



**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
<p><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.</p>	<p>Consistent. This zoning ordinance and map amendment will implement recent legislation (SB 79) and bring the Zoning Ordinance into conformance with state housing law.</p>
<p><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.</p>	<p>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.</p>
<p><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.</p>	<p>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.</p>

<p>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.</p>	<p>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.</p>
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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
<p>Metro Specific Plan Land Use Policy LU2: Capitalize on the transit orientation of the Plan Area to support transit ridership, reduce traffic congestion and greenhouse gas emissions, and support livability.</p>	<p>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.</p>
<p>Metro Specific Plan Land Use Policy LU3: Provide transit-oriented housing that is accessible and affordable for a range of household types and income levels.</p>	<p>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.</p>
<p>Gateway-Main Street Specific Plan Guiding Principle: 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.</p>	<p>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</p>

	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 22, 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

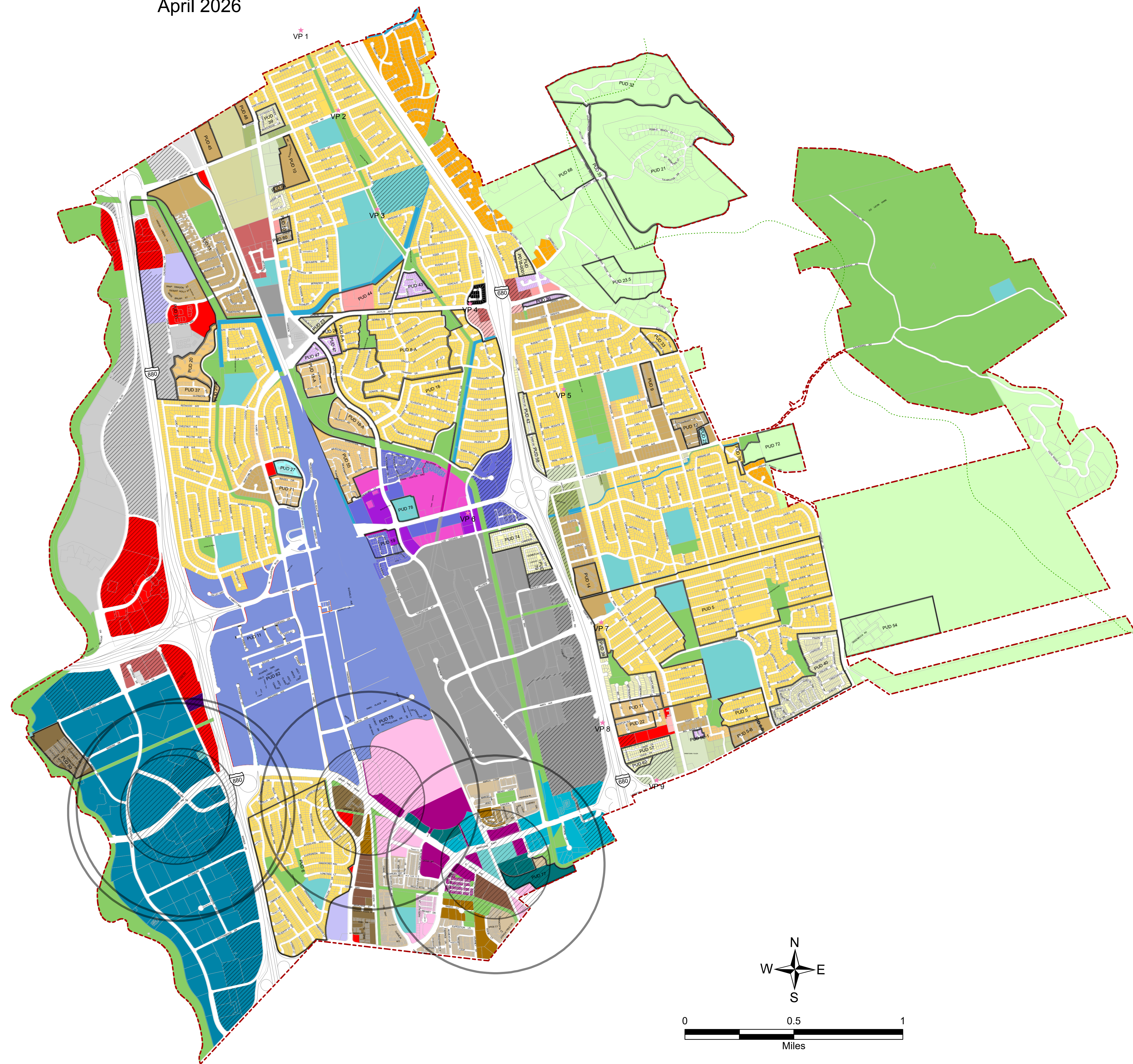
In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The City Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

Exhibit 1 to Attachment A

Exhibit A: Zoning Map Amendment

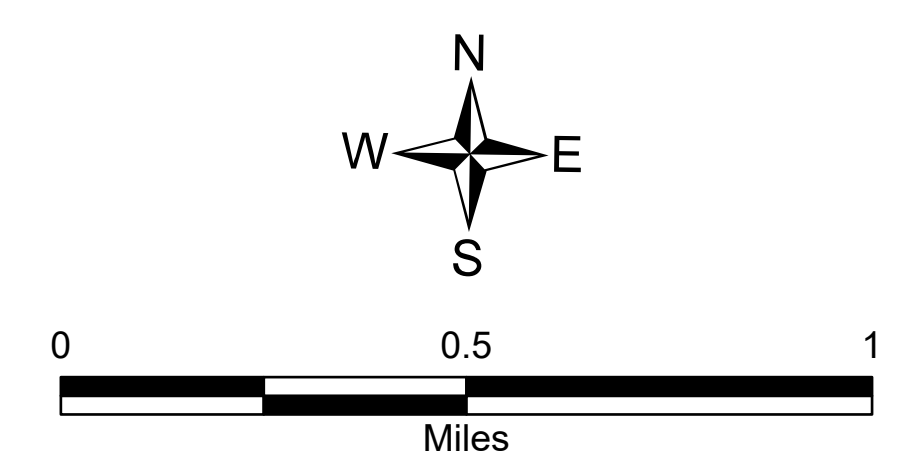
CITY OF MILPITAS ZONING MAP

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

APRIL 8, 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 Brown led the pledge of allegiance.
ROLL CALL	Recording Secretary Medina called the roll. PRESENT: Chair Gupta, Vice Chair Kong, Awasthi, Caulkins, Brown, and Castillo. ABSENT: Galang STAFF: Jay Lee, Christopher Creech, Randy Baez, 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. Commissioner Calkins disclosed a conflict of interest with Agenda Item <i>IX-1, SITE DEVELOPMENT AMENDMENT – 1321 TERRA VISTA COURT – P-SA25-0003</i> , due to the proximity of the property. Assistant Attorney Creech recommended recusal to avoid any appearance of impropriety. Commissioner Calkins agreed and will step off the dais when the item is called. No further conflicts were reported.
APPROVAL OF THE MEETING AGENDA	By motion, approve the meeting agenda for April 8, 2026. Motion/Second Caulkins/Awasthi Motion carried by a vote of AYES: 6 NOES: 0
APPROVAL OF THE MEETING MINUTES	By motion, approve the meeting minutes for March 25, 2026. Motion/Second Caulkins/Castillo Motion carried by a vote of AYES: 3 ABSTAIN: 3 (Brown, Awasthi, Kong) <i>*Motion Failed.</i> Motion/Second Caulkins/Castillo Motion carried by a vote of AYES: 4 ABSTAIN: 2 (Awasthi, Kong)
ANNOUNCEMENTS	Appreciation was expressed by Commissioner Awasthi to Assistant Attorney Creech for attending the meeting virtually while on vacation. Director Lee reminded the Commission that the next regular Planning Commission meeting is scheduled for April 22. Additionally, a reminder was provided regarding the upcoming Commissioners' Recognition Dinner next Thursday, including RSVP details and guest allowance.
PUBLIC FORUM	Chair Gupta invited members of the public to address the commission, and there were none.

PUBLIC HEARING

IX-1 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).

(42:47) Project Planner Randy Baez and applicant team addressed commissioners' clarifying questions on various topics.

The Commission discussed the proposed project, focusing on the detached ADU, grading, fence design, crestline visibility, and PUD standards. Staff clarified that the detached ADU is exempt and will be reviewed separately through a ministerial process, and should not factor into the current decision. Commissioners also discussed grading impacts on the steep site, with staff explaining the balance between minimizing visual impacts and necessary grading due to topography. Additional discussion addressed fence design, including materials, height, and transparency requirements, with clarification that deviations could be approved at the Commission's discretion.

No public comments were received.

Chair Gupta closed the Public Forum.

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

Motion/Second Gupta/Awasthi

Motion carried by a vote of AYES: 5 ABSTAIN: 1 (Caulkins)

IX-2 ZONING MAP AND TEXT AMENDMENT FOR SB79 – CITYWIDE – P-ZA26-0002: A City-initiated Zoning Text and Map Amendment to amend Title XIII (Zoning) to create a Transit-Oriented Development Overlay district designating areas eligible for Senate Bill 79 (SB 79) height and density standards. The proposed zoning map and text amendments are statutorily exempt from the California Environmental Quality Act under Government Code Section 65912.160(c)(2) (SB 79).

Project Manager: Lillian VanHua, Principal Planner, lvanhua@milpitas.gov

Recommendation: Staff recommends that this item be moved to a date certain, being April 22, 2026.

NEW BUSINESS

NO ITEMS.

ADJOURNMENT

Chair Gupta adjourned the meeting at 8:16 pm

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina