasis of minimizing changes to the natural topography. The proposed home incorporates earth tone colors and is sited in a manner as to not draw attention when viewed from the valley floor.

1b. The proposed use and project are consistent with the goals and policies of the General Plan:

The Project is consistent with the Milpitas General Plan, and particularly with Policy CD 7-5, which states to limit new development in the Hillside Area to only to Very Low Density Residential, open space and park uses. The project meets this finding, as the site is a part of an approved Planned Unit Development, which subdivided lots planned for clustered housing.

The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the valley floor.

1c. The project will not be detrimental to public health, safety, and general welfare:

The proposed home was designed to meet the Hillside development standards and will not substantially interfere with views and privacy of adjacent lots. In addition, the proposal exceeds all setback requirements, is within its 27-foot, two-story height limit at 26-feet and 10.5 inches, and substantially setback from adjacent property lines to the north and south, which minimizes interference with views and privacy. Additionally, the lot to the west is dedicated as Common Area only and will not be developed with future residential uses. Therefore, the Project will not be detrimental to public health, safety, and general welfare.

1d. The proposed project is in compliance with the provisions of California Environmental Quality Act (CEQA):

The proposed Project includes the development of a 5,840-square-foot single-family home with a detached ADU within an urban and residentially zoned area. The proposed Project also meets both the Hillside zoning regulations as well as the General Plan goals, objectives, and policies. Therefore, the Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning.)

2a. The proposed use and project are consistent with the goals and policies of any Specific Plan, if applicable:

This finding is not applicable to this Project, as it is not located within a Specific Plan.

2b. 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:

This finding is not applicable to this Project, as it is not a multi-family residential project.

2c. 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:

The proposed siting, form, and architectural style of the home are aesthetically compatible with the neighboring homes, with an emphasis of minimizing changes to the natural topography. The proposed home incorporates earth tone colors and is tucked into the hillside as to not draw attention to it when viewing from the valley floor. All exterior materials and finishes work together as a palette of earth tone colors, creating harmony with the surroundings. The colors and materials of the proposed French chateau design are complementary to the neighboring residences. Additionally, the proposed home is on a 1.1-acre parcel sitting at a minimum of 40

feet set back from all property lines, with a minimum of 80 feet between the closest neighboring home, and therefore will not interfere with privacy.

ENVIRONMENTAL REVIEW

The proposed Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning).

PUBLIC COMMENT/OUTREACH

Staff provided public notice for the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on March 27, 2026. In addition, 18 notices were sent to owners and occupants within 300 feet of the Project site. A public notice was also provided on the Project site, on the City's Website, www.milpitas.gov, and posted at City Hall.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolution 26-007, recommending that the City Council approve Site Development Permit Amendment No. SA25-0003, to allow development of a single-family residence in the R1-H Single-family Residential Hillside Zoning District in PUD 68, subject to the findings and attached Conditions of Approval.

ATTACHMENTS

A: Resolution 26-007

B: Project Plans

C: Story Pole Installation

RESOLUTION NO. 26-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING AND RECOMMENDING APPROVAL OF SITE DEVELOPMENT PERMIT AMENDMENT NO. SD25-0003 TO THE MILPITAS CITY COUNCIL TO DEVELOP A NEW HILLSIDE HOME LOCATED ON A VACANT 1.1-ACRE SITE AT 1321 TERRA VISTA CT (APN: 029-07-012). THE PROJECT SITE IS ZONED SINGLE FAMILY RESIDENTIAL - HILLSIDE

WHEREAS, on October 25, 2023, the Planning Commission recommended approval of Site Development Permit No. SD22-0013 to develop a new five-bedroom, 4,929 square-foot single-family hillside home located at the Project site, also known as Lot 3 of the Countryside Estates. At this hearing, the Planning Commission also recommended approval of Planned Unit Development No. PA23-0001.

WHEREAS, on December 5, 2023, the City Council approved Site Development Permit No. SD22-0013 and PUD Amendment No. PA23-0001 to allow development for the hillside home at the Project site.

WHEREAS, on June 17, 2025, an application was submitted by Eugene Sakai, of Studio S Squared Architecture, Inc. (“Applicant”), for a development amendment to allow the development of a 5,840-square foot, one and a half-story single-family residence (“Project”) on a vacant 1.1-acre site within Planned Unit Development No. 68 at 1321 Terra Vista Ct (APN: 029-07-012). The Project site is zoned Single Family Residential - Hillside; and

WHEREAS, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), which assessment determined that the Project is exempt from CEQA review pursuant to Section 15303 (New Construction and Conversion of Small Structures) of the CEQA Guidelines and, as a separate and independent basis, pursuant to Section 15183 of the CEQA Guidelines; and

WHEREAS, on April 8, 2026, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on Project; and

WHEREAS, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision; and

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1: Recitals.

The Planning Commission 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 incorporated herein by reference.

SECTION 2: CEQA Finding

The project is exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303(a) for “New Construction or Conversion of Small Structures including one single-family residence, or a second dwelling unit in a residential zone,” because it can be seen with certainty that there is no possibility that these actions may have a significant effect on the environment. The Project’s proposed new construction of a single-family residence and its accessory structures are within a residentially zoned area on

a legal parcel and none of the exceptions, as specified in Section 15300.2 of the CEQA Guidelines that would preclude applicability of this exemption are present. As a separate and independent basis, the Project is exempt from Section 15183 of the CEQA Guidelines as a project consistent with a community plan, general plan or zoning in that it is consistent with the development density established in the Milpitas General Plan and the applicable zoning and there are no project-specific significant effects which are peculiar to this project or its site.

SECTION 3: Site Development Permit (MMC Section XIII-D.4.020.F(1.a-d) for All Site Development Permits and MMC Section XIII-D.4.020.F(2.a-c) for Specific Projects)) - The Planning Commission makes the following findings based on the evidence in the public record in approving Site Development Permit Amendment No. SA25-0003:

1a. The proposed project is consistent with this Title.

As described within the staff report, the architectural design and site planning of the proposed home is aesthetically compatible with the neighboring homes with an emphasis of minimizing changes to the natural topography. The proposed home incorporates earth tone colors and is sited in a manner as to not draw attention when viewed from the valley floor.

1b. The proposed use and project are consistent with the goals and policies of the General Plan:

The Project is consistent with the Milpitas General Plan, and particularly with Policy CD 7- 5, which states to limit new development in the Hillside Area to only to Very Low Density Residential, open space and park uses. The project meets this finding, as the site is a part of an approved Planned Unit Development, which subdivided lots planned for clustered housing. The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the valley floor.

1c. The project will not be detrimental to public health, safety, and general welfare:

The proposed home was designed to meet the Hillside development standards and will not substantially interfere with views and privacy of adjacent lots. In addition, the proposal exceeds all setback requirements, is within its 27-foot, two-story height limit at 26-feet and 10.5 inches, and substantially setback from adjacent property lines to the north and south, which minimizes interference with views and privacy. Additionally, the lot to the west is dedicated as Common Area only and will not be developed with future residential uses. Therefore, the Project will not be detrimental to public health, safety, and general welfare.

1d. The proposed project is in compliance with the provisions of California Environmental Quality Act (CEQA):

The proposed Project includes the development of a 5,840-square-foot single-family home with a detached ADU within an urban and residentially zoned area. The proposed Project also meets both the Hillside zoning regulations as well as the General Plan goals, objectives, and policies. Therefore, the Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning.)

2a. The proposed use and project are consistent with the goals and policies of any Specific Plan, if applicable:

This finding is not applicable to this Project, as it is not located within a Specific Plan.

2b. 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:

This finding is not applicable to this Project, as it is not a multi-family residential project.

2c. 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:

The proposed siting, form, and architectural style of the home are aesthetically compatible with the neighboring homes, with an emphasis of minimizing changes to the natural topography. The proposed home incorporates earth tone colors and is tucked into the hillside as to not draw attention to it when viewing from the valley floor. All exterior materials and finishes work together as a palette of earth tone colors, creating harmony with the surroundings. The colors and materials of the proposed French chateau design are complementary to the neighboring residences. Additionally, the proposed home is on a 1.1-acre parcel sitting at a minimum of 40 feet set back from all property lines, with a minimum of 80 feet between the closest neighboring home, and therefore will not interfere with privacy.

Development Standards

The site is located in the R1-H Single-Family Residential-Hillside Combining District. The “H” Zoning District promotes and encourages the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the constraints associated with the development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility.

Per MMC Section XIII-B.22.170, the subject parcel in the hillside is less than 3.0-acres, which allows up to 6,000-square-foot maximum size for the main residence and the impervious surface coverage to be limited to 8,000 square-feet or 10 percent of the total lot area, whichever is greater. The Project maintained the same building layout as SD22-0013 but will be increasing the habitable space of the main residence by expanding the living room area by converting the previously attached ADU into a detached ADU. Table 1 demonstrates the Project’s consistency with the applicable development standards of the R1-H zoning district and PUD 68.

Table 1:
Summary of Development Standards

Standards	Hillside & PUD 68 Requirements	Proposed	Complies
Front Setback	25 ft. minimum when avg. slope is <16%. Otherwise, 40 ft. minimum	55 ft. and 7 inches from the property line	Yes
Side Yard Setback	40 ft. minimum	44 ft. and 11 in. on south; 50 ft. and 8.5 in. on north.	Yes
Rear	40 ft. minimum	127 ft. and 7.5 inches	Yes
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres)	5,840 sq. ft.	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres)	7,661 sq. ft.	Yes

Standards	Hillside & PUD 68 Requirements	Proposed	Complies
Building Height (Maximum)	17 ft. west of crestline; 27 ft. east of crestline / 1 ½ stories	1 ½ story or 26 feet and 10.5 inches	Yes
Parking	Three spaces required, including one covered	Six spaces (two inside garage & four outside)	Yes
Crestline Zone of Protection	Within three hundred (300) feet easterly of the crestline, structure heights shall be restricted so that no structure extends above the crestline site line	Within 300 ft east of the crestline, not visible from the three closest viewpoints nor does the height of the structure extend into the crestline site line	Yes

Due to the subject property's location, the Project is also required to comply with the development standards in the City's Hillside Combining District. Per MMC Section XIII-B.22.090.G, the Planning Commission and City Council shall consider the following guidelines in its review. Staff has determined the Project to be consistent with the Hillside Architectural Guidelines as demonstrated in Table 2 below.

Table 2:
Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines MMC XIII-B.22.090(G)	Consistency Finding
<i>(a) 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.</i>	Consistent. Due to the proposed location and minimal scale of the home relative to the maximum allowable size outlined in Table 3, the development will not substantially interfere with views and privacy to adjacent lots. In addition, the proposal exceeds all setback requirements, is within its 27-foot, two-story height limit at 26-feet and 10.5 inches, and substantially setback from adjacent property lines to the north and south, which minimizes interference with views and privacy. Additionally, the lot to the west is dedicated as Common Area only and will not be developed with future residential uses.
<i>(b) 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.</i>	Consistent. The Project site is currently vacant and undeveloped and has no existing trees. As such, no trees will be removed. As proposed, the design of the house is carefully sited to be built on the flattest portions of the lot, following the natural landscape and existing contours of the site to limit cut to 4,160 cubic yards and fill to 490

Site and Architectural Guidelines MMC XIII-B.22.090(G)	Consistency Finding
	cubic yards. Minimal landscaping is also proposed, including 22 mid-size trees and various flowering plants, ground cover, succulents and shrubs.
<i>(c) 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.</i>	Consistent. The proposed design includes varying rooflines, a clear delineation of different colors and materials, and punctuation of certain front and side facing elevations to remove the perception of bulk within the one-and-a-half-story residence. The footprint of the proposed home is also angled in its orientation to the front property line, thus minimizing the perception of excessive bulk. Furthermore, as described above and shown in Table 1, the proposed main residence is proposed to be sized in scale closer to immediate neighbors' proposed residences built on lots less than 3.0-acres in size. The overall building footprint of the main residence on the 1.1-acre lot is consolidated, and the remaining portions of the lot will also remain undeveloped, and no accessory structures are proposed.
<i>(d) 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.</i>	Consistent. The proposed home will not exceed 27 feet in height as permitted for homes east of the crestline, and exceeds all minimum setbacks as required by the Hillside development standards. The proposed home also has a combination of mansard-style and minimally pitched roof systems that could be used to utilize future solar energy. With regards to adjacent properties, the lot to the west is reserved as Common Area and the residences to the east are located greater than 429 feet away. As such, the proposed main residence will not cause an impairment to the adjacent properties access to light and air.
<i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	Consistent. The proposed location of the main dwelling is where the existing lot is most flat, and grading is limited to 4,160 cubic yards of necessary cut to accommodate the two-story dwelling and modest pool and 490 cubic yards of the grading will be repurposed as fill.

Site & Architectural Design

The Project is designed in a modern French Chateau style, which adds to the diversity of the neighborhood. The exterior materials are composed of painted stucco, high quality stone veneer and a standing seam metal roof, with metal and stain grade wood accents. The articulation of the architectural forms blending with a variety of finishes creates an attractive front elevation, along with an integrated curved driveway pattern that enhances the house and the neighborhood. All exterior materials and finishes work together as a palette of earth tone colors creating harmony with the surroundings. The colors and materials are complementary to the neighboring residences and within an earth tone range.

Grading and Landscaping

Due to the sloped lot and vehicular access requirements, the applicant has requested that the site be graded in order to make the site feasible for residential development. In an effort to limit the amount of ground to be removed, the applicant has proposed a site plan which locates the proposed home on the flattest portion of the site. Given the steep slope of the lot, grading was required to accommodate a two-story home with rear yard access. In order to minimize grading, the rear yard entry is located on the second floor, which requires considerably less grading than having the exit on the first floor.

However, due to the property slope and proximity to the crestline, the Project will result in 4,160 cubic yards of cut and 490 cubic yards of fill for the construction of a new home and the required grade at the driveway for firetruck access. This is an increase of approximately 1,000 cubic yards of cut, but was deemed necessary to accommodate the proposed Accessory Dwelling Unit, while preserving the crestline. Per MMC Section B.22.180(D)(3), grading over 1,500 cubic yards requires Planning Commission and City Council approval. Given the proximity of the crestline, the lot requires a significant amount of grading in order to develop a residence that would not be visible from the valley floor. Furthermore, no grading is proposed in the crestline zone of protection, and grading is limited to near the footprint of the home and rear patio area. Therefore, this Project will not impact the public views of the hillside and will not result in any other significant impacts.

The proposed landscape plan includes a variety of flowers, shrubs, succulents, and trees. As demonstrated in Attachment B (Project Plans), these plans are consistent with the grading and landscaping requirements within the Hillside Ordinance.

Crestline Zone of Protection

In an effort to protect the quality of views of the hills from the valley floor, development standards related to the crestline have been incorporated into the Zoning Code. Per MMC Section XIII-B.22.060, 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. In addition, MMC Section XIII-B.22.060.B states that, 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. An exhibit was given to the applicant demonstrating the location of prominent crestlines identified by the City. To demonstrate compliance with the crestline zone of protection and site line, which is located within the rear half of the existing lot, the Applicant installed “story poles” (Attachment C) along the minimum setback line and took pictures from areas recognized by the City as vantage points and required by the Hillside Section B.22.060. Specifically, designated viewpoints VP2, VP3, and VP4 were included within this analysis. As demonstrated in Attachment C (Story Pole Installation) and Project plan sheet A0.5, although cross section #3 for VP4 would intrude into the site line, the story pole tests confirm the Project will not be visible from the valley floor, and therefore, is compliant with the Crestline Zone of Protection.

General Plan Conformance

The General Plan designation for the Project site is Hillside Low Density (HLD). The General Plan details the goals, objectives and policies for the City's Hillside Area. It is characterized by gentle to steep slopes, grassy terrain with some chaparral and trees, wildlife, geologically unstable areas, the Ed R. Levin County Regional Park, and a feeling of remoteness from the more urban portions of the City. The Hillside Low Density designation allows a maximum of one (1) housing unit per gross acre. The Project is in conformance with the policies and standards in the City's General Plan policies, as outlined in the following table.

Table 3:
General Plan Consistency

Policy	Conformance
<i>CD 7-1 Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.</i>	Consistent. The proposed Project will not impact the visual character of the hillside from the valley floor or other viewpoints, as the Project site is located over 100 feet east of the crestline. Project plan sheets A0.4 and A0.5 illustrate how the proposed residence will not obstruct panoramic public views from and of the hillsides.
<i>CD 7-2 Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.</i>	Consistent. The proposed Project will be situated at the flattest portion of the lot to limit disruption to the existing natural topography by limiting cut to 4,160 cubic yards and fill to 490 cubic yards for both construction phases. The total earthwork exported is necessary to accommodate the home's footprint and meet the grade requirements to not be visible from the valley floor.
<i>CD 7-3 Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.</i>	Consistent. Minimal contour grading will be required for the construction of the new residence due to its siting on the flattest areas of the lot. All new contours will be designed to blend with the natural existing site contours as demonstrated in the civil drawings in the plan set.
<i>CD 7-4 Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.</i>	Consistent. The building pad is proposed at the flattest portion of the lot and will only necessitate minimal grading to accommodate the residence. Grading has been minimized as much as feasibly possible in the Project, in that

	the site follows the site's natural contours in an effort to preserve the natural terrain quality.
<i>CD 7-5 Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed especially with respect to runoff and erosion.</i>	Consistent. No changes are proposed to the existing land use and zoning designation, as the subject site is to be used as a single-family residence.

As described above, the Project is compatible and consistent with the surrounding uses and has been found to conform to the intent of the Milpitas 2040 General Plan designation. The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the valley floor.

Planned Unit Development No. 68 Conformance

The Project is also located within PUD 68, which established total allowable square footage, total allowable grading, size of the garage, and exterior finish materials. Per PUD 68, which was adopted in November of 1992, the lot shall have a 3-car garage, 4,000-5,000 square feet of total allowable square footage for the residential structure and only permit certain types of exterior finishes.

The Project site's previous entitlement (SD22-0013) also included a Planned Unit Development Amendment (PA23-0001) that determined through analysis and research that PUD 68, which was established to regulate the construction of six custom homes, is no longer reflective of the current development patterns of the Bay Area. For that reason, the PUD was amended for this lot to allow for an increase in residential square footage, a modification for a two-car garage instead of a three-car garage, and proposed changes in exterior finishes.

Staff finds that the Project is consistent with the recent PUD Amendment in that the building footprint has not changed from the previous approval, nor has the height. Therefore, the Project still meets the finding that these changes will not be detrimental to the light, air or privacy of any other structure or use currently existing or anticipated. Furthermore, the Project will maintain the two-car garage that was previously approved, and the elevations are substantially similar.

SECTION 4: The Planning Commission of the City of Milpitas hereby approves and recommends the City Council approve Site Development Permit Amendment No. SA25-0003 and adopt a resolution to allow the development of a single-family residence in the hillside district, based on the above findings and subject to the Conditions of Approval in the proposed Site Development Permit Amendment No. SD25-0003 attached hereto as **Exhibit 1** incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on April 8, 2026.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on April 8, 2026, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Parveen Gupta				
Michael Caulkins				
Dipak Awasthi				
Chia Ling Kong				
Olania Castillo				
Alexander Galang				
Dawn Brown				

**SITE DEVELOPMENT PERMIT AMENDMENT NO. P-SA25-0003
1321 TERRA VISTA CT (APN 029-07-012)**

The City of Milpitas Planning Commission and City Council approve Site Development Permit Amendment No. SA25-0003, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below, which will supersede those from Site Development Permit No. P-SD22-0013). This Permit is to allow the issuance of building permits for the proposed development of a 5,840-square foot, one and a half-story single-family residence (“Project”) on a vacant 1.1-acre site within Planned Unit Development No. 68 at 1321 Terra Vista Ct (APN: 029-07-012), subject to all necessary reviews, approvals, studies, and inspections for the issuance of such building permits.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

General Conditions

1. General Compliance. The applicant and owner, including all successors in interest (collectively “Permittee”) shall comply with each and every condition set forth in this Permit. Site Development Permit Amendment No. SA25-0003 (“Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County’s Recorder Office. **(P)**
2. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**
3. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
4. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
5. Permit Expiration. Pursuant to Section D.2.040.K of the Milpitas Comprehensive Zoning Update (CZU), this Permit shall become null and void if the development is not implemented within two (2) years, or for projects submitted with tentative maps, within the time limits of the tentative map. Pursuant to Section D.2.040.K.3 of the Comprehensive Zoning Update of the City of Milpitas, implementation is defined when: **(P)**
 - 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; or

- 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; or
- 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.

This permit shall become null and void if the work is added to, modified, or otherwise deviated from in any significant way from the approved site plan, building plan, floor plans, or other approved submittals as determined by the Planning Director or designee.

- 6. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(P)**
- 7. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to City. There is no vesting of any fees or charges with the adoption of this Resolution. **(P)**
- 8. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution. **(P)**
- 9. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
- 10. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**
- 11. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to,

damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

12. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section D.18.070 of the Milpitas Zoning Code. **(P)**
13. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
14. Conformance. Permittee shall develop the approved Project in conformance with the plans approved by the Planning Commission, and in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**
15. Response to Conditions of Approval. Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. **(P)**
16. Prior to the issuance of a building permit, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
17. Streets shall be designed to generally follow the contours and land form in order to minimize cut and fill. Exposed walls and facing roadways and retaining walls shall be no greater than six feet in height. Crib walls fencing roadways shall be no greater than 15 feet in height. **(P)**
18. 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 characteristic of the region. Plan materials that require excessive water after becoming established should be avoided. **(P)**
19. Trees which have a six inch or greater diameter trunk size at a point three feet above grade may not be removed without obtaining prior approval from the City. 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 Permittee 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. **(P)**
20. The proposed home is located east of the Crestline and is subject to a maximum height of 1.5 stories or 26 feet. **(P)**

21. Within six 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. **(P)**
22. Where two cut-or-fill slopes intersect, the intersection shall be horizontally rounded and blended. **(P)**
23. Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended. **(P)**
24. Fees: Upon reviewing Exhibit B from the Subdivision Improvement Agreement, it appears that a number of fees were deferred to be paid before building permit issuance. Those fees are listed here:
 - a. Prior to the final (occupancy) of each building, a cash fee (\$1333.00/per dwelling unit) to cover the development of park and recreation areas shall be collected by the City for the granting of the PUD.
25. Prior to Building Permit Issuance, the applicant must demonstrate proof in accordance with "Special Conditions – P.U.D. No. 68 and Vesting Tentative Map "Countryside Estates," that the development at "ADDRESS OF DEVELOPMENT" will be serviced by a fire hydrant that meets the minimum water demand of 1,500 hydrant fire flow to the satisfaction of the Deputy Fire Chief, or his designee. **(P)**

Fire Department

28. The plans approved by the Planning Department process are not building plans and have not been reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). Do not consider this set of plans as final building plans approved by the Fire Department. Building plans must be submitted for review and approval before construction is to commence. The following notes are a general list of the applicable code requirements (2022) and are provided to assist with the building permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building permit approvals or related construction. **(F)**
29. Electronic Documents. The fire code official may require electronic base documents for all construction documents and operational permits. The fire code official shall designate the software base format for the electronic documents. CFC Section 106.1.1, added by MMC Section V-300-2.28
30. Automatic Fire Sprinkler Requirements. An automatic sprinkler system shall be provided throughout the new dwellings (main and guest), inclusive of basements, covered porches, patios, ADUs and garages, etc. Milpitas Municipal Code Sect V-300-2.69, CFC Section 903.2.8
31. Fire Department Access. Sheets A-1.0C shows an acceptable Fire Dept. access. Fire apparatus access roads shall be provided for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building. Fire apparatus access shall meet the following:
 - a. Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1. Access along Country Club Drive have to be provided with gate and steps if the grade is too steep.
 - b. The private road shall be designed for fire apparatus access. Fire Access Dimensions, fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096mm). CFC Section 503.2.1 Exception:

Milpitas Municipal Code XI-10-45.11

45.11-1 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.

45.11-2 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.

45.11-3 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.

45.11-4 Vertical Clearance. All privately owned and maintained roads and drives shall assure a minimum fourteen (14) foot vertical clearance.

- c. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Bearing capacity for the driveway and the entry drive court shall be designed to provide a minimum of 60,000 lbs. bearing capacity for the fire apparatus. CFC Section 503.2.3
- d. When there is a dead-end condition, means for fire apparatus turn-around shall be provided as per the CA Fire Code Section 503.2.5. The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.
- e. The grade (maximum 10%) of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. CFC Section 503.2.7.
- f. Electric gates. Where provided, gates 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 F 2200. CA Fire Code Section 503.5
Electric gates shall also be provided with a Milpitas Fire Department approved "Knox" electronic switch in addition to the keypad. CA Fire Code Section 102.9

32. 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. CFC Section 504.6, added by MMC Section V-300-2.54

33. Premises identification. New and existing buildings shall have approved address numbers. Address numbers shall be illuminated and located where they are clearly visible from the street. CFC Section 505.

34. Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method or Appendix B or the City of Milpitas Engineering requirement whichever is greater.

- a. The minimum fire flow shall be 1,000 GPM per 2022 CFC Table B105.1 based on a 5,840.22 square feet. The 1,000 GPM requirement is only applicable if more than the required fire flow from the

minimum city Engineering Division design standards. Revise note and provide report showing the required 1,500 GPM fire flow.

Provide the required minimum 1500 GPM fire flow pursuant to Engineering requirement as the most restrictive than the fire flow in Table B105.1(1). Reference Milpitas Municipal Code VIII-1-11.01 - Design Standards 11.02-1. In Residential areas design shall provide for a fire flow of 1500 gallons per minute plus a simultaneous demand of 2 gallons per minute per residence. Provided Fire Flow dated 5/9/2023: 54 PSI Static, 44 PSI Residual, 1637 GPM (Nearby intersection of Tera Vista Ct. and Country Club

35. Water supply requirements. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 meters) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. CFC Section 507.5.1

Exception: For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet.

36. Sprinkler system supervision and alarms, and monitoring. It is recommended that due to the location of the home (hillside) the automatic fire sprinkler system for this home be a system that has supervision and alarm, and monitoring system in conformance to the CA Fire Code Section 903.4.

37. R Occupancy – Smoke Alarm. Single- and multiple-station smoke alarms. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.7 and NFPA 72. Exception: For Group R occupancies. A fire alarm system with smoke detectors located in accordance with this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest room where the detector is actuated shall activate. [Ref.: CFC 907.2.10]

38. Group R Occupancies. Open flame, fire and burning in Group R occupancies shall comply with the requirements of Sections 308.1 through 308.1.7. CFC 308

39. Heating Appliances. Heating appliances shall be listed and shall comply with Sections 605.6.1 and 605.6.2. [California Code of Regulations, Title 19, Division 1, §3.17(a) and (b)] Guards for Heating Appliances. Every heating appliance in any occupancy governed by California Code of Regulations, Title 19, Division 1 regulations which does not have protective features incorporated in its design, shall be provided with guards that will provide protection against ignition of clothing and other combustible material.

- a. Appliances employing open flame radiated heat shall have fixed and substantially constructed metallic guards located not less than 10 inches from the radiating flame and the guard members shall be spaced not more than 2 inches apart.
- b. Cabinet type appliances that are not provided with an inner combustion chamber and an air circulating space between the combustion chamber and the outer shell, shall have fixed and substantially constructed metallic guards located not less than 3 inches from the shell and spaced not more than 2 inches apart.

40. Landscape Sheets: Proposed landscaping may be impacted by the comments above and the requirements for fire access, fire systems and devices (such as apparatus access, hydrants, fire service lines, fire department connections valves, etc.). The Fire Dept. reserves the right to relocate, delete or change the

proposed landscaping when in conflict with fire systems, access and devices. CFC 507.5.4. Clear access to the ADU shall not be obstructed by the landscape.

41. Plan Submittal: Complete plans and specifications for all aspects of fire protection systems shall be submitted to the Fire Department for review and approval prior to system installation. CFC Section 901.2

Building Department

42. Compliance with Building Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department. **(B)**

Engineering Department

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. **(E)***

35. Modifications: The Site Development Plan dated December 19, 2025 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.
36. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.
37. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.
38. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be determined based on the approved City fee schedule at the time of application submittal.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

*The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. **(E)***

39. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
- Milpitas Design Guidelines: (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>);

- b. Standard details and specifications:
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/>);
- c. Americans with Disabilities Act (ADA) requirements, where applicable.

- 40. Sanitary Sewer Calculations: Permittee shall submit a completed “Sewer Needs Questionnaire” form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
- 41. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.
- 42. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
- 43. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.
- 44. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.
- 45. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

PRIOR TO BUILDING PERMIT ISSUANCE

*The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/ City Engineer. (E)*

- 46. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City’s assurance to provide water supply.
- 47. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.
- 48. Development Fees: Permittee shall pay the following development fees. The information listed in items “a” through “g” are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment:
 - a. Hillside water reimbursement fee: \$8,550
 - b. Treatment Plant Fee: \$880 per dwelling

c. Cost of meter purchases: these were listed in Exhibit B, but the City no longer collects those. Instead we have the customer order the meters through our supplier and pay the supplier directly.

Other Fees

d. Sewer connection fee: \$1,908 single family parcel (separate from Treatment Plant fee)

49. Mailboxes: The Permittee shall coordinate with US Postal Services regarding placement of required mailboxes. Mailbox location shall not be on public street frontages and shall be approved by City and US Postal Services prior to building permit issuance. Mailbox locations shall be shown on the improvement plans and Permittee shall submit a letter to the City's Land Development Engineering Section from the Postmaster approving the location of the mailbox. Structures to protect mailboxes may require Building, Engineering and Planning Department review.
50. Hazard Assessment Report: For any new back flow device proposed to be installed on an irrigation, domestic or fire service, the Permittee and its qualified cross-connection specialist shall complete and submit a City of Milpitas Hazard Assessment Report (CMP Hazard Assessment Report (Fillable) 2026). An existing Hazard Assessment Report may be submitted if completed in the last six (6) months, or submission of a new assessment if any of the following conditions have occurred: 1) Initial site hazard assessment is older than six (6) months, 2) Account change; 3) New connection; 4) Change in onsite activities or materials that may affect water safety; 5) If there has been cross-connection incident in the last six (6) months or if this work is requirement of the State Water Resource Control Board. The Hazard Assessment Report shall be submitted for review and approval by the City's Utility Engineering department prior to building permit issuance.

DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

51. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.
52. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.
53. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.
54. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

55. Completion of Public Improvements: Permittee shall complete all public improvements as shown on City approved plans.

56. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.
57. Record Drawings: Permittee shall submit record drawings in Full size hard copy, AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.
58. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

(P) = Planning (B) = Building

(E) = Engineering (F) = Fire Prevention (CA) = City Attorney

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

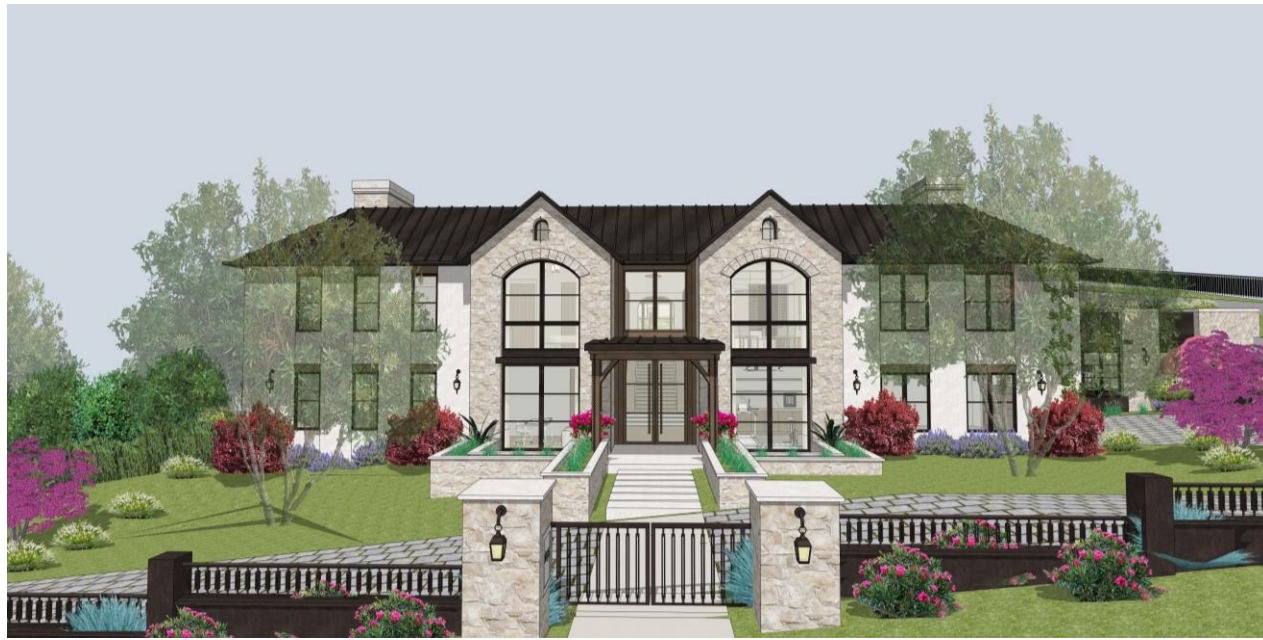
AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this Permit.

Dated: _____

Signature of Permittee



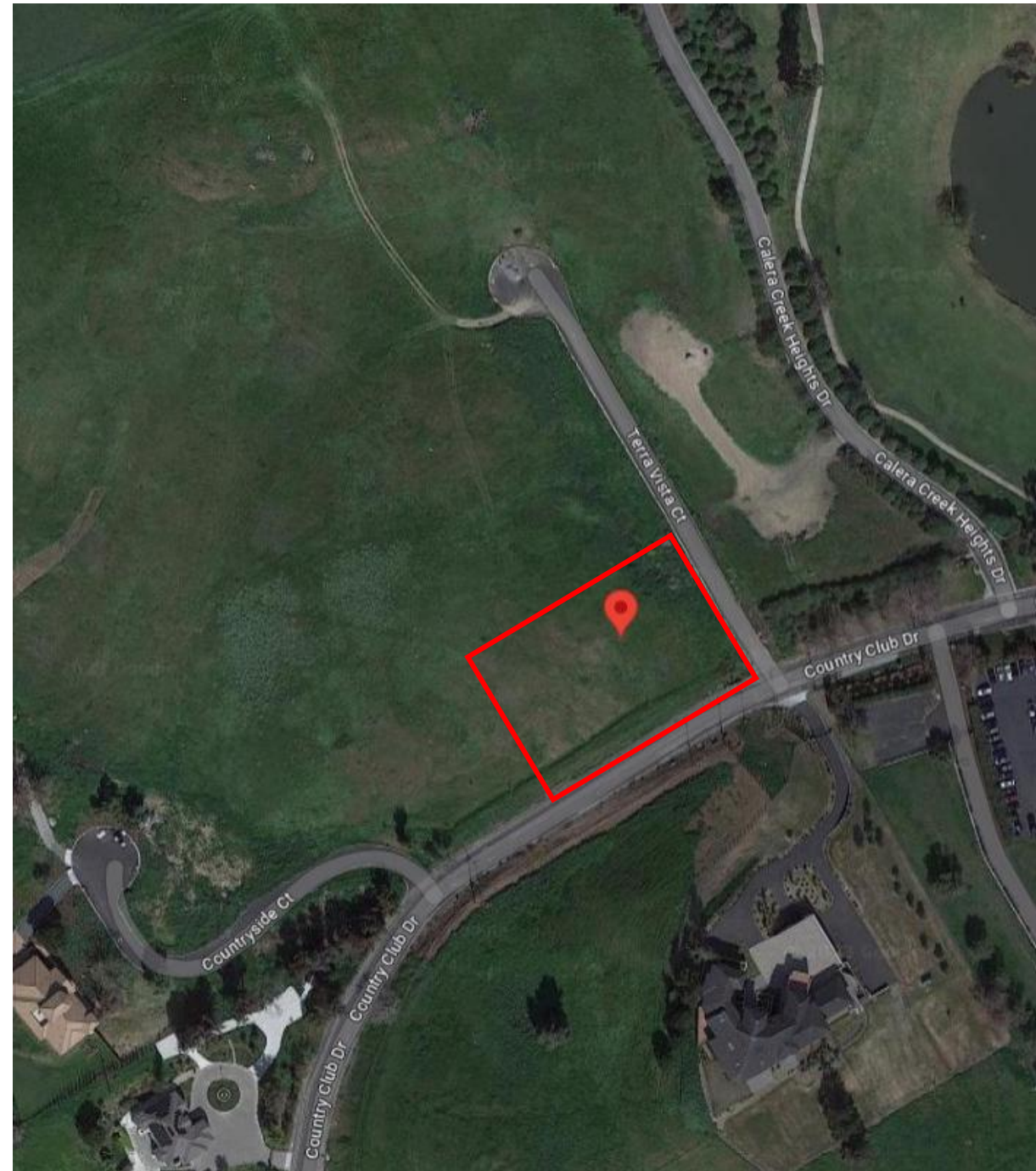
City of Milpitas Design Review Commission Presentation

April 8, 2026

Johnson Residence

Milpitas, 1321 Terra Vista Court

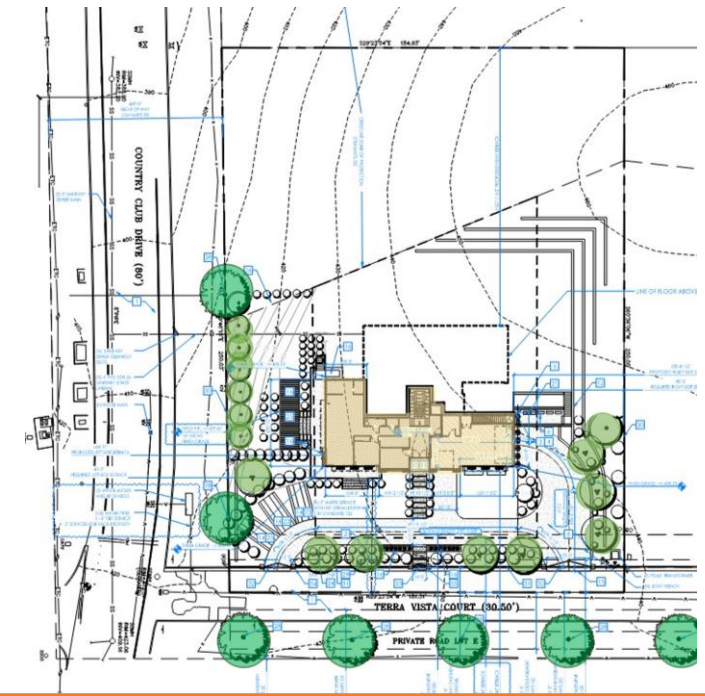
Kendra and Dan Johnson



2023 Approved Building: Floor 1

	REQUIRED SETBACKS	PROPOSED SETBACKS
FRONT(1 st /2 nd)	25'-0"	55'-7"
1 st and 2 nd STORY LEFT	40'-0"	44'-11"
1 st and 2 nd STORY RIGHT	40'-0"	50'-8 ½"
REAR (1 st /2 nd)	40'-0"	127'-7 ½"

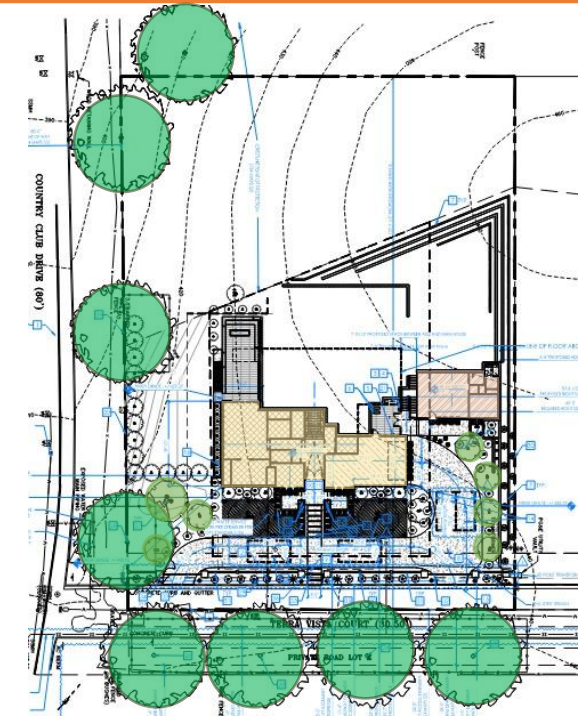
- First Floor = 1,383.73 s.f.
- Second Floor = 3,544.80 s.f.
- Garage = 804.93 s.f.
- ADU = 796.79 s.f.



2026 Updated Building: Floor 1

	REQUIRED SETBACKS	PROPOSED SETBACKS
FRONT(1 st /2 nd)	25'-0"	55'-7"
1 st and 2 nd STORY LEFT	40'-0"	44'-11"
1 st and 2 nd STORY RIGHT	40'-0"	50'-8 ½" 49'-6 ¾"
REAR (1 st /2 nd)	40'-0"	127'-7 ½"

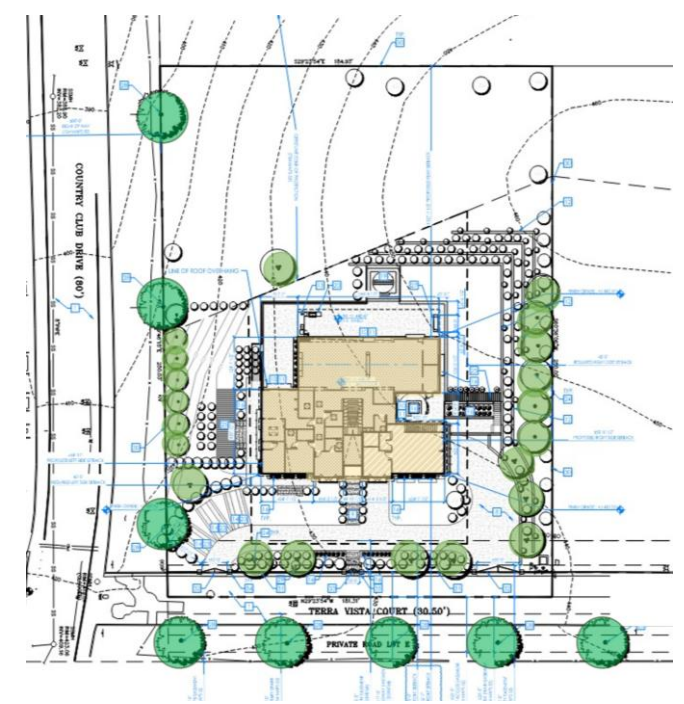
- △ First Floor = 1,399.09 s.f.
- △ Second Floor = 4,409.65 s.f.
- △ Garage = 898.16 s.f.
- △ Mechanical Storage = 221.48 s.f.
- △ Detached ADU = 831.48 s.f.



2023 Approved Building: Floor 2

	REQUIRED SETBACKS	PROPOSED SETBACKS
FRONT(1 st /2 nd)	25'-0"	55'-7"
1 st and 2 nd STORY LEFT	40'-0"	44'-11"
1 st and 2 nd STORY RIGHT	40'-0"	50'-8 ½"
REAR (1 st /2 nd)	40'-0"	127'-7 ½"

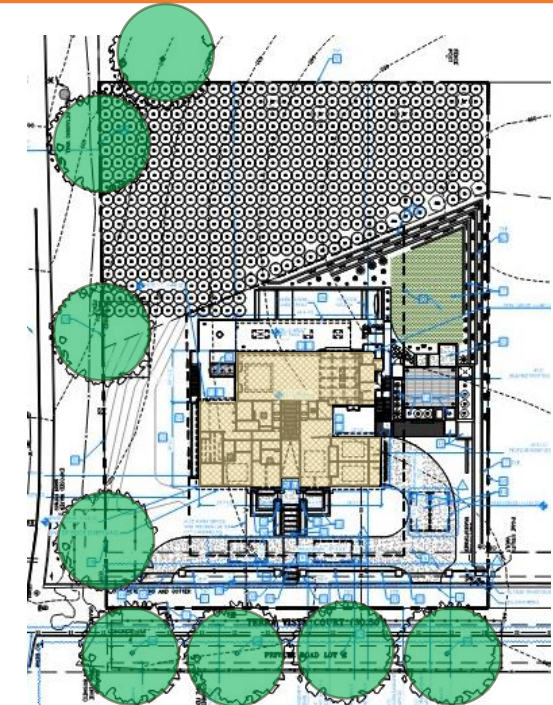
- First Floor = 1,383.73 s.f.
- Second Floor = 3,544.80 s.f.
- Garage = 804.93 s.f.
- ADU = 796.79 s.f.



2026 Updated Building: Floor 2

	REQUIRED SETBACKS	PROPOSED SETBACKS
FRONT(1 st /2 nd)	25'-0"	55'-7"
1 st and 2 nd STORY LEFT	40'-0"	44'-11"
1 st and 2 nd STORY RIGHT	40'-0"	50'-8 ½" 49'-6 ¾"
REAR (1 st /2 nd)	40'-0"	127'-7 ½"

- ▲ First Floor = 1,399.09 s.f.
- ▲ Second Floor = 4,409.65 s.f.
- ▲ Garage = 898.16 s.f.
- ▲ Mechanical Storage = 221.48 s.f.
- ▲ Detached ADU = 831.48 s.f.



2023 Elevation Gridlines

First Floor plate height = 9'-0"
Great Room plate height = 12'-0"
Second Floor plate height = 9'-0"
Proposed Building Height = 26'-10 1/2"
Max building height = 27'-0"



2026 Elevation Gridlines

First Floor plate height = 9'-0"
Great Room plate height = 12'-0"
Second Floor plate height = 9'-0"
▲ Proposed Building Height = 26'-9"
Max building height = 27'-0"



Exterior Stone

Roofing

Windows and Doors

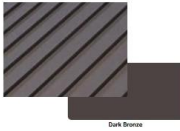
Entry Door

UPDATED



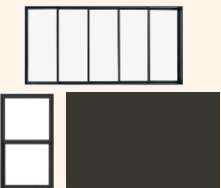
EXTERIOR STONE
APACHE STONE TUSCANO
ASHLAR 4-8" OR EQ.
NATURAL QUARRIED
www.apachestone.com

UPDATED



STANDING SEAM METAL ROOF
MIN CLASS-A MANUF. (AEP SPAN) OR EQ.
STYLE: SPAN-LOK HP METAL ROOFING
GAUGE: 22 COLOR: DARK BRONZE
www.aepspan.com

UPDATED



DOORS AND WINDOWS
MARVIN OR EQ.
STYLE: COASTLINE
COLOR: BRONZE
www.marvin.com

UPDATED



ENTRY DOOR
CUSTOM WOOD W/ FULL LITE

PREVIOUS



EXTERIOR STONE
KO NATURAL STONE OR EQ.
STYLE: BUFF
www.konaturalstone.com

PREVIOUS



STANDING SEAM METAL ROOF
MIN CLASS-A MANUF. (AEP SPAN) OR EQ.
STYLE: SPAN-LOK HP METAL ROOFING
GAUGE: 22 COLOR: DARK BRONZE
www.aepspan.com

PREVIOUS



DOORS AND WINDOWS
MARVIN OR EQ.
STYLE: COASTLINE
COLOR: BRONZE
www.marvin.com

PREVIOUS



ENTRY DOOR
CUSTOM WOOD ENTRY PIVOT
DOOR
www.everwooddoors.com

Garage Door

Exterior Sconces

Painted Stucco

Painted Stucco Accent

UPDATED



GARAGE DOOR
CUSTOM WOOD W/ WINDOWS

UPDATED



LARGE WALL MOUNT LIGHT FIXTURE
WELLSWORTH LARGE WALL LANTERN
OR EQ.
COLOR: ANTIQUE BRONZE
www.visualcomfort.com

UPDATED



PAINTED STUCCO
SMOOTH, PAINTED STUCCO
BENJAMIN MOORE WIND'S
BREATH OR EQ.
www.benjaminmoore.com

UPDATED



PAINTED STUCCO
SMOOTH, PAINTED STUCCO
BENJAMIN MOORE IRON
MOUNTAIN OR EQ.
www.benjaminmoore.com

PREVIOUS



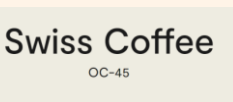
GARAGE DOOR
SOUSA'S GARAGE DOORS
STAIN GRADE WOOD
www.everwooddoors.com

PREVIOUS



LARGE WALL MOUNT LIGHT FIXTURE
HINKLEY OR EQ.
STYLE: PORTER 2804BK-LL
COLOR: OIL RUBBED BRONZE
www.hinkley.com

PREVIOUS

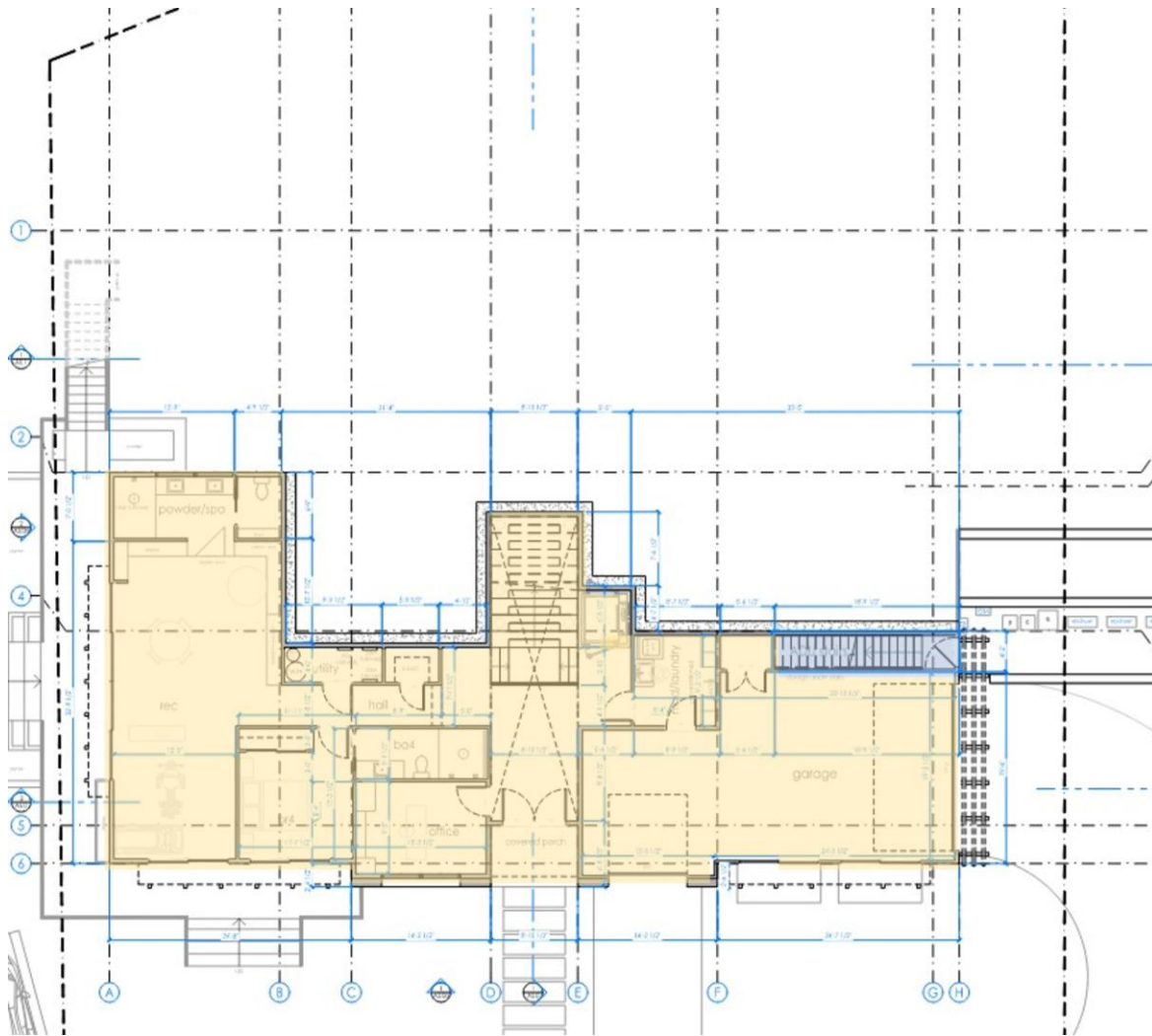


PAINTED STUCCO
SMOOTH, PAINTED STUCCO
BENJAMIN MOORE SWISS
COFFEE OR EQ.
www.benjaminmoore.com

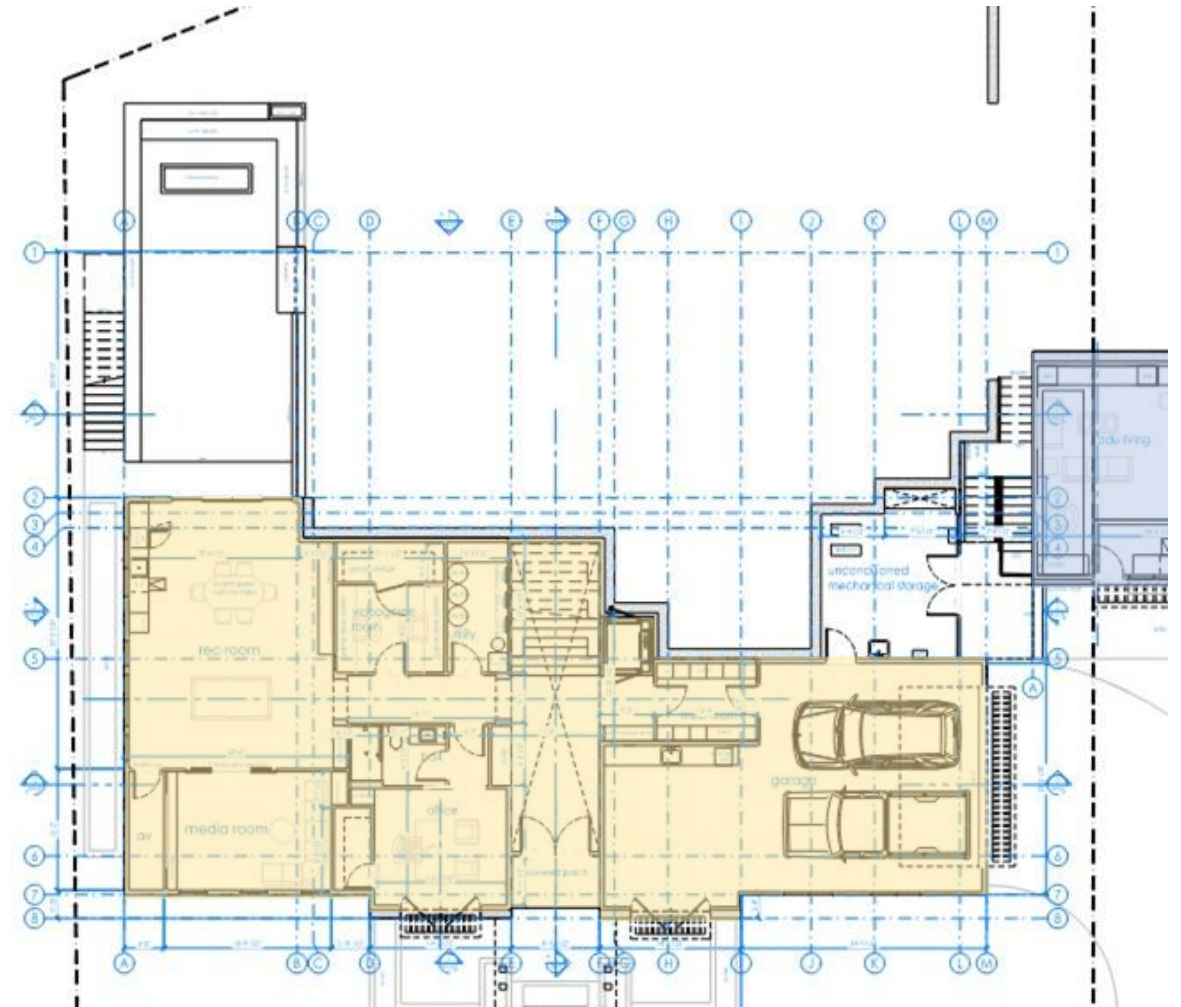
PREVIOUS

N/A

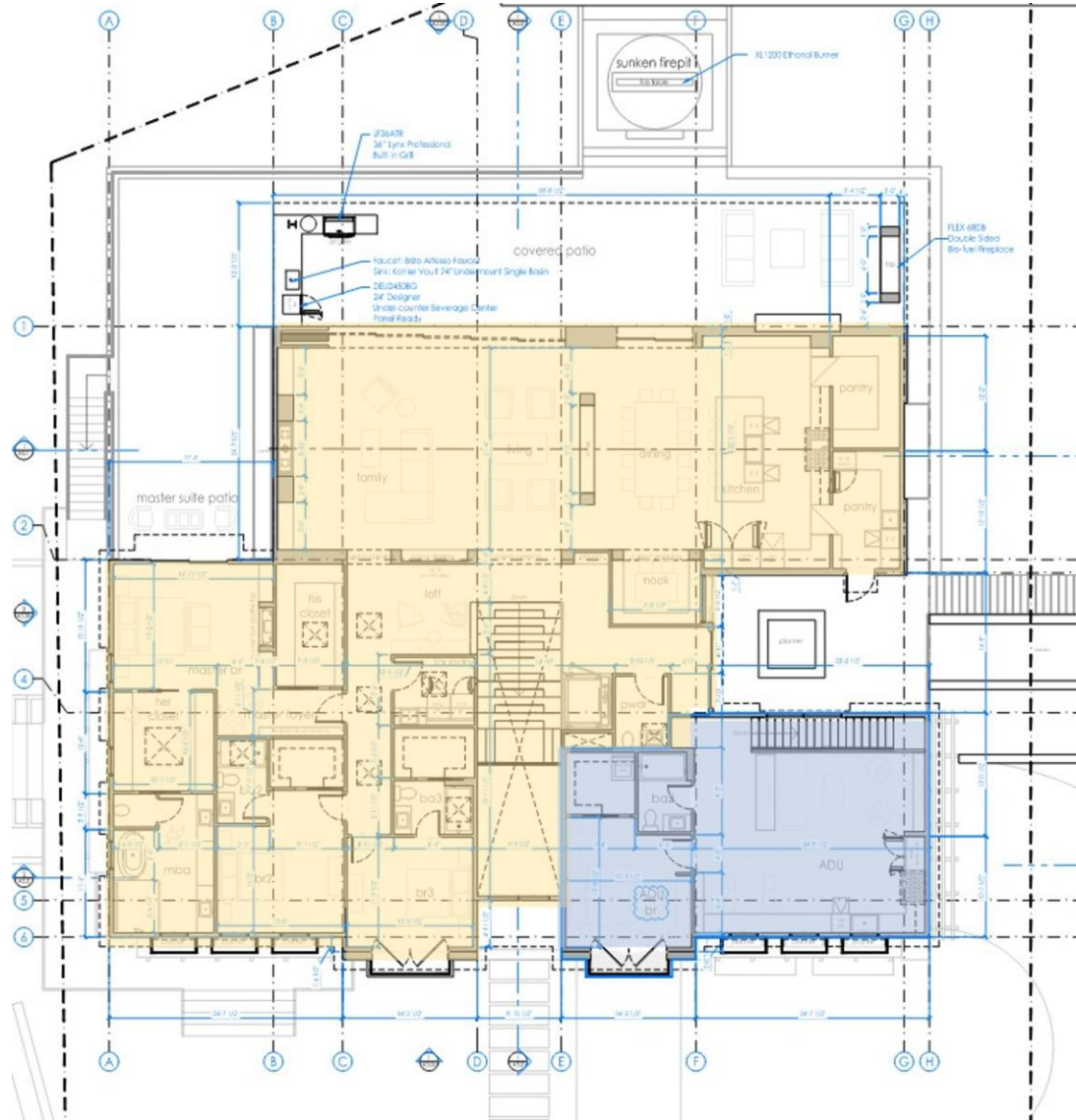
2023 First Floor Plan



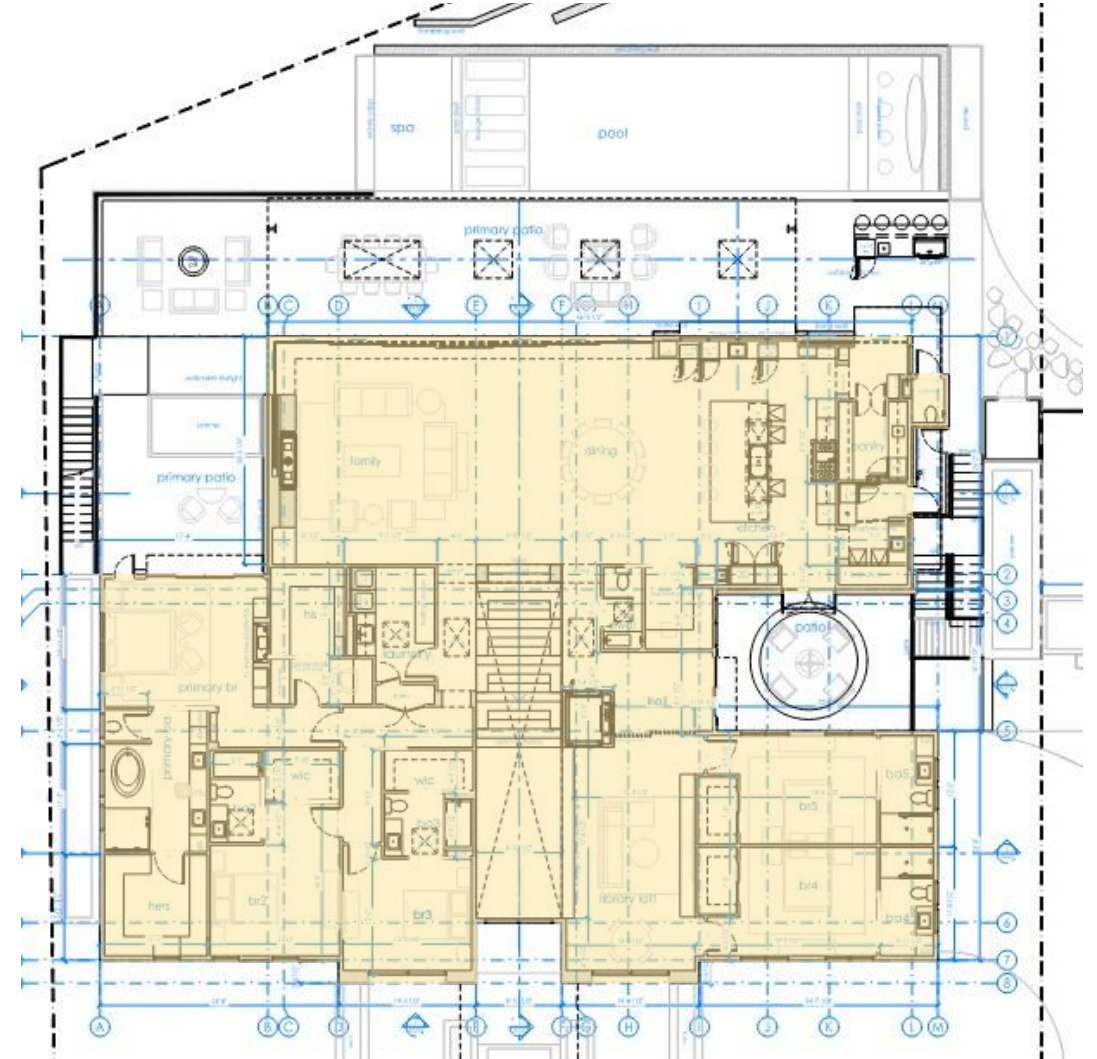
2026 First Floor Plan



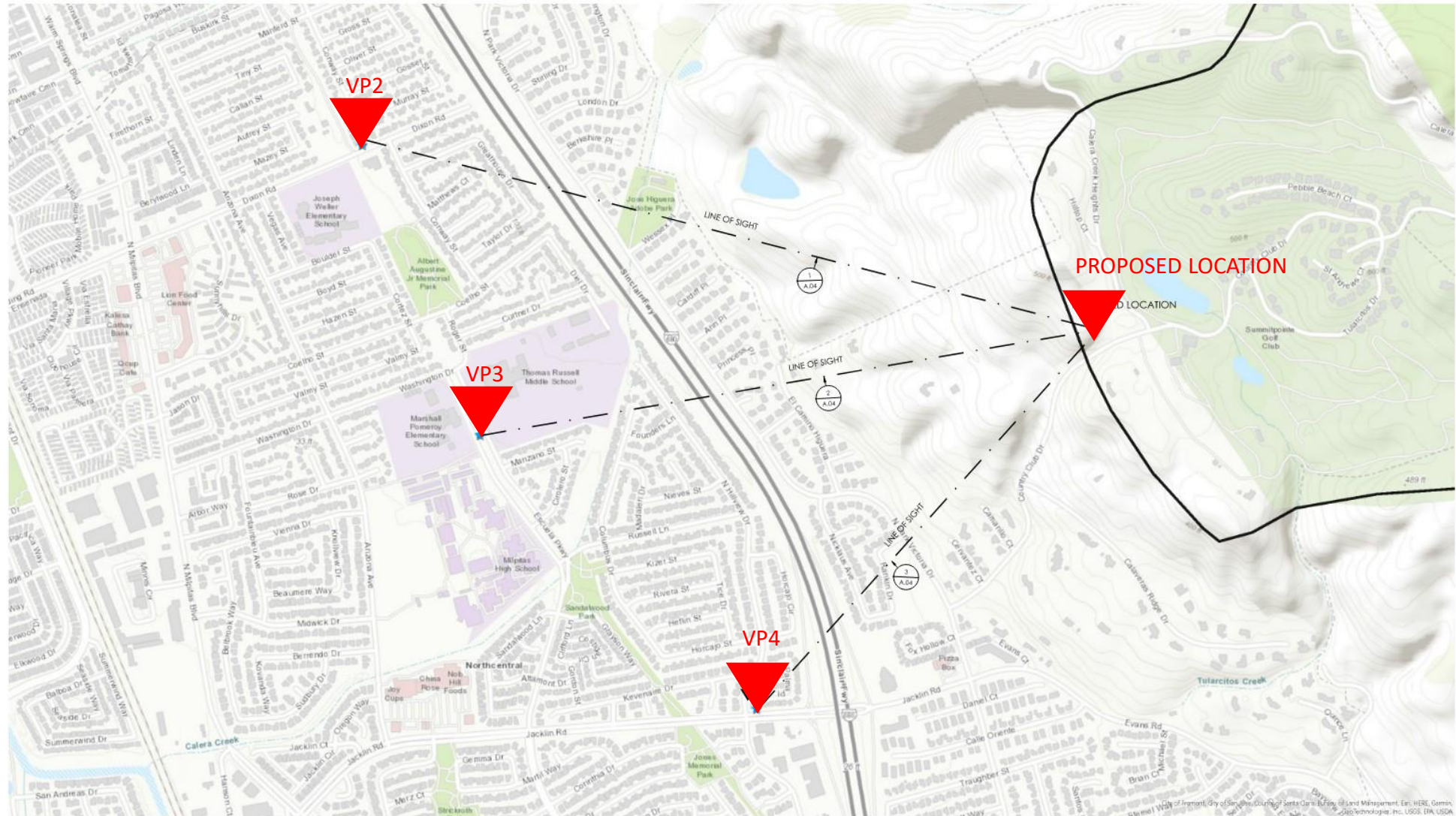
2023 Second Floor Plan



2026 Second Floor Plan



Map with Viewpoints Location



Updated Design Overlay

- Previous Design is ghosted in red over the Updated Design
- Updated Design is less visible from the rear and thus the Crestline Zone of Protection

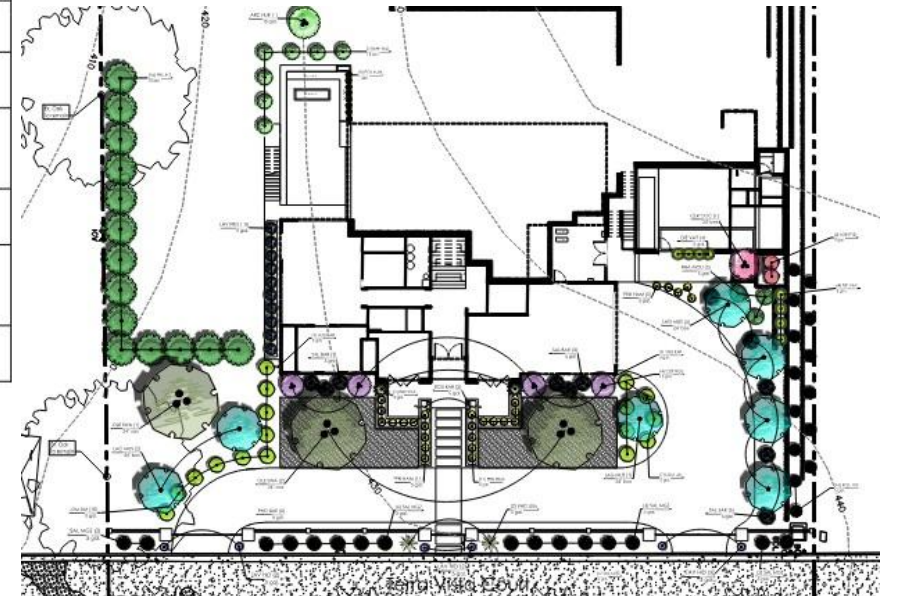
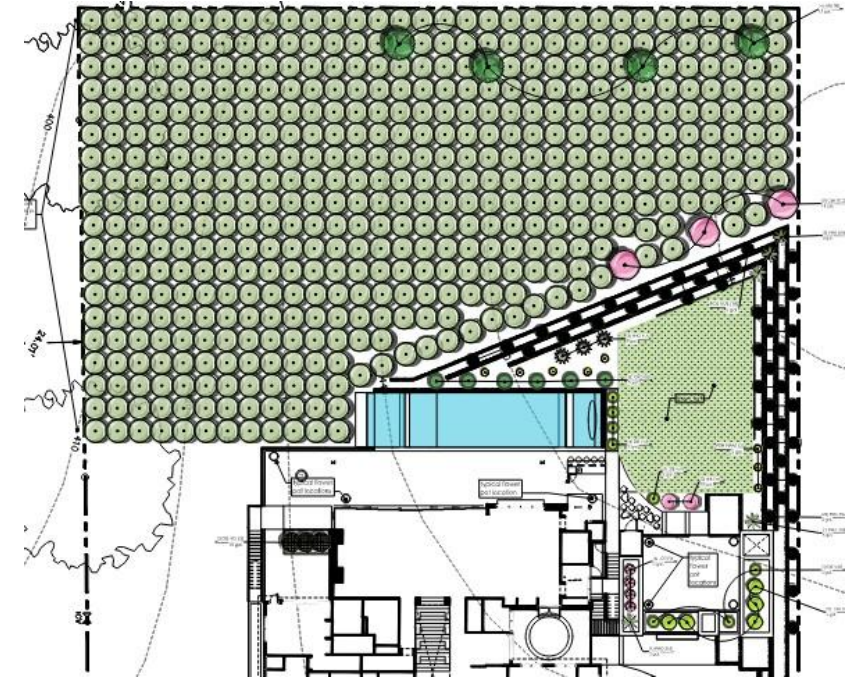


Proposed Landscaping Plan

		752 FLA	4	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low
		752 MBR	3	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	moderate
		754 MGT	3	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low
		754 MGT	7	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low
		754 MGT	14	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low
		754 MGT	21	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low
		754 MGT	28	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low
		754 MGT	35	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low
ground cover						
		752 MGT	1,802 ft	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low
		752 MGT	1,802 ft	Photinia 'Black Snow' / Phot. Black Snow Garland Red	1 gal.	low

Photo	Species	Color	Size	Botanical / Common Name	Size	Notes
		CRK CDC	1	Cherry occidentalis / Western Redbud of multi-floral	24" tall	Low
		ACQ MUL	2	Loganberry (Indian Mulberry) / Mulberry / Mulberry / Mulberry	24" tall	Low
		CRK MUL	3	Cherry mulberry (Indian Mulberry) / Mulberry / Mulberry / Mulberry	24" tall	Low
		CRK CDC	4	Arbutus unedo / Strawberry Tree / Multi-floral	15 gal	Low
		ACQ MUL	5	Arbutus unedo / Strawberry Tree / Multi-floral	15 gal	Low
		CRK CDC	6	Arbutus unedo / Strawberry Tree / Multi-floral	15 gal	Low
		CRK CDC	7	Arbutus unedo / Strawberry Tree / Multi-floral	15 gal	Low
		CRK CDC	8	Arbutus unedo / Strawberry Tree / Multi-floral	15 gal	Low
		CRK CDC	9	Arbutus unedo / Strawberry Tree / Multi-floral	15 gal	Low
		CRK CDC	10	Arbutus unedo / Strawberry Tree / Multi-floral	15 gal	Low
		CRK CDC	11	Arbutus unedo / Strawberry Tree / Multi-floral	15 gal	Low

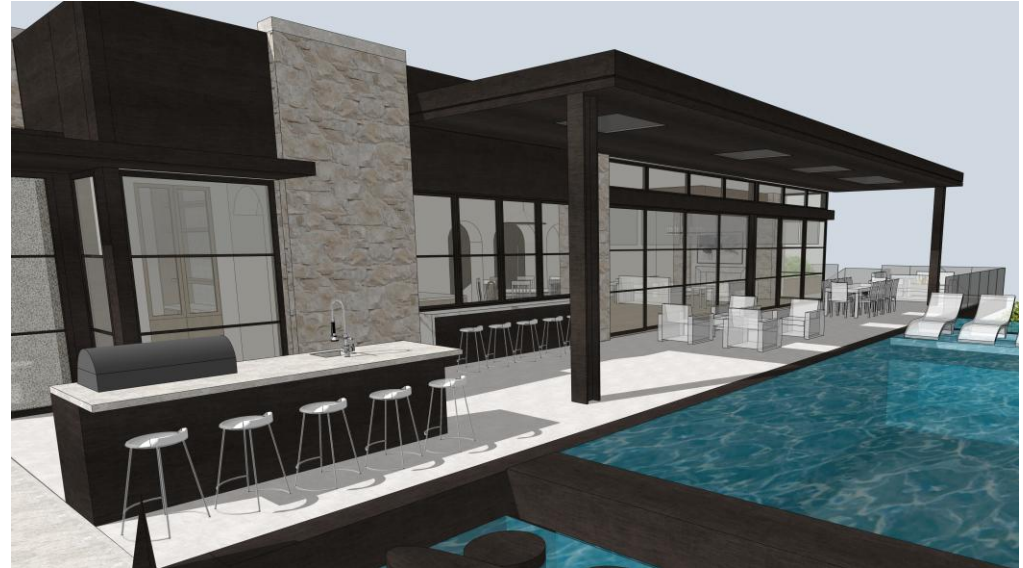
		DE 148	1	<i>Bemisia tabaci</i> / <i>Trialeurodes</i>	1 g/L	low
		ECO 15	1	<i>Epilobium ciliatum</i> (Stem) / <i>Epilobium ciliatum</i>	1 g/L	low
		HE 152	1	<i>Hibiscus syriacus</i> / <i>Rosa</i> of <i>Baccharis</i>	1 g/L	low
		LAV 160	1	<i>Lavandula angustifolia</i> (Lavender) / <i>Lavandula angustifolia</i>	1 g/L	low
		LAV 160	1	<i>Lavandula angustifolia</i> (Lavender) / <i>Lavandula angustifolia</i>	1 g/L	low
		CH 154	1	<i>Chenopodium album</i> (Lett.) / <i>Chenopodium album</i>	1 g/L	low
		LOE 161	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 162	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 163	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 164	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 165	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 166	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
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		LOE 170	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 171	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 172	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 173	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 174	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 175	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 176	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
		LOE 177	1	<i>Lonicera xylosteum</i> (Flower) / <i>Lonicera xylosteum</i>	1 g/L	low
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Exterior Perspectives

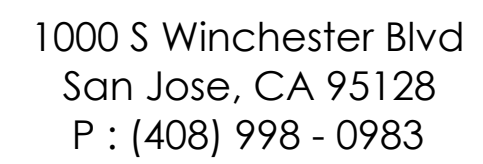


Exterior Perspectives

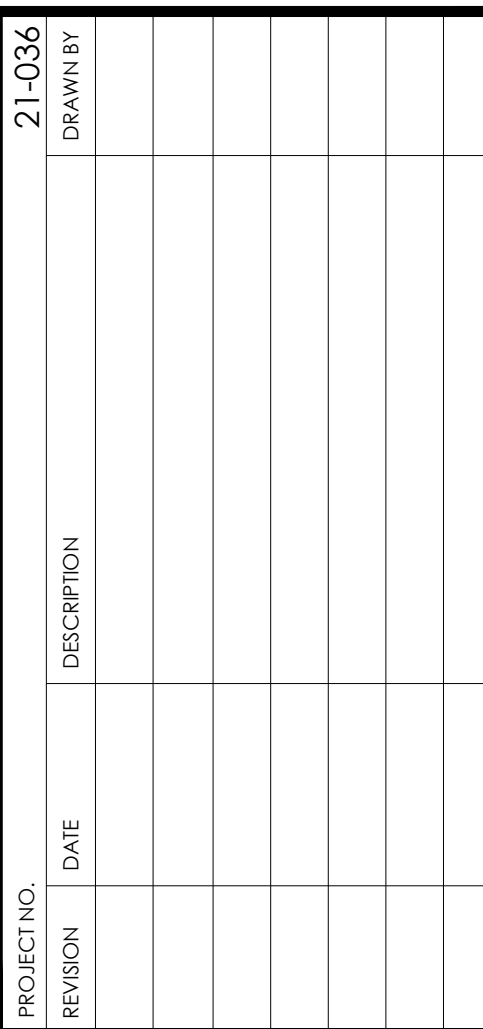


Thank you!

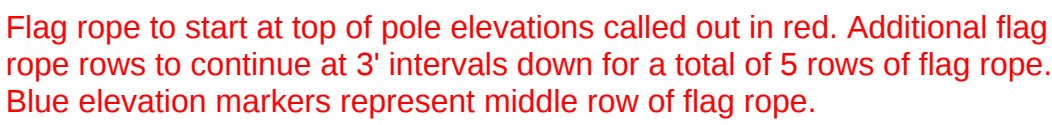




Tran-Nguyen Residence
NEW SINGLE FAMILY HOUSE
Milpitas, 1321 Terra Vista Court
Hue Tran Vu Nguyen



SITE PLAN & DEMO SITE PLAN



Elevations of each flag rope called out for story pole one as a reference. All other story poles to follow same pattern as spelled out above.

**MILPITAS PLANNING COMMISSION
STAFF REPORT****April 8, 2026**

APPLICATION: **Zoning Text and Map Amendment for Senate Bill 79 – Citywide – P-ZA26-0002:** A City-initiated Zoning Text and Map Amendment to amend Title XIII (Zoning) to create a Transit-Oriented Development Overlay zoning district designating areas eligible for Senate Bill 79 (SB 79) height and density standards.

RECOMMENDATION: Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 26-008, recommending that the City Council approve Zoning Text Amendment No. ZA26-0002, adding a new section to Title XIII, Chapter B.20 of the Milpitas Municipal Code to create a Transit-Oriented Development (-TOD) Overlay zoning district and regulations implementing Senate Bill 79 development standards.

PROJECT LOCATION: Citywide

PROJECT STAFF: Lillian VanHua, AICP, Principal Planner

LAND USE:

General Plan Designation: Citywide

Zoning District: Citywide

ENVIRONMENTAL REVIEW: Statutorily exempt from the California Environmental Quality Act (CEQA) under Government Code Section 65912.160(c)(2) (SB 79).

EXECUTIVE SUMMARY

Senate Bill 79 (SB 79), the Abundant and Affordable Homes Near Transit Act, was signed by Governor Newsom on October 10, 2025, and will take effect on July 1, 2026. Among other things, this state law supersedes local zoning to allow qualifying private housing developments on sites currently zoned for residential, mixed-use, or commercial development within one-half mile of major transit stops. The City of Milpitas has three major transit stops and roughly 3,500 properties that could be impacted by SB 79. While SB 79 significantly limits local discretion, the statute allows a local government to adopt an ordinance to make its zoning code consistent with SB 79. Staff has reviewed the statute and prepared a Zoning Text and Map Amendment to add a new subsection to Chapter B.20 of Title XIII (Zoning) to create a Transit-Oriented Development (-TOD) Overlay zoning district to implement the SB 79 provisions for eligible properties. By adopting this ordinance, the City would be merely regulating the development SB 79 permits consistent with the law; the City by doing so does not signal its agreement with the Legislature's adoption of this law or the erosion thereby of thoughtful local planning and control.

BACKGROUND

Senate Bill 79 (SB 79), effective July 1, 2026, establishes statewide minimum residential and height standards for qualifying housing development projects located near major transit stops that a local jurisdiction must comply with and could significantly expand allowable housing capacity in those areas. Table 1 outlines those minimum standards.

The City of Milpitas has three major transit stops and approximately 3,500 properties that would be impacted by SB 79. SB 79 defines a specific type of transit stop called a “transit-oriented development (TOD) stop” segregated into two tiers. Typically, a TOD stop is a major transit station served by heavy rail, high, or very high frequency rail, light rail, or bus rapid transit with a dedicated lane. Table 2 outlines the three major transit stops and their applicable Tier.

Table 1: Development Standards under SB 79

Distance	Tier 1	Tier 2
Adjacent to TOD stop (within 200 feet of pedestrian access point)	Height: 95 feet Density: 160 du/ac Residential FAR: 4.5	Height: 85 feet Density: 140 du/ac Residential FAR: 4.0
¼-mile from TOD stop	Height: 75 feet Density: 120 du/ac Residential FAR: 3.5	Height: 65 feet Density: 100 du/ac Residential FAR: 3.0
½-mile from TOD stop	Height: 65 feet Density: 100 du/ac Residential FAR: 3.0	Height: 55 feet Density: 80 du/ac Residential FAR: 2.5

Table 2: Tiers of Transit-Oriented Development Stops in Milpitas

Tier	Types of Transit	Applied to Milpitas
Tier 1	Heavy Rail Very high frequency commuter rail	Milpitas Transit Center (BART)
Tier 2	Light Rail Transit High-frequency commuter rail Bus Rapid Transit (BRT)	VTA Great Mall Light Rail Station VTA Alder Light Rail Station

ANALYSIS

The City of Milpitas has demonstrated its long-standing policy for higher density housing development in its areas served by transit. Since 2002, the City has adopted two Specific Plans (Gateway-Main Street, formerly the Midtown Specific Plan, and Milpitas Metro, formerly Transit Area Specific Plan) that have all increased density around the Tier 1 and Tier 2 TOD Zones. The Metro plan already permits densities in line with SB 79. The area surrounding the Milpitas Transit Center (Tier 1) is zoned MXD3-Metro and allows residential density up to 250 du/acre and building heights up to 275 feet. Moreover, many of the properties immediately adjacent to the Milpitas Transit Center have already been redeveloped with multi-family residential. The Gateway Plan permits densities ranging from 12 to 65 du/acre in the half-mile area surrounding the Great Mall Light Rail Station (Tier 2). Under SB 79, these parcels could be eligible for additional

density. However, many of the properties immediately adjacent to the Great Mall Light Rail Station have also been redeveloped with multi-family residential.

Although many areas eligible for SB 79 have been recently redeveloped due to the City's Specific Plan efforts, the proposed ordinance amendment would implement the minimum densities and height maximums under SB 79 and establish residential development standards for sites that are not zoned for residential development but subject to SB 79.

Proposed Amendments to the Zoning Ordinance

The proposed ordinance implements SB 79 and includes the following amendments to Title XIII of the Milpitas Municipal Code (MMC):

- Add subsection B.20.040 Transit-Oriented Development Overlay Zone to Chapter B.20 Overlay Zones and Standards to implement California Government Code Sections 65912.155 through 65912.162 (SB 79). Specifically, it establishes the applicability of the TOD overlay under SB 79, incorporates the relevant definitions under the Government Code, and sets forth the minimum residential and height standards for qualifying housing projects.
- Specifically, the following development standards will apply:

Table 3: Transit-Oriented Development (-TOD) Overlay Zone Development Standards

Distance	Tier 1	Tier 2
Adjacent to TOD stop (within 200 feet of pedestrian access point)	Height: 95 feet Minimum Density: 40 du/ac Maximum Density: 160 du/ac Residential FAR: 4.5	Height: 85 feet Minimum Density: 40 du/ac Maximum Density: 140 du/ac Residential FAR: 4.0
¼-mile from TOD stop	Height: 75 feet Minimum Density: 40 du/ac Maximum Density: 120 du/ac Residential FAR: 3.5	Height: 65 feet Minimum Density: 40 du/ac Maximum Density: 100 du/ac Residential FAR: 3.0
½-mile from TOD stop	Height: 65 feet Minimum Density: 40 du/ac Maximum Density: 100 du/ac Residential FAR: 3.0	Height: 55 feet Minimum Density: 40 du/ac Maximum Density: 80 du/ac Residential FAR: 2.5

- Projects will be required to follow all other development standards as specified for the R4-Metro zoning district.
- For parcels zoned R1-6 (single-family residential), a qualifying housing project will be subject to a minimum density of 30 du/acre and must follow all other development standards as specified under the R4 zoning district.

Proposed Amendments to the Zoning Map

The proposed zoning map amendment (Attachment B) will implement the Transit-Oriented Development (-TOD) Overlay on the City's Zoning Map, enacted by Title XIII, Chapter A, Section 2.060 of the Milpitas Municipal Code. The TOD Overlay will apply to all parcels within the half-mile areas surrounding the three major transit stops, as defined by Senate Bill 79.

General Plan Conformance

The City's General Plan is the primary long-range planning document that provides the vision

for the future growth and development of Milpitas. The proposed zoning text and map amendments implementing SB 79 conform to the policies and standards in the City's General Plan, as demonstrated in the following table:

Table 4: General Plan Consistency

Policy / Actions	Conformance
<i>Implementation</i> <i>Policy IM 1-2:</i> Require the City's Zoning Ordinance, planning documents, master plans, infrastructure projects, and development projects to be consistent with the General Plan and State law.	Consistent. This zoning ordinance and map amendment will implement recent legislation (SB 79) and bring the Zoning Ordinance into conformance with state housing law.
<i>Land Use Element</i> <i>Policy LU 2-3:</i> Allow densities and intensities which exceed the generally allowed ranges defined by the underlying land use for projects utilizing Density Bonus provisions including bonuses for senior housing, affordable housing, and for projects within designated overlay districts.	Consistent. The intent of SB 79 is to build more homes near transit to reduce housing and transportation costs for California families and promote environmental sustainability, economic growth, and reduce traffic congestion. Implementing the TOD Overlay District will not only bring the Zoning Ordinance into conformance with state law but also permit a greater variety of housing types in densities in areas close to major transit stops.
<i>Land Use Element</i> <i>Policy LU 2-2:</i> Continue to utilize Overlay Zoning Districts as needed to supplement land use and zoning standards with additional allowances and regulations that reflect and use and policy objectives for a particular area.	Consistent. The intent of SB 79 is to build more homes near transit to reduce housing and transportation costs for California families and promote environmental sustainability, economic growth, and reduce traffic congestion. Implementing the TOD Overlay District will not only bring the Zoning Ordinance into conformance with state law but also permit a greater variety of housing types in densities in areas close to major transit stops.

Land Use Element Policy LU 3-2: Continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development objectives near the Milpitas Transit Center.	Consistent. The TOD Overlay District will coincide with regional efforts and conform with state law to allow higher densities near transit and specifically continue to promote housing near the Milpitas Transit Center.
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Specific Plan Conformance

The proposed zoning ordinance and map amendments are in both the Milpitas Metro (Metro) Specific Plan and Gateway-Main Street (Gateway) Specific Plan area. These designations provide for high-density and medium-density residential uses. As demonstrated in Table 5, the proposed zoning ordinance and map amendments are consistent with the applicable Metro and Gateway-Main Street Specific Plan land use policies.

Table 5: Metro and Gateway-Main Street Specific Plan Consistency

Policy	Conformance
<i>Metro Specific Plan Land Use Policy LU2:</i> Capitalize on the transit orientation of the Plan Area to support transit ridership, reduce traffic congestion and greenhouse gas emissions, and support livability.	Consistent. The core of the Metro Plan Vision is to create a complete and unique urban neighborhood. The TOD Overlay District will not only conform with state law to allow higher densities near transit but also specifically continue to promote a variety of housing near the Milpitas Transit Center.
<i>Metro Specific Plan Land Use Policy LU3:</i> Provide transit-oriented housing that is accessible and affordable for a range of household types and income levels.	Consistent. The TOD Overlay District will not only conform with state law to allow higher densities near transit but also specifically continue to promote a variety of housing near the Milpitas Transit Center.
<i>Gateway-Main Street Specific Plan Guiding Principle:</i> Integrate a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller unit homes, live-work, senior housing, and affordable housing.	Consistent. While the proposed zoning map and text amendment would only affect the southern end (South of O’Toole Elms Park to Curtis Avenue) of the Main Street District, South Railyards District, Elmwood District, and the Curtis neighborhood of the Gateway Plan, the TOD Overlay District will help implement the Plan’s vision of

	Main Street as a walkable, mixed-use urban village accessible from the surrounding community. The TOD Overlay District will allow higher densities near the Great Mall Light Rail Station, which will continue to facilitate a variety of housing types at different affordability levels near transit.
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FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Zoning Ordinance Text and Map Amendments (Milpitas Municipal Code Section XIII, Chapter D.6.050)

- a. The proposed Zoning Amendment is consistent with and conforms to the goals and policies of the General Plan.*

The proposed text and map amendments are specifically consistent with General Plan Policy IM 1-2, which states to require the City's Zoning Ordinance, planning documents, master plans, infrastructure projects, and development projects to be consistent with the General Plan and State law. This zoning ordinance and map amendment will implement recent legislation (SB 79) and bring the Zoning Ordinance into conformance with state housing law. The proposed text and map amendments are also consistent with General Plan Policy LU2-3, which states to allow densities and intensities which exceed the generally allowed ranges defined by the underlying land use for projects utilizing Density Bonus provisions including bonuses for senior housing, affordable housing, and for projects within designated overlay districts, as well as General Plan Policy LU2-2, which states to continue to utilize Overlay Zoning Districts as needed to supplement land use and zoning standards with additional allowances and regulations that reflect and use and policy objectives for a particular area. The intent of SB 79 is to build more homes near transit to reduce housing and transportation costs for California families and promote environmental sustainability, economic growth, and reduce traffic congestion. Implementing the TOD Overlay District will not only bring the Zoning Ordinance into conformance with state law but also permit a greater variety of housing types in densities in areas close to major transit stops. The proposed text and map amendments are also consistent with General Plan Policy LU3-1, which states to support regional efforts that promote higher densities near major transit and travel facilities, and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit; support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit, as well as General Plan Policy LU3-2, which states to continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development objectives near the Milpitas Transit Center. The TOD Overlay District will coincide with regional efforts and conform with state law to allow higher densities near transit and specifically continue to promote housing near the Milpitas Transit Center.

- b. The proposed Zoning Amendment is consistent with and conforms to the goals and policies*

of any Specific Plan, if applicable;

The proposed zoning text and map amendments are consistent with and conform to the goals and policies of the Milpitas Metro Specific Plan (Metro). The core of the Metro Plan Vision is to create a complete and unique urban neighborhood. The proposed zoning text and map amendments are specifically consistent with Metro Specific Plan Land Use Policy LU2 (Transit Orientation), which states to capitalize on the transit orientation of the Plan Area to support transit ridership, reduce traffic congestion and greenhouse gas emissions, and support livability, and LU3 (Housing Diversity and Affordability), which states to provide transit-oriented housing that is accessible and affordable for a range of household types and income levels. The TOD Overlay District will not only conform with state law to allow higher densities near transit but also specifically continue to promote a variety of housing near the Milpitas Transit Center. The proposed zoning text and map amendments are also consistent with and conform to the goals and policies of the Gateway-Main Street Specific Plan (Gateway). While the proposed zoning map and text amendment would only affect the southern end (South of O'Toole Elms Park to Curtis Avenue) of the Main Street District, South Railyards District, Elmwood District, and the Curtis neighborhood of the Gateway Plan, the TOD Overlay District will help implement the Plan's vision of Main Street as a walkable, mixed-use urban village accessible from the surrounding community. One of the guiding principles of the Gateway Plan is to integrate a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller unit homes, live-work, senior housing, and affordable housing. The TOD Overlay District will allow higher densities near the Great Mall Light Rail Station, which will continue to facilitate a variety of housing types at different affordability levels near transit.

- c. The proposed Zoning Amendment will not adversely affect the public health, safety and welfare;*

The proposed zoning text and map amendments will not be detrimental to the public interest, health, safety, convenience, and general welfare, because the action would allow varying residential densities in the TOD Overlay District that are consistent with State law and bring the overall Zoning Ordinance into conformance with State law. They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District.

- d. The proposed Zoning Amendment is in compliance with the provisions of California Environmental Quality Act;*

The proposed zoning text and map amendments are not a project under CEQA pursuant to Government Code Section 65912.160(c)(2). Adoption of the ordinance is a statutory implementation action.

- e. 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

This finding is not applicable. The zoning text and map amendments are not reducing residential density.

- f. The proposed Zoning Amendment would not result in a net loss of potential housing units.*

The proposed Zoning Amendment would not result in a net loss of potential housing, as the Project amends the Zoning Ordinance to allow for qualifying housing projects in transit-oriented development zones pursuant to State law (SB 79).

- g. The proposed Zoning Amendment is internally consistent with other applicable provisions of this Title*

The proposed Zoning Ordinance Text Amendment is instituting changes to the Zoning Ordinance that reflect and conform with recent State law (SB 79). The purpose of the Zoning Ordinance is to promote public health, safety, comfort, and general welfare, and to enable appropriate and orderly development. More specifically, the Zoning Ordinance was adopted to provide standards for orderly growth and development of the city, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community, as well as achieve the arrangement of land uses depicted in the General Plan, consistent with the goals and policies of the General Plan. The proposed zoning text amendment will create a Transit-Oriented Development Overlay District that will specifically apply to qualifying housing projects within a half mile of qualifying transit-oriented development stops. The amendments are consistent with the Zoning Ordinance as a whole and do not create any internal inconsistencies.

- h. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities, to accommodate the uses and development densities or intensities allowed in the proposed new zone; and*

The proposed Zoning Map Amendment is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities, to accommodate the uses and development densities or intensities allowed in the proposed zone. The TOD Overlay would simply bring the Zoning Ordinance and Map into conformance with development density ranges into consistency with State law (SB 79). They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. The TOD Overlay would also establish residential development standards for sites that are not zoned for residential development but subject to SB 79. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District. If projects are

eligible for streamlining under State law, they would still be subject to the City's Objective Design Standards.

- i. *If located within or adjacent to residential areas, the requested zone change is compatible with the character of the residential neighborhood.*

The proposed zoning map amendment would create a TOD Overlay District in the half mile areas around three transit-oriented development stops within the City. The proposed map amendment is generally compatible with the character of the residential neighborhoods. The TOD Overlay would bring the Zoning Ordinance and Map into conformance with development density ranges into consistency with State law (SB 79). They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. The TOD Overlay would also establish residential development standards for sites that are not zoned for residential development but subject to SB 79. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District. If projects are eligible for streamlining under State law, they would still be subject to the City's Objective Design Standards.

ENVIRONMENTAL REVIEW

The proposed Zoning Text and Map amendments are statutorily exempt from the California Environmental Quality Act under Government Code Section 65912.160(c)(2). This is an ordinance that is implementing Senate Bill 79.

PUBLIC COMMENT/OUTREACH

A notice of this hearing was published in the Milpitas Post on March 27, 2026, and posted at City Hall and on the City's website at www.milpitas.gov. At the time of writing this report, no comments have been received regarding the proposed zoning text and map amendment.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolution No. 26-008, recommending that the City Council approve Zoning Text Amendment No. ZA26-0002, adding a new section to Title XIII, Chapter B.20 of the Milpitas Municipal Code to create a Transit-Oriented Development Overlay (-TOD) zoning district and regulations implementing Senate Bill 79 development standards.

ATTACHMENTS:

A: Planning Commission Resolution No. 26-008

Exhibit 1: Draft Zoning Text and Map Amendment Ordinance

B: Draft Zoning Map

RESOLUTION NO. 26-008

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT AND MAP
AMENDMENT ZA26-0002, ADDING A NEW SECTION TO TITLE XIII, CHAPTER B.20 OF
THE MILPITAS MUNICIPAL CODE TO CREATE A TRANSIT-ORIENTED
DEVELOPMENT (-TOD) OVERLAY ZONING DISTRICT AND REGULATIONS
IMPLEMENTING SENATE BILL 79 DEVELOPMENT STANDARDS**

WHEREAS Senate Bill 79 (“SB 79”) was signed on October 10, 2025, and codified as California Government Code Sections 65912.155 et seq., and states, among other things, that notwithstanding local law to the contrary, a housing development project, as defined, within a specified distance of a transit oriented development stop, as defined, is an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements, as specified; and

WHEREAS, SB 79 is anticipated to affect development near three (3) transit-oriented development stops within the Milpitas; and

WHEREAS, California Government Code Sections 65300 et seq. require each city to prepare and adopt a comprehensive, long-term general plan for the physical development of the county or city; 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, on September 2, 2025, the Milpitas City Council adopted a comprehensive update to the zoning ordinance, including the addition of a new Title XIII – Zoning to the Milpitas Municipal Code and amendments to various other sections of the Municipal Code for consistency with the updated Zoning Ordinance and amended the Zoning Map of the City of Milpitas to achieve consistency between the updated Zoning Ordinance and Zoning Map; and

WHEREAS, pursuant to the City’s General Plan and the implementing Zoning Ordinance, the following zoning districts allow residential, mixed, or commercial development: General Commercial (C2), Metro Business Park Research and Development – Limited Residential (BPRD-R-Metro), 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), Multi-Family (R3), Multi-Family Very High Density (R4), Single-Family (R1), Mixed Use (MXD), and Main Street Mixed-Use (MS-MU); and

WHEREAS, pursuant to the City’s General Plan and the implementing Zoning Ordinance, the following zoning districts are not zoned for residential, mixed, or commercial development: Heavy Industrial (M2), Institutional (I), Park and Public Open Space (POS), Business Park Research and Development (BPRD), and Metro Business Park Research and Development (BPRD-Metro); and

WHEREAS, California Government Code Section 65912.160 provides that a local government may enact an ordinance to make its zoning code consistent with Senate Bill 79 and that such an ordinance is not considered a project subject to environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code (the California Environmental Quality Act or “CEQA”); and

WHEREAS, without waiving its objection to the California Legislature’s ill-conceived decision to override local control and planning, the City wishes to enact this ordinance to regulate the development that SB 79 permits; and

WHEREAS, consistent with California Government Code Section 65912.160(d), 1 at least 14 days prior to the adoption of this ordinance, the City submitted a draft of this ordinance to the California Department of Housing and Community Development (“HCD”) and received and acted upon any feedback the department received from HCD; and

WHEREAS, the Planning Commission made and accepted as its own the findings set forth in this resolution; and

WHEREAS, the Planning Commission is an advisory body to the City Council; and

WHEREAS, the City Council is the final authority on General Plan, Specific Plan, and Zoning amendments, including amendments to the Land Use Map and Zoning Map; and

WHEREAS, on April 8, 2026, the Planning Commission held a duly noticed public hearing on the Zoning Text and Map Amendments related to the Transit-Oriented Development (-TOD) Overlay zoning district and implementation of Senate Bill 79 (SB 79), considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter; and

WHEREAS, the Planning Commission has considered all the written and oral testimony presented at the public hearing in making its decision; and

WHEREAS, all legal prerequisites to the adoption of this resolution and the Planning Commission’s review, recommendation, and approval of the Zoning amendments and CEQA review contained herein have been met.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines, and resolves as follows:

SECTION 1. Recitals

The Planning Commission 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 Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. CEQA Finding

The Planning Commission finds, pursuant to Government Code Section 65912.160(c)(2), the provisions of this zoning ordinance text and map amendment do not constitute a project and therefore are statutorily exempt from the California Environmental Quality Act.

SECTION 3. Findings for Zoning Ordinance Text and Map Amendment (Milpitas Municipal Code, Subsection XIII-D.6.050)

The Planning Commission 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 the Milpitas Municipal Code, including Subsection XIII-D.6. The Planning Commission makes the following further and specific findings based on the evidence in the public record in support of Zoning Text and Zoning Map Amendment No. ZA26-0002:

- a) *The proposed Zoning Amendment is consistent with and conforms to the goals and policies of the General Plan;*

The proposed text and map amendments are specifically consistent with General Plan Policy IM 1-2, which states to require the City's Zoning Ordinance, planning documents, master plans, infrastructure projects, and development projects to be consistent with the General Plan and State law. This zoning ordinance and map amendment will implement recent legislation (SB 79) and bring the Zoning Ordinance into conformance with state housing law. The proposed text and map amendments are also consistent with General Plan Policy LU2-3, which states to allow densities and intensities which exceed the generally allowed ranges defined by the underlying land use for projects utilizing Density Bonus provisions including bonuses for senior housing, affordable housing, and for projects within designated overlay districts, as well as General Plan Policy LU2-2, which states to continue to utilize Overlay Zoning Districts as needed to supplement land use and zoning standards with additional allowances and regulations that reflect and use and policy objectives for a particular area. The intent of SB 79 is to build more homes near transit to reduce housing and transportation costs for California families and promote environmental sustainability, economic growth, and reduce traffic congestion. Implementing the TOD Overlay District will not only bring the Zoning Ordinance into conformance with state law but also permit a greater variety of housing types in densities in areas close to major transit stops. The proposed text and map amendments are also consistent with General Plan Policy LU3-1, which states to support regional efforts that promote higher densities near major transit and travel facilities, and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit; support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit, as well as General Plan Policy LU3-2, which states to continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development objectives near the Milpitas Transit Center. The TOD Overlay District will coincide with regional efforts and conform with state law to allow higher densities near transit and specifically continue to promote housing near the Milpitas Transit Center.

- b) *The proposed Zoning Amendment is consistent with and conforms to the goals and policies of any Specific Plan, if applicable;*

The proposed zoning text and map amendments are consistent with and conform to the goals and policies of the Milpitas Metro Specific Plan (Metro). The core of the Metro Plan Vision is to create a complete and unique urban neighborhood. The proposed zoning text and map amendments are specifically consistent with Metro Specific Plan Land Use Policy LU2 (Transit Orientation), which states to capitalize on the transit orientation of the Plan Area to support transit ridership, reduce traffic congestion and greenhouse gas emissions, and support livability, and LU3 (Housing Diversity and Affordability), which states to provide transit-oriented housing that is accessible and affordable for a range of household types and income levels. The TOD Overlay District will not only conform with state law to allow higher densities near transit but also specifically continue to promote a variety of housing near the Milpitas Transit Center. The proposed zoning text and map amendments are also consistent with and conform to the goals and policies of the Gateway-Main Street Specific Plan (Gateway). While the proposed zoning map and text amendment would only affect the southern end (South of O'Toole Elms Park to Curtis Avenue) of the Main Street District, South Railyards District, Elmwood District, and the Curtis neighborhood of the Gateway Plan, the TOD Overlay District will help implement the Plan's vision of Main Street as a walkable, mixed-use urban village accessible from the surrounding community. One of the guiding principles of the Gateway Plan is to integrate a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller unit homes, live-work, senior housing, and affordable housing. The TOD Overlay District will allow higher densities near the Great Mall Light Rail Station, which will continue to facilitate a variety of housing types at different affordability levels near transit.

- c) *The proposed Zoning Amendment will not be detrimental to the public interest, health, safety, convenience, and general welfare;*

The proposed zoning text and map amendments will not be detrimental to the public interest, health, safety, convenience, and general welfare, because the action would allow varying residential densities in the TOD Overlay District that are consistent with State law and bring the overall Zoning Ordinance into conformance State law. They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District.

- d) *The proposed Zoning Amendment is in compliance with the provisions of California Environmental Quality Act;*

The proposed zoning text and map amendments are not a project under CEQA pursuant to Government Code Section 65912.160(c)(2). Adoption of the ordinance is a statutory implementation action.

- e) *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;*

This finding is not applicable. The zoning text and map amendments are not reducing residential density.

- f) *The proposed Zoning Amendment would not result in a net loss of potential housing units;*

The proposed Zoning Amendment would not result in a net loss of potential housing, as the Project amends the Zoning Ordinance to allow for qualifying housing projects in transit-oriented development zones pursuant to State law (SB 79).

- g) *The proposed Zoning Ordinance Text Amendment is internally consistent with other applicable provisions of this Title;*

The proposed Zoning Ordinance Text Amendment is instituting changes to the Zoning Ordinance that reflect and conform with recent State law (SB 79). The purpose of the Zoning Ordinance is to promote public health, safety, comfort, and general welfare, and to enable appropriate and orderly development. More specifically, the Zoning Ordinance was adopted to provide standards for orderly growth and development of the city, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community, as well as achieve the arrangement of land uses depicted in the General Plan, consistent with the goals and policies of the General Plan. The proposed zoning text amendment will create a Transit-Oriented Development Overlay District that will specifically apply to qualifying housing projects within a half mile of qualifying transit-oriented development stops. The amendments are consistent with the Zoning Ordinance as a whole and do not create any internal inconsistencies.

- h) *The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities, to accommodate the uses and development densities or intensities allowed in the proposed new zone; and*

The proposed Zoning Map Amendment is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities, to accommodate the uses and development densities or intensities allowed in the proposed zone. The TOD Overlay would simply bring the Zoning Ordinance and Map into conformance with development density ranges into consistency with State law (SB 79). They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. The TOD Overlay would also establish residential development standards for sites that are not zoned for residential development but subject to SB 79. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District. If projects are eligible for streamlining under State law, they would still be subject to the City's Objective Design Standards.

- i) *If located within or adjacent to residential areas, the requested zone change is compatible with the character of the residential neighborhood.*

The proposed zoning map amendment would create a TOD Overlay District in the half mile areas around three transit-oriented development stops within the City. The proposed map amendment is generally compatible with the character of the residential neighborhoods. The TOD Overlay would bring the Zoning Ordinance and Map into conformance with development density ranges into consistency with State law (SB 79). They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. The TOD Overlay would also establish residential development standards for sites that are not zoned for residential development but subject to SB 79. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District. If projects are eligible for streamlining under State law, they would still be subject to the City's Objective Design Standards.

SECTION 4: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 26-008 recommending that the City Council approve Zoning Amendment No. ZA26-0002 and adopt the proposed ordinance in Exhibit 1 hereto, to create a Transit-Oriented Development (-TOD) Overlay zoning district and implement Senate Bill 79 development standards, based on the above Findings and the full record before it.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on April 8, 2026.

Parveen Gupta, Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on April 8, 2026, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Parveen Gupta				
Michael Caulkins				
Alexander Galang				
Dipak Awasthi				
Chia Ling Kong				
Dawn Brown				
Olania Castillo				

EXHIBITS

1: Draft Zoning Text and Map Amendments Ordinance

Exhibit A: Zoning Map Amendment

Exhibit 1 to Attachment A

REGULAR

NUMBER: XX.XXX

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE ZONING MAP AND MILPITAS MUNICIPAL CODE TITLE XIII, CHAPTER B.20, TO ADD THE TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT AND REGULATIONS IMPLEMENTING SENATE BILL 79 DEVELOPMENT STANDARDS.

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:

Christian Curtis, City Attorney

Exhibit 1 to Attachment A

RECITALS AND FINDINGS:

WHEREAS, Senate Bill 79 (“SB 79”) was signed on October 10, 2025, and codified as California Government Code Sections 65912.155 et seq., and states, among other things, that notwithstanding local law to the contrary, a housing development project, as defined, within a specified distance of a transit oriented development stop, as defined, is an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements, as specified; and

WHEREAS, SB 79 is anticipated to affect development near three (3) transit-oriented development stops within the Milpitas; and

WHEREAS, California Government Code Sections 65300 et seq. require each city to prepare and adopt a comprehensive, long-term general plan for the physical development of the county or city; 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, on September 2, 2025, the Milpitas City Council adopted a comprehensive update to the zoning ordinance, including the addition of a new Title XIII – Zoning to the Milpitas Municipal Code and amendments to various other sections of the Municipal Code for consistency with the updated Zoning Ordinance and amended the Zoning Map of the City of Milpitas to achieve consistency between the updated Zoning Ordinance and Zoning Map; and

WHEREAS, pursuant to the City’s General Plan and the implementing Zoning Ordinance, the following zoning districts allow residential, mixed, or commercial development: General Commercial (C2), Metro Business Park Research and Development – Limited Residential (BPRD-R-Metro), 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), Multi-Family (R3), Multi-Family Very High Density (R4), Single-Family (R1), Mixed Use (MXD), and Main Street Mixed-Use (MS-MU); and

WHEREAS, pursuant to the City’s General Plan and the implementing Zoning Ordinance, the following zoning districts are not zoned for residential, mixed, or commercial development: Heavy Industrial (M2), Institutional (I), Park and Public Open Space (POS), Business Park Research and Development (BPRD), and Metro Business Park Research and Development (BPRD-Metro). The City Council finds and determines that it is not and was not its intent to zone properties in these districts for residential, mixed, or commercial development and that any residential, mixed, or commercial use allowed in these zones is incidental and neither determinative nor reflective of the purpose for which these properties were zoned; and

WHEREAS, California Government Code Section 65912.160 provides that a local government may enact an ordinance to make its zoning code consistent with SB 79 and that such an ordinance is not considered a project subject to environmental review pursuant to Division 13

Exhibit 1 to Attachment A

(commencing with Section 21000) of the Public Resources Code (the California Environmental Quality Act or “CEQA”); and

WHEREAS, without waiving its objection to the California Legislature’s ill-conceived decision to override local control and planning, the City wishes to enact this ordinance to regulate the development that SB 79 permits; and

WHEREAS, consistent with California Government Code Section 65912.160(d), at least 14 days prior to the adoption of this ordinance, the City submitted a draft of this ordinance to the California Department of Housing and Community Development (“HCD”) and received and acted upon any feedback received from HCD; and

WHEREAS, the Planning Commission is an advisory body to the City Council; and

WHEREAS, the City Council is the final authority on General Plan, Specific Plan, and Zoning amendments, including amendments to the Land Use Map and Zoning Map; and

WHEREAS, on April 8, 2026, the Planning Commission held a duly noticed public hearing and having duly considered testimony and written materials provided recommended the adoption of this ordinance to the City Council; and

WHEREAS, on _____, the City Council held a lawfully-noticed public hearing and after considering all testimony and written materials provided in connection with that hearing introduced this ordinance and waived the reading thereof; and

WHEREAS, all prerequisites for the adoption of this ordinance 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. ZONING ORDINANCE TEXT AND MAP AMENDMENT FINDINGS (XIII-D.6.050)

The City Council makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA26-0002:

- a. The proposed Zoning Amendment is consistent with and conforms to the goals and policies of the General Plan;*

The proposed text and map amendments are specifically consistent with General Plan Policy IM 1-2, which states to require the City’s Zoning Ordinance, planning documents, master plans, infrastructure projects, and development projects to be consistent with the General Plan and State law. This zoning ordinance and map

Exhibit 1 to Attachment A

amendment will implement recent legislation (SB 79) and bring the Zoning Ordinance into conformance with state housing law. The proposed text and map amendments are also consistent with General Plan Policy LU2-3, which states to allow densities and intensities which exceed the generally allowed ranges defined by the underlying land use for projects utilizing Density Bonus provisions including bonuses for senior housing, affordable housing, and for projects within designated overlay districts, as well as General Plan Policy LU2-2, which states to continue to utilize Overlay Zoning Districts as needed to supplement land use and zoning standards with additional allowances and regulations that reflect and use and policy objectives for a particular area. The intent of SB 79 is to build more homes near transit to reduce housing and transportation costs for California families and promote environmental sustainability, economic growth, and reduce traffic congestion. Implementing the TOD Overlay District will not only bring the Zoning Ordinance into conformance with state law but also permit a greater variety of housing types in densities in areas close to major transit stops. The proposed text and map amendments are also consistent with General Plan Policy LU3-1, which states to support regional efforts that promote higher densities near major transit and travel facilities, and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit; support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit, as well as General Plan Policy LU3-2, which states to continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development objectives near the Milpitas Transit Center. The TOD Overlay District will coincide with regional efforts and conform with state law to allow higher densities near transit and specifically continue to promote housing near the Milpitas Transit Center.

- b. The proposed Zoning Amendment is consistent with and conforms to the goals and policies of any Specific Plan, if applicable;*

The proposed zoning text and map amendments are consistent with and conform to the goals and policies of the Milpitas Metro Specific Plan (Metro). The core of the Metro Plan Vision is to create a complete and unique urban neighborhood. The proposed zoning text and map amendments are specifically consistent with Metro Specific Plan Land Use Policy LU2 (Transit Orientation), which states to capitalize on the transit orientation of the Plan Area to support transit ridership, reduce traffic congestion and greenhouse gas emissions, and support livability, and LU3 (Housing Diversity and Affordability), which states to provide transit-oriented housing that is accessible and affordable for a range of household types and income levels. The TOD Overlay District will not only conform with state law to allow higher densities near

Exhibit 1 to Attachment A

transit but also specifically continue to promote a variety of housing near the Milpitas Transit Center. The proposed zoning text and map amendments are also consistent with and conform to the goals and policies of the Gateway-Main Street Specific Plan (Gateway). While the proposed zoning map and text amendment would only affect the southern end (South of O'Toole Elms Park to Curtis Avenue) of the Main Street District, South Railyards District, Elmwood District, and the Curtis neighborhood of the Gateway Plan, the TOD Overlay District will help implement the Plan's vision of Main Street as a walkable, mixed-use urban village accessible from the surrounding community. One of the guiding principles of the Gateway Plan is to integrate a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller unit homes, live-work, senior housing, and affordable housing. The TOD Overlay District will allow higher densities near the Great Mall Light Rail Station, which will continue to facilitate a variety of housing types at different affordability levels near transit.

- c. The proposed Zoning Amendment will not be detrimental to the public interest, health, safety, convenience, and general welfare;*

The proposed zoning text and map amendments will not be detrimental to the public interest, health, safety, convenience, and general welfare, because the action would allow varying residential densities in the TOD Overlay District that are consistent with State law and bring the overall Zoning Ordinance into conformance with State law. They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District.

- d. The proposed Zoning Amendment is in compliance with the provisions of California Environmental Quality Act;*

The proposed zoning text and map amendments are not a project under CEQA pursuant to Government Code Section 65912.160(c)(2). Adoption of the ordinance is a statutory implementation action.

- e. 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*

Exhibit 1 to Attachment A

available sites with an equal or greater density so that there is no net loss in residential density;

This finding is not applicable. The zoning text and map amendments are not reducing residential density.

- f. The proposed Zoning Amendment would not result in a net loss of potential housing units;*

The proposed Zoning Amendment would not result in a net loss of potential housing, as the Project amends the Zoning Ordinance to allow for qualifying housing projects in transit-oriented development zones pursuant to State law (SB 79).

- g. The proposed Zoning Ordinance Text Amendment is internally consistent with other applicable provisions of this Title;*

The proposed Zoning Ordinance Text Amendment is instituting changes to the Zoning Ordinance that reflect and conform with recent State law (SB 79). The purpose of the Zoning Ordinance is to promote public health, safety, comfort, and general welfare, and to enable appropriate and orderly development. More specifically, the Zoning Ordinance was adopted to provide standards for orderly growth and development of the city, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community, as well as achieve the arrangement of land uses depicted in the General Plan, consistent with the goals and policies of the General Plan. The proposed zoning text amendment will create a Transit-Oriented Development Overlay District that will specifically apply to qualifying housing projects within a half mile of qualifying transit-oriented development stops. The amendments are consistent with the Zoning Ordinance as a whole and do not create any internal inconsistencies.

- h. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities, to accommodate the uses and development densities or intensities allowed in the proposed new zone; and*

The proposed Zoning Map Amendment is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities, to accommodate the uses and development densities or intensities allowed in the proposed zone. The TOD Overlay would simply bring the Zoning Ordinance and Map into conformance with

Exhibit 1 to Attachment A

development density ranges into consistency with State law (SB 79). They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. The TOD Overlay would also establish residential development standards for sites that are not zoned for residential development but subject to SB 79. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District. If the projects are eligible for streamlining under State law, they would still be subject to the City's Objective Design Standards.

- i. If located within or adjacent to residential areas, the requested zone change is compatible with the character of the residential neighborhood.*

The proposed zoning map amendment would create a TOD Overlay District in the half mile areas around three transit-oriented development stops within the City. The proposed map amendment is generally compatible with the character of the residential neighborhoods. The TOD Overlay would bring the Zoning Ordinance and Map into conformance with development density ranges into consistency with State law (SB 79). They would help facilitate new, higher density and transit-oriented development in appropriate areas, which would serve to advance numerous City goals related to community design, environment, and economic development. The TOD Overlay would also establish residential development standards for sites that are not zoned for residential development but subject to SB 79. Moreover, the City retains authority through any future discretionary approvals to address project-specific health, safety, and welfare concerns in the TOD Overlay District. If the projects are eligible for streamlining under State law, they would still be subject to the City's Objective Design Standards.

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XIII, CHAPTER B.20

Title XIII, Chapter B.20 of the Milpitas Municipal Code is hereby amended to add Section B.20.040 Transit-Oriented Development Overlay Zone and reads as follows:

- A. Purpose.** The Transit-Oriented Development (TOD) Overlay Zone implements California Government Code Sections 65912.155 et seq., herein referred to as Senate Bill 79 (SB 79).
- B. Applicability.** The TOD Overlay Zone is applicable to any zoning district on lands that are within one-half mile from a transit-oriented development stop, as defined by Section 21064.3 of the California Public Resources Code. This Section is only applicable so long as SB 79 is operative and effective and shall thereafter be of no force or effect, including if transit-oriented housing development projects are no longer required by applicable

Exhibit 1 to Attachment A

state law to be an allowed use on sites zoned for residential, mixed, or commercial use within the TOD Overlay Zone.

C. Definitions. The following definitions included in California Government Code Section 65912.156 are incorporated herein by reference and shall be applied to this Section only:

1. Housing Development Project;
2. Residential Floor Area Ratio;
3. Tier 1 Transit-Oriented Development Stop;
4. Tier 2 Transit-Oriented Development Stop;
5. Transit-Oriented Development Stop; and
6. Transit-Oriented Development Zone.

Additional definitions provided in California Government Code Section 65912.156 are not directly incorporated in this Section but may be referenced as applicable to this Section only.

The following additional definitions, which do not appear in California Government Code Section 65912.156, also apply to this Section only:

“Transit-oriented housing development project” shall mean housing development projects allowed pursuant to California Government Code Section 65912.157.

D. Permitted, Accessory, and Conditionally Permitted Uses. Notwithstanding anything to the contrary in this Section, the permitted, accessory, and conditional uses allowed within the TOD Overlay Zone are the same uses as allowed within the underlying base zones, except as otherwise required by SB 79.

E. Tier 1 and Tier 2 Transit-Oriented Development Stops

1. The following Tier 1 TOD stops are located within the City of Milpitas:
 - a. Milpitas BART Station
2. The following Tier 2 TOD stops are located within the City of Milpitas:
 - a. Great Mall VTA Light Rail Station
 - b. Alder Light VTA Rail Station

F. Development Standards. The development standards for the underlying base zoning district shall apply, except as modified below:

1. A housing development project shall be an allowed use as a transit-oriented housing development project on any site zoned for residential, mixed, or commercial development within one-half or one-quarter mile of a transit-oriented development stop, if the development complies with the following requirements in addition to all otherwise applicable laws:

Exhibit 1 to Attachment A

- a. Includes at least five dwelling units.
- b. The average total area of floor space for the proposed units in the transit-oriented housing development project does not exceed 1,750 net habitable square feet.
- c. For a transit-oriented housing development project within one-quarter mile of a Tier 1 transit-oriented development stop, all of the following apply, unless otherwise permitted under the applicable Specific Plan:
 - (i) Max height: 75 feet
 - (ii) Min Density: 40 du/acre; Max density: 120 du/acre
 - (iii) Residential floor area ratio max: 3.5
 - (iv) Follow all other development standards as specified for the R4-Metro zoning district.
- d. For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 1 transit-oriented stop, all of the following apply, unless otherwise permitted under the applicable Specific Plan:
 - (i) Max height: 65 feet
 - (ii) Min Density: 40 du/acre; Max density: 100 du/acre
 - (iii) Residential floor area ratio max: 3
 - (iv) Follow all other development standards as specified for the R4-Metro zoning district.
- e. For a transit-oriented housing development project within one-quarter mile of a Tier 2 transit-oriented development stop, all of the following apply, unless otherwise permitted under the applicable Specific Plan:
 - (i) Max height: 65 feet
 - (ii) Min Density: 40 du/acre; Max density 100 du/acre
 - (iii) Residential floor area ratio max: 3
 - (iv) Follow all other development standards as specified for the R4-Metro zoning district.
- f. For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 2 transit-oriented development stop, all of the following apply, unless otherwise permitted under the applicable Specific Plan:

Exhibit 1 to Attachment A

- (i) Max height: 55 feet
 - (ii) Min Density: 40 du/acre; Max density 80 du/acre
 - (iii) Residential floor area max: 2.5
 - (iv) Follow all other development standards as specified under the R4-Metro zoning districts.
 - g. Areas zoned R1-6: For a qualifying transit-oriented housing development project within the R1 zoning district, the following apply:
 - (i) Include at least five dwelling units; and
 - (ii) Max height: See Tier 1 or 2 standards
 - (iii) Min density: 30 du/acre; Max: See Tier 1 or 2 standards.
 - (iv) Follow all other development standards as specified under the R4 zoning district.
 - h. Adjacency Bonus: A transit-oriented housing development project that is immediately adjacent to a transit-oriented development stop (200 feet proximity) shall be eligible for an adjacency intensifier to:
 - (i) Increase the height limit by an additional 20 feet; and
 - (ii) Increase the maximum density by an additional 40 du/acre
 - (iii) Increase the residential floor area ratio by 1
2. For the purposes of this Section, the distance of a transit-oriented housing development project from a transit-oriented development stop shall be measured in a straight line from the nearest edge of the parcel containing the proposed project to a pedestrian access point for the transit-oriented development stop.
 3. Transit-oriented housing development projects shall not be located on either of the following:
 - a. A site containing more than two units where the development would require the demolition of housing that is subject to any form of rent or price control that has been occupied by tenants within the past seven years.
 - b. A site that was previously used for more than two units of housing that were demolished within seven years before the development proponent submits an application under this Section and any of the units were subject to any form of rent or price control.
 4. Transit-oriented housing development projects proposed pursuant to this Section shall meet the labor standards of subparagraphs (A), (B), (C), (D), (F) and (G) of

Exhibit 1 to Attachment A

paragraph (8) of subdivision (a) of California Government Code Section 65913.4 for any building over 85 feet in height.

G. Additional Requirements. Transit-oriented housing development projects allowed pursuant to this Section remain subject to local requirements otherwise applicable to housing development projects, including but not limited to:

1. Development plans must be approved pursuant to all applicable design review procedures under Chapter C.2 (General Development Standards), including the Milpitas Residential and Mixed-Use Objective Design Standards.
2. Developments proposing to remove protected trees shall comply with Milpitas Municipal Code Section X-2-7.01 (Existing Trees Protected).
3. All applicable projects must comply with the affordable housing requirements in Milpitas Municipal Code Chapter XII-1 (Affordable Housing Ordinance).
4. Developments proposing to utilize State Density Bonus Law shall comply with the procedures in Chapter C.12 (Density Bonus for Affordable Housing Developments).
 - a. Developments under this Section shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios pursuant to California Government Code Section 65915, using the density allowed under this Section as the base density. If the development proposes a height under this Section in excess of the height limit, then the City shall not be required to grant the waiver, incentive, or concession pursuant to California Government Code Section 65915 for additional height beyond specified in this Section.
 - b. A development shall be eligible for the following additional concessions, if it meets the applicable density thresholds specified:
 - (i) For a development providing housing for extremely low income households, three additional concessions.
 - (ii) For a development providing housing for very low income households, two additional concessions.
 - (iii) For a development providing housing for low-income households, one additional concession.
 - (iv) To qualify for these additional concessions, the development must meet the following applicable density thresholds:
 - a. For a transit-oriented housing development project within one-quarter mile of a Tier 1 transit-oriented development stop achieve a minimum density of 90 du/acre.

Exhibit 1 to Attachment A

- b. For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 1 transit-oriented stop, achieve a minimum density of 75 du/acre.
 - c. For a transit-oriented housing development project within one-quarter mile of a Tier 2 transit-oriented development stop, achieve a minimum density of 75 du/acre.
 - d. For a transit-oriented housing development project further than one-quarter mile but within one-half mile of a Tier 2 transit-oriented development stop, achieve a minimum density of 60 du/acre.
- 5. Developments shall comply with all applicable development impact fees.
- 6. Developments proposing subdivision of land shall comply with Milpitas Subdivision Ordinance (Title XI, Chapter 1).
- 7. Developments shall comply with California Government Code Section 66300.6, including any local requirements or processes implementing the provisions of Section 66300.6.
- 8. Developments shall comply with any applicable local demolition and anti-displacement standards established through a local ordinance pursuant to California Government Code Section 65912.157(f) and Title XII (Housing).
- 9. All standards otherwise applicable under this Title, the General Plan, and any applicable Specific Plan, Planned Use Development, or Development Agreement.

H. Affordability Provisions. A housing development proposed pursuant to this Section shall include on-site housing for lower income households by complying with one of the following requirements:

- 1. Any of the following:
 - a. At least 7 percent of the total units are dedicated to extremely low income households, as defined in Section 50106 of the California Health and Safety Code.
 - b. At least 10 percent of the total units are dedicated to very low income households, as defined in Section 50105 of the California Health and Safety Code.
 - c. At least 13 percent of the total units are dedicated to lower income households, as defined in Section 50079.5 of the California Health and Safety Code.
- 2. This Subsection shall not apply to any development of 10 units or less.

Exhibit 1 to Attachment A

3. All units dedicated to extremely low income, very low income, and low-income households pursuant to the above section shall meet both of the following:
 - a. The units shall have an affordable housing cost, as defined in Government Code Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Government Code Section 50053 of the Health and Safety Code.
 - b. The development proponent shall agree to the continued affordability of all affordable rental units included pursuant to this section for 55 years and all affordable ownership units included pursuant to this section for a period of 45 years.
4. If the City of Milpitas's inclusionary housing requirement in Milpitas Municipal Code Chapter XII-1 (Affordable Housing Ordinance) mandates a higher percentage of affordable units or a deeper affordability than that described above, then the City's inclusionary housing requirement mandate shall apply in addition to the requirements above.

I. Streamlining Incentives.

1. A housing development project proposed pursuant to this Section shall be eligible for streamlined ministerial approval pursuant to California Government Code Section 65913.4 in accordance with all of the following:
 - a. The proposed project shall be exempt from subparagraph (A) of paragraph (4) of, and paragraph (5) of, subdivision (a) of California Government Code Section 65913.4.
 - b. The proposed project shall comply with the affordability requirements in subclauses (I) to (III), inclusive of clause (i) of subparagraph (B) of paragraph (4) of subdivision (a) of California Government Code Section 65913.4.
 - c. The proposed project shall comply with all other requirements of Government Code Section 65913.4, including, but not limited to, the prohibition against a site that is within a very high fire hazard severity zone, pursuant to subparagraph (D) of paragraph (6) of subdivision (a) of California Government Code Section 65913.4.
2. Any housing development proposed pursuant to this Section not seeking streamlined approval under California Government Code Section 65913.4 shall be reviewed according to the City's of Milpitas's development review process and California Government Code Section 65589.5, except that any zoning standard that conflicts with the requirements of this Section shall not apply.

SECTION 4. AMENDMENT OF THE ZONING MAP OF THE CITY OF MILPITAS

Exhibit 1 to Attachment A

The Zoning Map of the City of Milpitas, as amended, which was adopted as part of Ordinance No. 38.858, enacted as Title XIII, Chapter A, Section 2.060 of the Milpitas Municipal Code (“Zoning Map”), is hereby amended by rezoning the land use designation of only those parcels depicted within the depicted map as attached hereto as **Exhibit A**.

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds, pursuant to Government Code Section 65912.160(c)(2), the provisions of this Ordinance do not constitute a project and therefore are statutorily exempt from the California Environmental Quality Act.

SECTION 6. 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 7. 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.

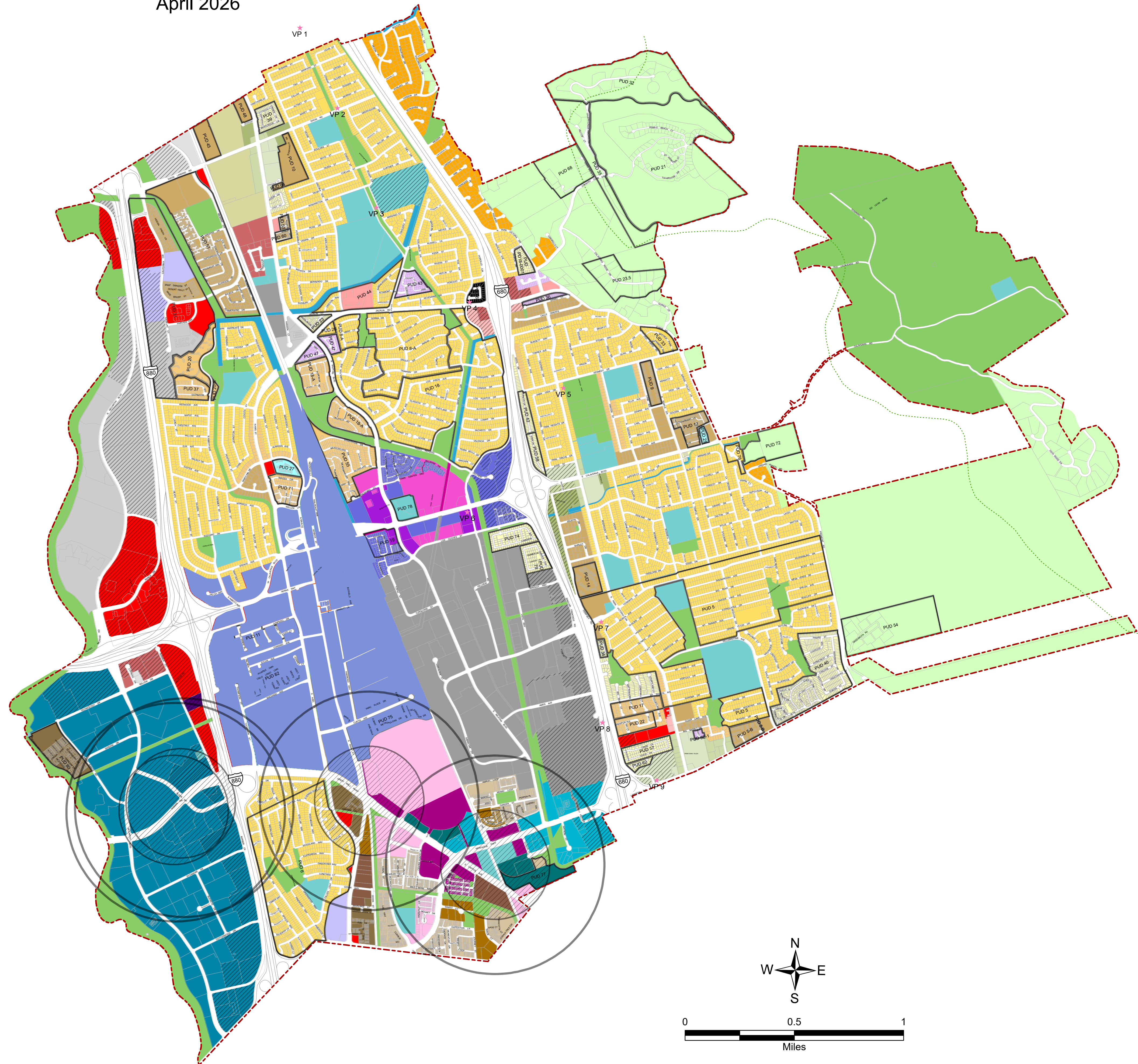
Exhibit 1 to Attachment A

Exhibit A: Zoning Map Amendment

CITY OF MILPITAS

ZONING MAP

April 2026



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)
- See Milpitas Gateway-Main St. Specific Plan for zones

Overlay

- Freeway Corridor Overlay (FC)

Transit Buffer Half Mile

SB-79

1/4 Mile

1/2 Mile

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

Planning Commission

MEETING MINUTES

7:00pm

MARCH 25, 2026

CITY COUNCIL CHAMBERS,
455 E CALAVERAS BLVD, MILPITAS, CA
and
via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Chair Gupta called the meeting to order at 7:01 pm.

PLEDGE OF ALLEGIANCE

Commissioner Castillo led the pledge of allegiance.

ROLL CALL

Recording Secretary Medina called the roll.

PRESENT: Chair Gupta, Galang, Caulkins, and Castillo.

ABSENT: Awasthi, Brown, and Kong

STAFF: Jay Lee, Christopher Creech, Lyhak Eam, and Elizabeth Medina.

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

Assistant City Attorney Christopher Creech asked if any member of the commission had any personal or financial conflict of interest related to any of the items on the agenda, and there were none.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for March 25, 2026.

Motion/Second Galang/Castillo

Motion carried by a vote of AYES: 4 NOES: 0

APPROVAL OF THE MEETING MINUTES

By motion, approve the meeting minutes for November 19, 2025, and February 11, 2026.

Motion/Second Caulkins/Castillo

Motion carried by a vote of AYES: 4 NOES: 0

ANNOUNCEMENTS

Recording Secretary Medina announced that the City will host a Commissioners' Recognition Celebration on Thursday, April 16 at 6:00 p.m. at the Milpitas Community Center. Commissioners who served in 2025 will be recognized for their service.

PUBLIC FORUM

Chair Gupta invited members of the public to address the commission, and there were none.

PUBLIC HEARING

IX-1 CAPITAL IMPROVEMENT PROGRAM (CIP) GENERAL PLAN CONFORMITY FINDING: A City-initiated request to consider a General Plan conformity finding for the proposed 2027-2031 CIP Annual Report in accordance with California Government Code Section 65401. This project is exempt from further CEQA review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

(29:03) City Staff Lyhak Eam, Public Works-Engineering Division Manager, and Michael Silveira, City Engineer, addressed commissioners' clarifying questions on various topics.

The Commission reviewed the proposed five-year Capital Improvement Program (CIP). Staff presented an overview of funding, noting that the first year is fully funded, while future years include an estimated funding shortfall. Staff indicated that funding sources may vary and will be re-evaluated annually, with potential support from grants, developer fees, and other revenues.

Commissioners asked questions regarding long-term funding strategies, projected expenditures, and variances across fiscal years. Staff explained that higher costs in certain years are due to the scheduling of large infrastructure projects and that some projects may require future financing or bonding.

Discussion also addressed the distinction between projects that advance General Plan goals and those that meet operational or maintenance needs. Staff clarified that the CIP primarily focuses on maintaining and improving infrastructure, while remaining consistent with, but not solely driven by, the General Plan.

The Commission inquired about public outreach and engagement. Staff noted that the CIP is developed internally with input from departments and City Council direction, and is presented in public forums, including study sessions, where community members may provide input.

Additional discussion topics included wastewater facility improvements, regional cost-sharing obligations, odor concerns related to external facilities, and project cost estimation methodologies. Staff explained that project costs include construction, design, staff time, and other associated expenses, and are influenced by market conditions and regulatory requirements such as prevailing wage laws.

Staff also described the competitive bidding process for CIP projects, noting that contracts are awarded to the lowest responsive and responsible bidder and ultimately approved by the City Council.

No public comments were received on this item.

Chair Gupta closed the Public Forum.

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 26-006, finding that the Proposed 2027-2031 Capital Improvement Program is in conformance with the City of Milpitas General Plan.

Motion/Second Caulkins/Galang
Motion carried by a vote of AYES: 4 NOES: 0

NEW BUSINESS

NO ITEMS.

ADJOURNMENT

Chair Gupta adjourned the meeting at 8:03 pm

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina