



# Development Review

## HANDBOOK

Step-by-Step Guides,  
Tools, and Resources to help  
navigate the Development  
Review Process of Milpitas





## City of Milpitas Development Review Handbook

[www.ci.milpitas.ca.gov/planningdepartment/](http://www.ci.milpitas.ca.gov/planningdepartment/)  
455 East Calaveras Blvd. Milpitas, CA 95035



Prepared for the City of Milpitas by  
Metta Urban Design  
Published 2022

## TABLE OF CONTENTS

### Section I: Introduction

pg. 5	Purpose and Intent
pg. 6	How to Use this Guide
pg. 7	Types of Permits & Review
pg. 10	Complex & Simple Projects
pg. 12	Project Timelines
pg. 13	Permitting & CEQA
pg. 14	City Resources & Contacts

### Section II: Development Review Process

pg. 17	Overview
pg. 18	Process at a Glance <i>Steps of the Development Review Process</i>
pg. 20	Step 1: Pre-Application Meeting
pg. 22	Step 2: Plan Review
pg. 24	Step 3: Noticing & Decision Making
pg. 28	Step 4: Permitting
pg. 30	Step 5: Construction

### Section III: Roles & Responsibilities

pg. 33	Overview of Key Players
pg. 34	Applicant
pg. 36	Planning Staff
pg. 38	City Departments
pg. 41	The Community
pg. 42	Decision Makers

### Section IV: Intro to Planning & Codes

pg. 46	Introduction to Planning
pg. 48	Introduction to Zoning
pg. 52	Understanding the Zoning Code <i>Planning with the Environment</i>
pg. 54	CEQA
pg. 56	Site Conditions & Trees
pg. 58	Stormwater & Flood Zones
pg. 60	Building Codes & ADUs

### Appendix

pg. 63	Checklists
pg. 66	Building Permit Resources
pg. 70	Project Tracker

# Section I: Introduction

Section I will orient you to the organization and format of the Development Review Handbook, including icons and interactive elements that will help you use the Handbook effectively. Section I will also introduce the key concepts and types of development review you should understand before continuing to the rest of the Handbook, which explains the development review process in detail.

## PURPOSE AND INTENT

Getting a permit from the City can seem like a daunting task if you don't know where to start! The goal of this Handbook is to provide you with a general understanding of the entire process of getting a permit so that you know what to expect at each step of the process. This will streamline the review process and save you time and resources.

### WHAT IS THE DEVELOPMENT REVIEW PROCESS?

The Development Review Process is every step that applicants go through in order to receive all the planning, building, engineering, and fire permits needed to build their project. It is important to understand this process to better plan ahead, manage expectations, and do your part in getting through each step.

### WHO SHOULD READ THE HANDBOOK?

The Handbook is intended to serve as a guide for Homeowners, Developers, City Staff, Decisions Makers, and our Community as each play a crucial role in the process. Anyone who is interested in making changes to their property needs to understand what is expected of them throughout the process in order to avoid delays and extra costs. In this guide, you will learn how to navigate each step of the process, who the key participants are, and what City Staff and Decision Makers are looking for while reviewing your project.



### Handbook Organization:

#### 1. Introduction

- Overview
- Types of Permits & Review
- Timelines & Environmental Review
- Resources

#### 2. The Development Review Process

- Overview of the Process
- 5 Process Steps in Detail

#### 3. Roles and Responsibilities

#### 4. Policies and Regulations

- Introduction to Planning & Zoning
- Planning with the Environment

#### 5. Appendix

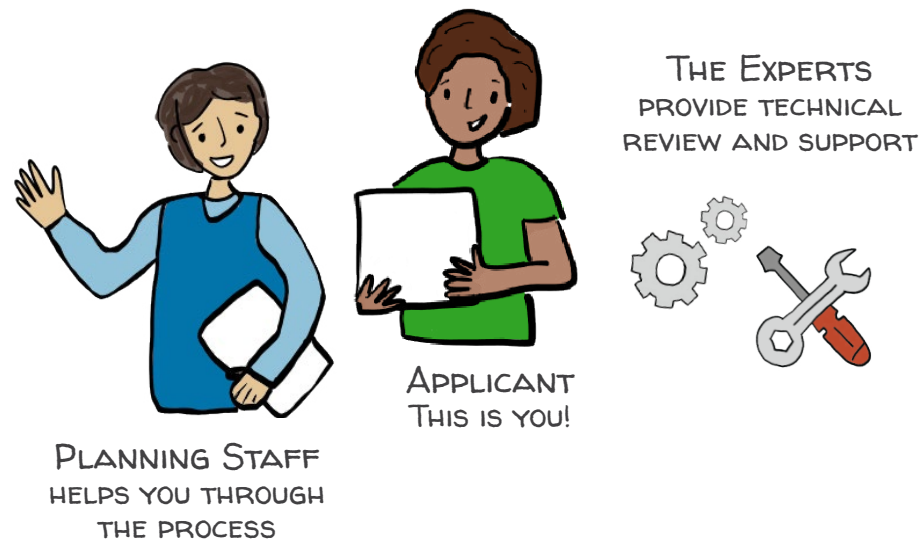
- Checklists & Project Tracker

## HOW TO USE THIS GUIDE

This guide should be used as a starting point for understanding the Development Review Process, which can be complex and vary significantly depending on your project.

The Handbook identifies key topics the applicant should understand in order to successfully move through the process. The Handbook also identifies potential pitfalls, common mistakes, and complicating factors that may prolong the review process or lead to a denial of the project.

Keep an eye out for the following icons to direct your attention to key aspects of the process:



### HELPFUL GUIDES WITHIN THE HANDBOOK:



This icon highlights key terms on specific topics within the Development Review Process.



Sometimes an environmental review, known as CEQA, is required for a project. This icon indicates when to consider CEQA in your application.



This icon points out topics that often require a discussion with Planning Staff, and is a reminder to ask for help.



If viewing this document digitally, click on this icon to open the corresponding webpage on your web browser.



If viewing a digital version of this document, click on this icon to "jump" to another page with more information.

## TYPES OF PERMITS & REVIEW

### TYPES OF PERMITS

A permit is documentation from the City that you can proceed with your construction project. There are many types of permits, however there are two main categories:

#### Planning and Building Permits.

- **Planning Permits** require a nuanced review, sometimes requiring public hearings and environmental review. You first need Planning approval of the project design before proceeding with Building approval.
- **Building Permits** are more straightforward with little room to deviate from the standards required by the City. Building approval ensures the project is built correctly to the city code for safety.

**Engineering Permits** (e.g., Encroachment Permits for off-site improvements) and **Fire Permits** (e.g., Fire Sprinkler and Fire Alarm Permits) may also be required during the Building Review phase of the project.

### TYPES OF REVIEW

Most "complex projects" require approval from both Planning and Building Department reviews prior to construction. This means you will need to receive a Planning permit and all permits required during the Building Review phase, including Building, Engineering, and Fire Permits.

More details on Complex Projects and Planning and Building Review are highlighted on the following pages.



#### Planning Review: DESIGN

Focuses on design, minimizing impacts to surrounding neighborhoods, and implementing the community's vision for the City.



#### Building Review: ENGINEERING DESIGN & CONSTRUCTION

Ensures safe construction.





## PLANNING REVIEW

**Planning Review** involves reviewing applications to ensure the proposed project is consistent with adopted planning documents and regulations, including the Milpitas General Plan, Specific Plans, and the Zoning Ordinance for permit approvals.

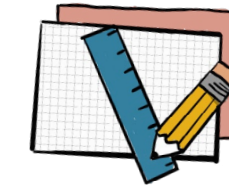
The main types of Planning Permits for complex projects include a use permit, site development permit, tentative map, and variance. Reviewing projects for consistency with planning documents and regulations ensures that the City evolves over time in a way that is in alignment with the community values and City policies.

### ENTITLEMENT

In Permit Applications and Planning Documents, you will often see the word “entitlement.” An entitlement is the approval from Planning to develop your property for a desired purpose. Development approvals may be required if you are building a new building, expanding or making changes to an existing building, or changing how you use an existing property.

TABLE 1: PLANNING PERMITS FOR DESIGN PROJECTS

<b>USE PERMIT</b>	<b>Allows properties to be developed with land uses not otherwise permitted within the particular zoning district.</b> Required for when you are changing use of the land.
<b>SITE DEVELOPMENT</b>	<b>Allows for the physical improvement of a site.</b> Required for new buildings and structures, grading, and other site improvements such as parking lot modifications, drainage and street improvements, and landscaping.
<b>TENTATIVE MAP</b>	<b>Allows for the division of land to develop and potentially sell each resulting parcel individually.</b> A Tentative Map shows the design and improvement of a proposed subdivision and the existing condition on and around it.
<b>VARIANCE</b>	Sometimes sites have special physical conditions which make application of certain zoning standards overly burdensome. In situations like this, <b>an exception from a physical standard of development can be granted to allow minor deviations from the Zoning Ordinance.</b>



## BUILDING REVIEW

**Building Review** ensure plans demonstrate that the built project will be “up to code” to ensure the health, safety and welfare of the City of Milpitas citizens. Minimum standards are defined by building codes, engineering standards, state law and other City policies.

**Building permits** relate to the construction of buildings or parts of buildings, including additions, new construction, or remodels, including upgrades to building systems, such as structural, electrical, mechanical, or plumbing projects.

**Engineering Permits** (e.g., Encroachment Permits for off-site improvements) and **Fire Permits** (e.g., Fire Sprinkler and Fire Alarm Permits) may also be required during the Building Review phase of the project.


 **If you are uncertain whether your project requires both planning and building review, ask a Planner!**

TABLE 2: BUILDING PERMITS FOR CONSTRUCTION PROJECTS

*The following is a sampling of different types of building permits. This list is not complete with all types of building permits.*

<b>BUILDING</b>	<ul style="list-style-type: none"> <li>Residential Bathroom Remodel</li> <li>Existing Fireplace Reconstruction</li> <li>Kitchen Remodel</li> <li>Re-Roof</li> <li>Skylight Installation</li> <li>Swimming Pool Removal</li> <li>Photovoltaic (Solar) Panel Installation</li> </ul>
<b>MECHANICAL</b>	<ul style="list-style-type: none"> <li>Air Conditioning (No Electrical Upgrade)</li> <li>Air Conditioning &amp; Electrical Upgrade</li> <li>Furnace (With new or repaired gas line)</li> </ul>
<b>ELECTRICAL</b>	<ul style="list-style-type: none"> <li>New Electrical Service Panel</li> <li>Temporary Power Pole</li> <li>Electrical Lights, Switches, or Receptacles (no electrical upgrades)</li> <li>Electrical Lights, Switches, or Receptacles</li> <li>Electrical vehicle charging System (ventilation not required)</li> <li>Electrical vehicle charging System (ventilation required)</li> <li>Photovoltaic (Solar) Panel Installation</li> </ul>
<b>PLUMBING</b>	<ul style="list-style-type: none"> <li>Irrigation Sprinklers</li> <li>Sewer Line</li> <li>Water Heater</li> <li>Water Piping</li> <li>Water Service Line</li> </ul>

More information on Building Permits can be found in the Appendix: Pages 66-69 

# COMPLEX PROJECTS

Complex Projects are the focus of the Handbook and are subject to the full Development Review Process. Complex Projects include multi-step approvals for permits through:

- Departmental Reviews
- Environmental Impact Review (CEQA) 
- A Public Hearing

'COMPLEX PROJECTS' THAT REQUIRE THE DEVELOPMENT REVIEW PROCESS MAY INCLUDE...

- Remodeling a home or a commercial space
- Building a new home
- Building a larger development

This Handbook is your first step towards understanding the Development Review Process for Complex Projects. The following sections of this handbook provide more information regarding the process, key players, and review criteria that apply to your project depending on your project scope.



DETAILED IN SECTION II

Follow the steps in Section II for a detailed overview of Complex Permits and the Development Review Process.

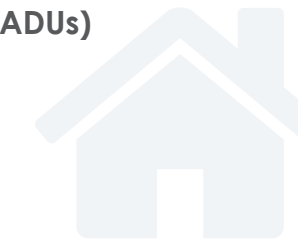
# SIMPLE PROJECTS

Simple Projects are different from Complex Projects, as Simple Projects do not require an applicant to go through the full Development Review Process. Because Simple Projects are smaller in scope, they can be administratively approved by City staff without a public hearing and are not subject to an environmental review.

SOME EXAMPLES OF 'SIMPLE PROJECTS':

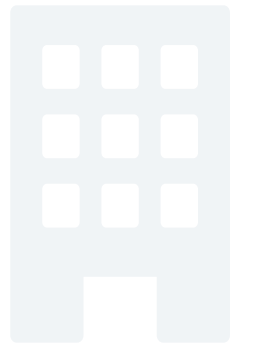
## RESIDENTIAL

- Single Story Addition/Remodel
- Garage Conversion/Remodel
- Accessory Dwelling Units (ADUs)
- Fences & Pools
- Re-Roofing
- Interior Renovations



## COMMERCIAL/INDUSTRIAL

- Interior Alterations/Modifications for Office, Retail, and Restaurants
- Tenant Improvement Projects
- Demolition Projects
- Small monument signs
- Hazardous waste storage



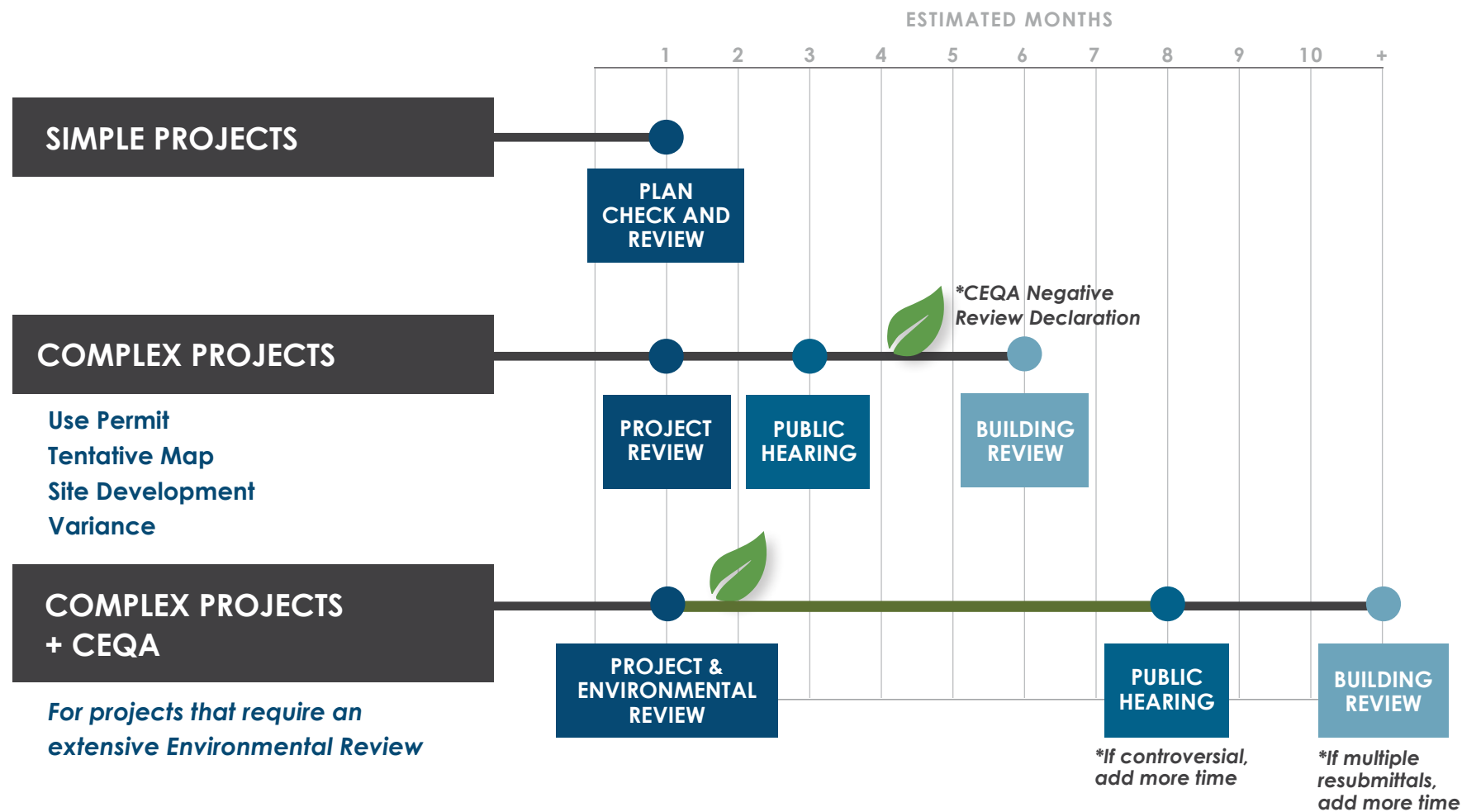
For more information on Simple Project Permitting & Review and more examples of "Simple Projects" - jump to Appendix: Building Permits; on Pages 66-69 to better understand the process and how this will apply to your project, permit applications, and fees.



Unsure if your project is considered a Simple or Complex Project type and what permits are required? All questions can be answered by the Planning Department online or in person!

# HOW LONG WILL MY PROJECT TAKE?

**Permitting timelines vary based on the scale and scope of project.** Timelines largely depend on how quickly the applicant resubmits, meets all local/regional/state regulations, and addresses staff's comments. It also depends on input and feedback received from citizens, advisory boards, and decision-makers. Project review could involve multiple rounds of submittals and reviews, and public hearing could involve multiple hearings. The following chart shows example timelines based on the type of permit review, and is meant to illustrate relative amount of time needed to reach approval depending if your project needs an Environmental Review.



# PERMITTING & CEQA


**The California Environmental Quality Act (CEQA) is the State's most important and comprehensive law to protect the environment.** The State adopted CEQA in 1970 to establish a higher standard of environmental protection – because it's important we take care of our clean air, water, and earth.


**CEQA requires cities to measure, document, and disclose the environmental impacts of development projects and limit or avoid those impacts when possible.** CEQA applies to all projects that require a discretionary action (decision that requires the exercise of judgment or deliberation) by a government agency and will impact the environment.

**Many small projects are exempt from CEQA.** However, projects that aren't exempt require further study to determine if they will have "significant" impacts on the environment. A Negative Declaration or Mitigated Negative Declaration can be prepared if the project will not result in "significant" environmental impacts. However, a full Environmental Impact Report (EIR) is required if impacts cannot be mitigated.

**The CEQA process can significantly impact the Development Review Process since it can take months and sometimes over a year to complete.** If CEQA analysis is required, cities cannot approve the project without completing the CEQA process and certifying the required CEQA document.



 This icon will indicate when CEQA must be considered during each step of the Development Review Process.

 Jump to CEQA in Section IV: Page 52 for more detailed information on these criteria.



## RESOURCES

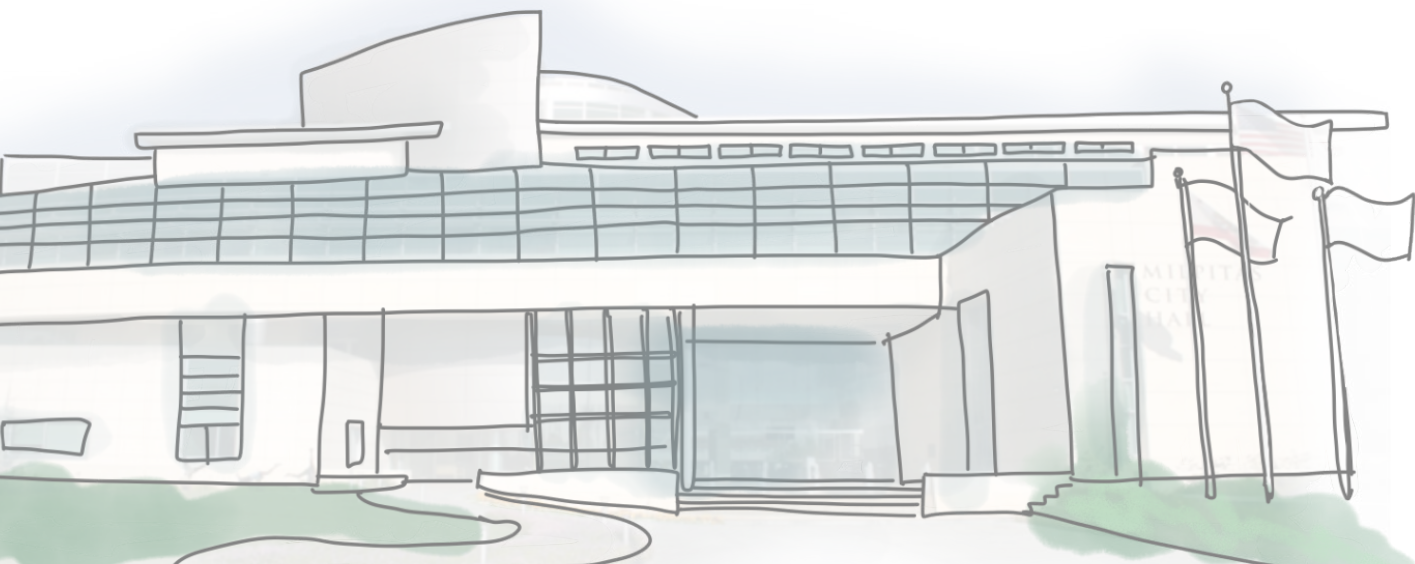
The Development Review Process requires substantial coordination between property owners/applicants, City staff, and outside agencies. **The Planning staff should generally be the first point of contact in the Development Review Process to ensure your project is consistent with the City's zoning and confirm whether a planning permit is required prior to a building permit.** The Building Safety & Housing Department at the Permit Center will be your point of contact once you are ready to start your Building Permit Process.

### MILPITAS CITY HALL

455 East Calaveras Blvd.  
Milpitas, CA 95035

### CITY OF MILPITAS WEBSITE

<https://www.ci.milpitas.ca.gov/>



## PERMIT CENTER

[www.ci.milpitas.ca.gov/one-stop-permit-center-2](http://www.ci.milpitas.ca.gov/one-stop-permit-center-2)

The Permit Center is open to apply for and obtain certain types of residential or commercial building permits, schedule inspections, research permits, and see Planning documents. Visit in-person at City Hall or online.

**Monday - Friday: 8am - 5pm**  
**Closed Thursday: 8am - 10am**  
**Friday: Virtual Services**  
**PHONE: (408) 586-3240**  
**EMAIL: [buildingpermitcenter@ci.milpitas.ca.gov](mailto:buildingpermitcenter@ci.milpitas.ca.gov)**

*If using a digital version, click on any hyperlink or email address to open in your browser.*



## PLANNING DEPARTMENT

<https://www.ci.milpitas.ca.gov/planningdepartment/>  
**Monday - Friday: 8am - 5pm**  
**Closed Wednesday from 3pm - 5pm**  
**PHONE: (408) 586-3279**  
**EMAIL: [planningdepartment@ci.milpitas.ca.gov](mailto:planningdepartment@ci.milpitas.ca.gov)**

### CITY ZONING ORDINANCES

[https://library.municode.com/ca/milpitas/codes/code\\_of\\_ordinances?nodeId=TITXIZOPLAN\\_CH10ZO](https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITXIZOPLAN_CH10ZO)

### APPLICATIONS AND FORMS

<https://www.ci.milpitas.ca.gov/milpitas/departments/applications-forms-checklists/>

### ENVIRONMENTAL DOCUMENTS (CEQA)

<https://www.ci.milpitas.ca.gov/milpitas/departments/environmentaldocuments/>

### DATA, ZONING, AND MAPS

<https://www.ci.milpitas.ca.gov/milpitas/departments/maps/>

## ENGINEERING DEPARTMENT

<https://www.ci.milpitas.ca.gov/milpitas/departments/engineering/>  
**PHONE : (408) 586-3300**

**ENGINEERING DIRECTOR/CITY ENGINEER : (408) 586-3301**

**TRAFFIC ENGINEER : (408) 586-3324**

**CAPITAL IMPROVEMENT PROJECT MANAGER : (408) 586-3355**

**LAND DEVELOPMENT PRINCIPAL ENGINEER : (408) 586-3316**

**SENIOR CONSTRUCTION INSPECTOR : (408) 586-3252**

### LAND DEVELOPMENT SERVICES

<https://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>

## OFFICE OF ECONOMIC DEVELOPMENT

**EMAIL: [econdev@ci.milpitas.ca.gov](mailto:econdev@ci.milpitas.ca.gov)**  
**PHONE: (408) 586-3058**

## BUILDING SAFETY & HOUSING

<https://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/>

### INSPECTION SERVICES

<https://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/inspection-services/>

### PLAN REVIEW SERVICES

<https://www.ci.milpitas.ca.gov/our-government/plan-check-services/>

### ONLINE PERMITS

<https://trakit.ci.milpitas.ca.gov/ETRAKIT3/login.aspx?It=public&rd=~/PermitApplication/confirmation.aspx>

### ELECTRONIC PLAN SUBMITTAL

<https://www.ci.milpitas.ca.gov/submittal-procedures/>

### ONLINE PERMIT FEE PAYMENT

<https://trakit.ci.milpitas.ca.gov/ETRAKIT3/login.aspx?It=public&rd=~/ShoppingCart.aspx>

### ONLINE PLAN REVIEW STATUS

<https://trakit.ci.milpitas.ca.gov/ETRAKIT3/Search/permit.aspx> <https://www.ci.milpitas.ca.gov/our-government/plan-check-services/%20%E2%80%8E>

### BUILDING PERMIT FEE & SCHEDULE

[https://www.ci.milpitas.ca.gov/\\_pdfs/bld\\_fee\\_schedule.pdf](https://www.ci.milpitas.ca.gov/_pdfs/bld_fee_schedule.pdf)

### CALIFORNIA BUILDING CODE:

<https://www.ci.milpitas.ca.gov/milpitas/departments/adopted-building-municipal-codes/>

## FIRE DEPARTMENT

<https://www.ci.milpitas.ca.gov/milpitas/departments/fire/>

### FIRE PREVENTION SERVICES

<https://www.ci.milpitas.ca.gov/milpitas/departments/fire/fire-prevention/>

## Section II: Development Review Process

This section provides detailed information about the Development Review Process, descriptions of the five major steps of the process, and the people involved in each step.

## WHAT IS THE DEVELOPMENT REVIEW PROCESS?

### OVERVIEW

The Development Review Process is the entire process applicants go through in order to receive all planning and building permits needed for their project. **It is important to know the Development Review Process to better plan ahead, manage expectations, and navigate complex project timelines.** This process can vary significantly, depending on the complexity of the project.

**Complex Projects** involve multiple City departments or agencies reviewing the application, performing an environmental review, and a public hearing for approvals.

**Simple Projects** only require a brief application review (i.e. building permit or administrative planning permit + building permit) with City Departments at the One-Stop Permit Center - and do not require the full Development Review Process (environmental review and public hearing).

### STEPS OF THE DEVELOPMENT REVIEW PROCESS:

1. **PRE-APPLICATION MEETING & REVIEW** (OPTIONAL)

2. **PLAN REVIEW & PROCESSING**

3. **NOTICING & DECISION MAKING**

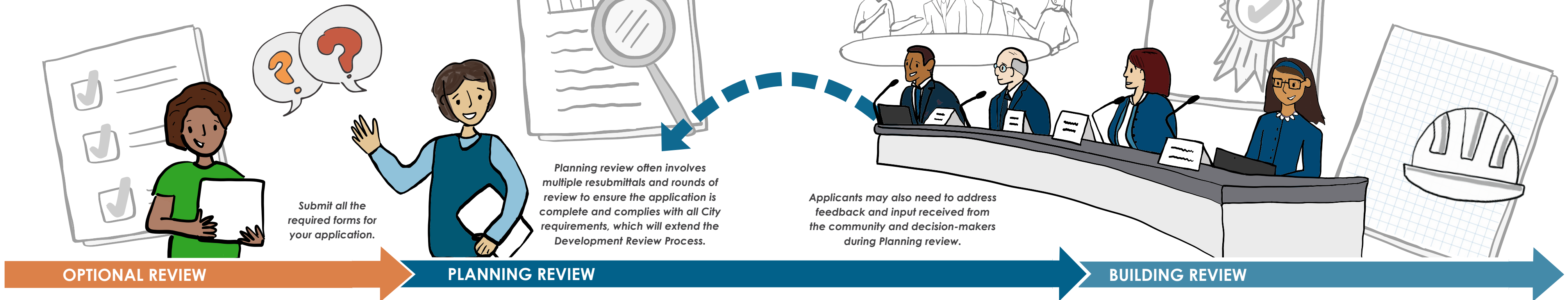
4. **PERMITTING**

5. **CONSTRUCTION**



# DEVELOPMENT REVIEW AT A GLANCE

Development Review is made up of five main steps, as shown here. The length of time and specific requirements of each step varies by project, but all complex project approvals follow this general process.



**1. PRE-APPLICATION MEETING & REVIEW**

UNDERSTAND WHAT YOUR PROJECT NEEDS – THIS IS WHERE A PROJECT BEGINS!

**2. PLAN REVIEW & PROCESSING**

ALL APPLICATION MATERIALS SUBMITTED & CITY STAFF REVIEWS.

**3. NOTICING & DECISION MAKING**

CITY STAFF APPROVES, CONDITIONALLY APPROVES, OR DENIES AN APPLICATION.

**4. PERMITTING**

WITH PLANNING PERMITS APPROVED THE BUILDING PERMITTING PROCESS CAN BEGIN.

**5. CONSTRUCTION**

WITH ALL APPROVED PERMITS, CONSTRUCTION PHASE BEGINS!

### STEP 1: PRE-APPLICATION MEETING

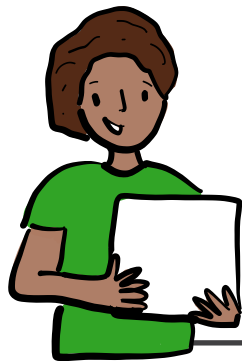
While not required, a Pre-Application meeting allows you to review the application requirements and preliminary plans with a planner prior to formally submitting your application, to understand the City's development standards, requirements, project fees, and the estimated timeline for the entitlement process.

#### WHAT TO EXPECT

During this meeting, you will go over your plans, a checklist of the application requirements, the City's development standards and requirements, and any specific issues that should be addressed in the application.

#### KEEP IN MIND...

- Pre-Application meetings are helpful for complex projects.
- Depending on the scope of the project, other city departments also might be involved.
- This step can be instrumental in identifying and addressing problems early on to save time and money in the long-run.
- Although conceptual plans are acceptable at this stage, the more information you provide, the more City staff will be able to conduct a more thorough review and provide more detailed comments.



#### KEY PLAYERS IN STEP 1:

**THE APPLICANT** works closely with a member (or members) of the **PLANNING STAFF** to make sure the application is complete with all required materials before submitting.



LEARN MORE ABOUT THE KEY PLAYERS IN SECTION III: ROLES & RESPONSIBILITIES ON PAGE 32.

### APPLICATION REQUIREMENT CHECKLIST

#### Required items for the Universal Planning Application:

- Project Description or Justification
- Standard Plan Set
- Site Plan
- Existing Conditions Plan / Demolition Plan
- Building Floor Plans
- Building Elevations
- Building Sections
- Any other items as required by the Planning Department



#### Universal Planning Application

[www.ci.milpitas.ca.gov/wp-content/uploads/2021/11/Universal-Planning-Applicaion-Revised-Nov-21-pdf-fillable.pdf](http://www.ci.milpitas.ca.gov/wp-content/uploads/2021/11/Universal-Planning-Applicaion-Revised-Nov-21-pdf-fillable.pdf)

**?** The application submittal requirements vary from project to project depending on the scope of work, so it is important to confirm the items required for your specific project with a Planner prior to submitting an application. Submitting an incomplete application may delay your project.

## STEP 2: PLAN REVIEW & PROCESSING



After the application is formally submitted, Planning staff and other City Department staff will review the submitted materials to make sure all necessary information is included. Within 30 days of submitting a complete application, Planning Staff must tell you if your application is complete. If it does, the City will review your project for consistency with plans, policies, and codes. Success of Step 2 depends on how well the applicant works with the City to ensure that the project meets all City requirements and policies and contributes to the health, safety, and welfare of the community.

- Email your applications to: [planningdepartment@ci.milpitas.ca.gov](mailto:planningdepartment@ci.milpitas.ca.gov) or meet with a planner to go over your application materials and make sure that submittal requirements are met.
- Application fees are due at the time of submittal.
- After completeness is determined, prepare for multiple rounds of review, it can be a challenge to meet all requirements and address all comments on the first application.
- The Planning Department will contact you 30 days after your application was submitted to let you know the planner assigned to your project and if your application is deemed complete or missing any required information.
- Factor the time it takes to resubmit the application materials and make necessary revisions.
- For large projects, a study session with decision-makers may be recommended to receive feedback for public hearings.
- The Engineering Dept. will review how the proposed project will impact the City's right-of-way and existing utility infrastructure, and prepare conditions of approval for the project.

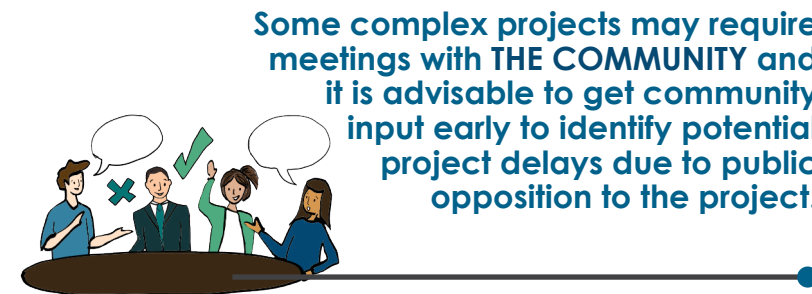
### KEY PLAYERS IN STEP 2:



**APPLICANT** works with planning staff and is responsible for submitting a complete application & associated fees and addressing all City staff comments.

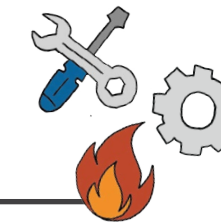


**PLANNING STAFF** helps applicants with project completeness for development review and coordinates with other city departments.



Some complex projects may require meetings with **THE COMMUNITY** and it is advisable to get community input early to identify potential project delays due to public opposition to the project.

**CITY STAFF TECHNICAL EXPERTS** from Engineering, Building Safety & Housing, and Fire & Police assist planning staff in reviewing submitted application materials.



**THIS IS THE LONGEST STEP OF THE PROCESS!**

*Failing to address all the City's comments will result in additional rounds of review, and adds significant time to the review process.*

### **i** PROJECT "COMPLETENESS"

A term of art and a legal requirement, your application must be "complete" before it can be evaluated. If information is missing, Planning staff will provide a letter with materials you need to submit. Failure to submit the requested materials will prevent your project from being reviewed and deemed complete.

### **leaf** CEQA

If your project requires CEQA review, you will be notified at this Step by a Planner, if not during the Pre-Application Meeting.

FOR MORE INFORMATION ON CEQA SEE SECTION IV: PAGE 52



**Applications, Forms, and Checklists**  
[www.ci.milpitas.ca.gov/milpitas/departments/applications-forms-checklists](http://www.ci.milpitas.ca.gov/milpitas/departments/applications-forms-checklists)



**Pay Permit Fees Online**  
[www.ci.milpitas.ca.gov/milpitas/departments/fees/](http://www.ci.milpitas.ca.gov/milpitas/departments/fees/)



### STEP 3: NOTICING & DECISION-MAKING



Project applications must be reviewed by the Zoning Administrator, Planning Commission or City Council during a public hearing on the project. A public hearing is a formal meeting held to receive testimony from all interested parties on a proposed development project, policy, or action taken by an advisory or a decision-making body. All planning permits require the City to provide public notice to neighboring property owners giving them an opportunity to provide input before the City decides on a project.

#### WHAT TO EXPECT

Once your project is complete and complies with all City requirements, Planning staff will first schedule the date for your public hearing and prepare any required mailings, postings, and publications to notice the hearing in accordance with State law. Planning staff will then prepare the required staff report, conditions of approval, and findings of approval. Finally, at the hearing, Planning staff will present the project to the hearing body with a staff recommendation and answer any questions related to the project.

#### KEEP IN MIND...

- Projects requiring Planning Commission approval only require one hearing, but projects requiring City Council approval require two hearings.
- While not required, your attendance to the public hearing is strongly encouraged. You will have the opportunity to share the story behind your project and your project objectives. Decision-makers will also sometimes direct questions to the applicant
- The hearing body may approve, approve with changes, deny, or continue the application.
- If additional information is needed, or the hearing body needs more time to make a decision, the hearing body may not make a decision and "continue" the matter for a subsequent hearing.

#### KEY PLAYERS IN STEP 3:

**PLANNING STAFF** prepare the required documents, schedule the hearing date, and present the project to the hearing body.



**DECISION MAKERS** will either approve, conditionally approve, or disapprove an application in accordance with the city codes and vision. Decision makers are the City Council, Zoning Administrator, & the Planning Commission.

See 'Who Decides', ruling actions, and meeting information on the following pages of Step 3: Noticing & Decision-Making.

#### CONDITIONS OF APPROVAL

Conditions of Approval are requirements placed on a project by the City, for projects to conform to State, Federal or local laws. These may include regulations enforced by various agencies and departments. Planning Staff will work with internal staff to collect and review draft conditions of approvals, in addition to working with the project applicant to address any concerns and conflicts before finalizing the staff report.

#### SCHEDULE & NOTICE HEARINGS

When a notice of a public hearing is required, the notice must be given at least 10 days before the hearing date. The notice will be published in the City's local newspaper, posted within the project site, and mailed to neighboring residents. Notice may also be given to the Milpitas Unified School District and any other local agencies that provide important facilities and services to the project.

#### CEQA

If a Negative Declaration or Environmental Impact Report was prepared for the project, a public review period of the environmental document ranging from 30 to 60 days, and a public hearing is required. The Planning Commission and/or City Council will consider the environmental document and review the environmental determination of the project before a final decision on the site development and other applications related to the project is made.

FOR MORE INFORMATION ON CEQA SEE SECTION IV: PAGE 52 

# STEP 3: NOTICING & DECISION-MAKING



IF YOUR PLANNING PERMIT IS...



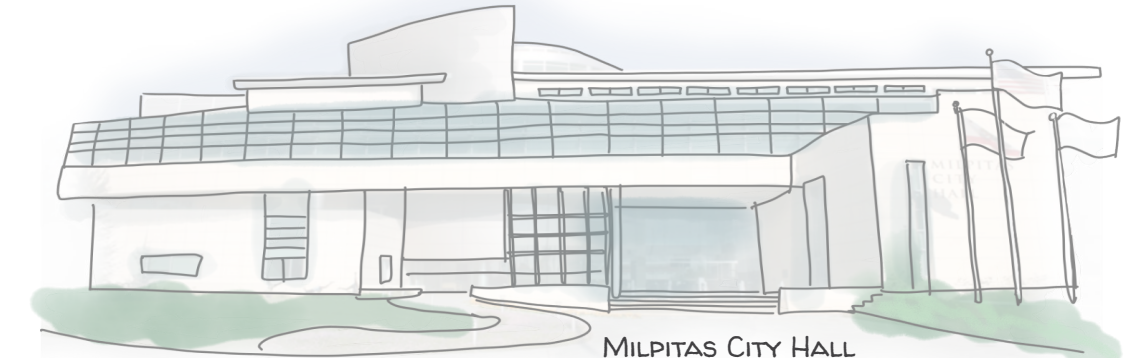
### **i** DECISION APPEALS

Any person aggrieved by a final decision of a board, commission, or department head, whether the applicant or member of the public, may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within 12 calendar days of the date of said decision and paying the required fee. The next higher decision-making body will hear your appeal. However, the City Council's decision is final and cannot be appealed.



## WHO DECIDES?

### DECISION MAKER ROLES, RULING ACTIONS, & MEETING INFORMATION



	PLANNING STAFF	ZONING ADMINISTRATOR	PLANNING COMMISSION	CITY COUNCIL
<b>WHO</b>	Planning Staff (Current Planning)	Approves Site Development Permits, Minor Site Development Permits, Minor Conditional Use Permits and other minor project reviews.	Seven members: Appointed by City Council (Milpitas Citizens and Registered Voters)	Five elected officials, including the Mayor and Vice Mayor
<b>ROLE</b>	"Counter" hours, answer applicant questions,	Enforces land-use code within Milpitas, reviews applications.	Considers the overall project, including building form, color and material, landscaping, use of property, and specific issues related to a project.	Establishes and reviews ordinances and makes policy decisions related to land use applications.
<b>ACTION</b>	Administrative Review (Approve or Deny) Simple Permits at the Permit Center	Takes action on permits requiring a Zoning Administrator Hearing	Takes action late in the Development Review Process and has the authority to approve, deny, or modify a project, and may request more information or studies from the applicant.	For site development permits on the hillside, subdivisions, and any requests to amend a land use plan the City Council makes the final decision on a project after the Planning Commission provides them with a recommendation.
<b>MEETS WHEN</b>	Office hours	9:00 a.m. Second Thursdays	7:00 p.m. Second and Fourth Wednesdays	7:00 p.m. First and Third Tuesdays
<b>MEETS WHERE</b>	Weekly staff meetings		Council Chambers, Milpitas City Hall 455 E Calaveras Blvd.	



# STEP 4: PERMITTING



## Congratulations, your planning permits have been approved!

**You are not quite done yet. You will need to obtain building permits.**

The Building Safety and Housing Department issues building permits by reviewing construction plans to make sure the project complies with applicable State and local laws. A review of architectural, structural, plumbing, mechanical, electrical, and life safety systems may be included during this process. At this time, other City Departments and Outside Agencies may need to review the project as well.

If applicable, you will need to obtain Engineering Permits (e.g., Grading Permits and Encroachment Permits for off-site improvements) and Fire Permits (e.g., Fire Sprinkler and Fire Alarm Permits) during this step. The process for obtaining engineering and fire permits is similar to the building permit process.

## WHAT TO EXPECT

**You will submit construction drawings, application materials, and forms to the Permit Center and pay for plan check fees. Review time depends on the type of project. If your building permit application is approved, you will pay the required building permit fees, and then your permit will be issued.**

## KEEP IN MIND...

- If a department does not approve the review, comments will be sent to you and you will have to resubmit construction documents with the corrections for review.
- Permit review time and fees depend on the project scope.
- This is when the City collects various development impact fees (e.g. public art fee, school impact fee, utility connection fees, etc.)



## BUILDING PERMIT PROCESS:

- **Submit Building Permit Application**  
The Permit Technician will process the application and let you know your required plan check fees. Pay your fees online or at the Permit Center.
- **Plan Review**  
Plan Reviewers will review your plans and indicate if you need to make any adjustments for building code compliance.
- **Permit Approval**  
Your Project Coordinator will alert you that your building permits have been approved or need to be resubmitted.
- **Issuance**  
The Permit Technician will let you know what your required permit fees and any pending documents required. Pay fees and provide required documentation to be issued your newly approved building permits.
- **Construction & Inspection, Final Approval, and Certificate of Occupancy**  
*See Step 5: Construction, on the following pages 30-31.*

## **i** CONCURRENT REVIEW

Concurrent Review is when Planning and Building permit applications are processed at the same time at the applicants' own risk as managing the fees, applications, and timelines can be challenging. Concurrent review can add a significant amount of time and cost to the Development Review Process if any changes to the project are required. Concurrent Review is usually pursued by Developers and General Contractors and is not recommended for residential homeowners.

## KEY PLAYERS IN STEP 4:



**APPLICANT** submits building permit application & pays fees to the Permit Center.

**A PERMIT TECHNICIAN** at the Permit Center will review the application for completeness & accepts plan check fees from applicant.

**A PROJECT COORDINATOR** will be assigned to your project and will be the main contact for the applicant for the plan review process.



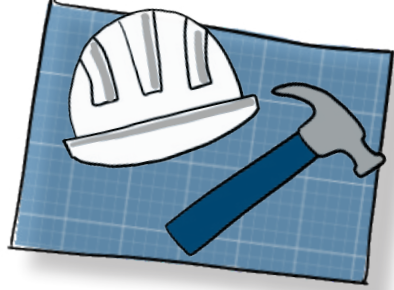
**PLAN REVIEWERS** from Building Safety & Housing, Fire, Land Development & Engineering, & Planning review building permit submittal documents and drawings.



JUMP TO APPENDIX: PAGES 66-69 FOR MORE DETAILED INFORMATION ON BUILDING PERMITS & APPLICATIONS




### STEP 5: CONSTRUCTION



**At this stage, you have obtained your Planning and Building permits.** You are now entering into the construction and inspection phase of the Building Permit Process with the Milpitas Building Safety and Housing Department. It is now time to begin your construction, schedule inspections, and show up for your inspections. The City will inspect your construction in that you build what was approved and planned. Construction inspections from the City ensures building codes have been met in the field and the site and building are safe for occupancy after construction is completed. The Engineering Dept. also coordinates with inspectors from Public Works to ensure that construction of any required public improvements goes according to plan. Following construction and inspection, inspectors verify that your project has been constructed in compliance with the approved plans, and your building permits will be finalized. You will receive your Certificate of Occupancy, and can now enjoy your finished project!

#### KEEP IN MIND FOR THE CONSTRUCTION PHASE:



**CONDITIONS OF APPROVAL** You may have some “Conditions of Approval” that are relevant to this construction phase - make sure that you comply with all the Conditions noted on your approved permits during construction.

**REVISION APPLICATION** If there are any changes to your building plan or design after you have received your approved permits, you will need to submit a revision application. This revision could trigger another Planning Review or Building Permit Review, which will extend the timeline of your project, and will require additional review and fees.

#### PRE-CONSTRUCTION MEETING

**For Larger Developments and Commercial Projects:** A pre-construction meeting will allow the project team to coordinate with the City to understand how the City will work with the project team during construction and give advice on how to make the inspection process before, during, and after project construction go smoothly. Be prepared to discuss the mandatory requirements for the project, including on-and off-site stormwater pollution prevention plan, traffic control, truck access and routes, and any special requirements for the project.

**For Residential Projects:** A pre-construction meeting is generally not necessary for homeowner applicants and is not required. However, should your General Contractor like to discuss necessary details with the City, they have the option to meet for a pre-construction meeting to address any concerns.

#### PUBLIC IMPROVEMENTS

When public improvements are required as part of the project, you must submit Public Improvement Plans to the Engineering Department following Construction and Inspection. The Engineering Department ensures that all work that will be done within the City's right-of-way meets the City's Standards and Specifications. Once the plans are approved, the Engineering Department will issue an Encroachment Permit that will allow the applicant to begin construction. The Engineering Department will coordinate with you to obtain as-builts of the public improvements for the City's record, which is then taken to the City Council for acceptance.

#### CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy, or sometimes referred to as a “C of O” is a confirmation that your project has met all the necessary building codes, inspections, and conditions of approval. Your Certificate will include the intended legal use of the project as a retail, commercial, industrial, or mixed-use building. Engineering and fire permits must be approved prior to receiving a Certificate of Occupancy. This Certificate will be mailed to the applicant after the final inspection is passed, and you are now legal to occupy (move into) your newly constructed project.

# Section III: Roles and Responsibilities

This section provides a detailed account of the Roles & Responsibilities of each key player, in addition to what is required of the key players at each step of the process.

## ROLES & RESPONSIBILITIES AT A GLANCE

Each key player within the Development Review Process has distinct responsibilities that involve coordination with other people within the process.

### THE APPLICANT

*This is you! Develop plan, hire professionals, submit applications, materials, & fees. Works closely with Planning Staff.*



### PLANNING STAFF

*Guides you through the permitting process, reviews planning permit applications, and works with city departments, decision makers, and the community for project approvals.*



### DECISION MAKERS

*Approves new developments and planning permits that are in accordance with the city's codes and vision.*



### OTHER CITY DEPARTMENTS

*Ensures all new buildings and developments are safe for the community and adequately served by infrastructure by reviewing applications, issuing permits, inspecting sites, and providing Certificates of Occupancy.*

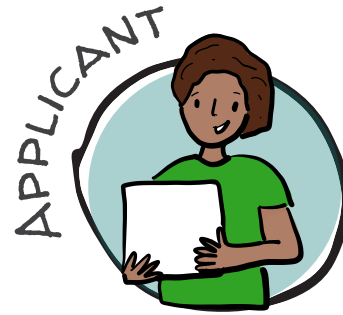


### THE COMMUNITY

*Provides feedback on proposed projects through public hearings or written statements.*







## THE APPLICANT / HOMEOWNER

### Responsibility: Project Owner

The project applicant is responsible for coordinating and submitting the project application including plans, technical reports, specifications and fees associated with both the planning and building review in the Development Review Process.

It is crucial for project applicants to allocate adequate time to prepare quality plans and studies for submission to the City to make sure all requirements are met.

Please work closely with your design team, which may include property owners, architects, designers, engineers, contractors, and technical experts in preparing the project applications and studies. Also, meet with nearby residents, businesses, property owners, and neighborhood associations to inform them of the proposed project. Everything moves more quickly and smoothly when applications are complete, thorough and thoughtful.

#### 1. Pre-Application Meeting & Review (optional)

- Review your project with planning staff.
- Complete a checklist of the application requirements, the City's development standards and requirements, and any specific issues that should be addressed in the application.

#### 2. Plan Review & Processing

- Meet with a planner to go over your application materials and to determine project "completeness."
- Application fees are due at the time of submittal.

#### 3. Noticing & Decision Making

- Hearing Bodies will either Approve, Conditionally Approve, or Deny your Application.
- If your application is denied, you must work with Planning Staff and address comments to resubmit your application (Step 2).

#### 4. Permitting

- Submit Building Permit Applications & Pay Fees.
- Work with the Permit Technician & Project Coordinator.
- If your Building Permit is not approved, you must address comments and resubmit.

#### 5. Construction

- Begin your construction, keep in touch with the city, and show up for your inspections.
- Be aware of your Conditions of Approval during construction.

### APPLICANT BEST PRACTICES:

#### Design

- Select a qualified development team and consultants for the proposed project.
- Design the proposed project with selected designer/consultant (City staff is not responsible for designing your project)

#### Coordinate

- Work with outside utilities to identify points of connection and needed infrastructure (the City does not provide this information).

#### Revise

- Refer questions, issues, and revisions associated with a filed project application to the assigned Planning staff.
- Notify the assigned Planning staff if there is a major change to a proposed project under review.
- Work collaboratively to identify and propose common solutions.

#### Research

- Gather information on the project site, its history and existing conditions.
- Review the General Plan, Specific Plans, Design Guidelines, Municipal Code and Past Approvals.

#### Visit

- Visit the project site at different times of the day (day and night and weekday and weekend) to observe the site and surrounding neighborhoods for patterns in issues like parking, lighting, and noise.

#### Plan

- Prepare a plan that is compliant with code and design requirements. A written project description accompanying the preliminary site plan should also be included.
- Follow City policies, procedures and code regulations associated with the proposed project.
- Submit complete and accurate project applications.

#### Talk to Neighbors

- Meet with nearby residents, businesses, property owners, and neighborhood associations to inform them of the proposed project and listen to their input and suggestions.



## PLANNING STAFF

### Responsibility: Project Manager

Planning Staff will help guide you through the Development Review Process and assist in getting your project approved. The planner is the central point of contact to coordinate and communicate comments between other City departments, the applicant, and hearing bodies.

The Planning Department promotes informed decision-making by communicating its analysis and recommendations to decision makers through reports and presentations and when necessary, facilitating community meetings.

#### 1. Pre-Application Meeting & Review (optional for Applicant)

- Identify all materials, drawings, and paperwork necessary for project completeness.
- Show applicant how to access the General Plan, Zoning information, and design guidelines.
- Offer recommendations to streamline application.

#### 2. Plan Review & Processing

- When an application is submitted, assign a member of Planning Staff to the project.
- Distribute the application to other city departments with a request for comments and conditions.
- Review projects for compliance with City codes and policies and the Zoning Ordinance.

#### 3. Noticing & Decision Making

- Prepare documentation for public hearing, schedule public hearing date, and prepare public notices.
- Provides a recommendation to the City Council or Planning Commission to approve, approve with conditions, or deny the project.
- If the project does not comply with the standards of the City, Planning Staff is required to explain that to the hearing body.

#### 4. Permitting

- While Planning Staff is the project manager during Planning Review (Steps 1-3), they play a supporting role to Building Staff during Building Review to ensure that building permit applications comply with the conditions of approval of the planning permit.

#### 5. Construction (n/a)

## PLANNING STAFF BEST PRACTICES:

- Address all Applicant's questions
- Provide suggestions and advice for project applicants
- Present projects to the Planning Commission and City Council
- Communicate with interested community members
- Review projects for compliance with City's codes and standards
- Make recommendations based on findings of approval or denial
- While Planning Staff can approve administrative (i.e., staff-level) planning permits, they are not responsible for getting your discretionary planning permit approved by the Zoning Administrator, Planning Commission, or City Council.



### About the Planning Department


The Planning Department is responsible for two primary functions related to land use planning and development in Milpitas: Current and Long-Range Planning.

**Current Planning** consists of helping residents, business owners, architects, and developers understand and follow the City's policies and regulations for development and facilitating the Development Review Process.

**Long-Range Planning** involves preparing, maintaining, and implementing the City's General Plan, associated Specific Plans, and other planning and policy documents that guide development.

**Location: City Hall**  
 455 E Calaveras Blvd. Milpitas CA 95035  
**Phone: (408)-586-3279**  
**Email: [planningdepartment@ci.milpitas.ca.gov](mailto:planningdepartment@ci.milpitas.ca.gov)**  
**Hours: Monday - Friday: 8am - 5pm,**

 **Milpitas Planning Department**  
<https://www.ci.milpitas.ca.gov/planningdepartment/>

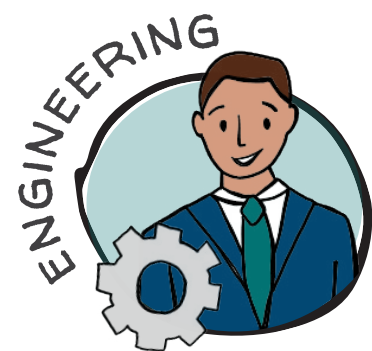
**Learn more about the Planning Department's Goals, Documentation, & City coding in Section IV: Planning, Policies, and Regulations** 



# CITY DEPARTMENTS

## Responsibility: Technical Experts

Other City Departments also play an important role in the Development Review Process. These Departments provide support to the Planning Department by reviewing projects for compliance with the City's non-planning regulations related to building codes, utilities, traffic, fire safety, etc.



### ENGINEERING DEPARTMENT

The City of Milpitas has an Engineering Department dedicated to enhancing the quality of life in Milpitas with well-engineered City infrastructure projects and safeguarding the City's resources and the environment.

#### Responsibilities:

- Reviews Permit Applications.
- Checks feasibility of proposed water, sewer, and garbage plans.
- Checks feasibility of applications with the City's recycled water program, Urgent Drought Ordinance, FEMA, stormwater, solid waste/recycling, and landscaping.
- Checks potential traffic impact.



### PUBLIC SAFETY DEPTS. (FIRE AND POLICE)

Dedicated to providing quality and responsive service for the community, the Fire and Police Department's purpose is to serve and protect the community of Milpitas.

#### Responsibilities:

- Reviews Permit Applications.
- Checks feasibility of new projects with fire code requirements (e.g., fire access, height, stories).
- Ensures projects incorporate crime prevention through environmental design principles (CPTED).



### BUILDING SAFETY & HOUSING DEPARTMENT

The Building Safety and Housing Department is committed to fulfilling the needs of our community, to protect the lives and safety of the citizens of Milpitas, to preserve the City quality of life and contribute to the City's economic development.

#### Responsibilities:

- Reviews applications in compliance with the City's building code requirements.
- Ensures all Building Permits are compliant with City codes.
- Assists applicants in the Building Permit process.
- Point of contact for applicant during the Building Permit Process.

Monday - Friday: 8am - 5pm

Closed Thursday: 8am - 10am | Friday: Virtual Services

PHONE: (408) 586-3240

EMAIL: [buildingpermitcenter@ci.milpitas.ca.gov](mailto:buildingpermitcenter@ci.milpitas.ca.gov)



**Building Safety & Housing Department**

<https://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/>

**i** Other City Departments provide comments during Planning Review to flag significant issues early on and help minimize revisions during Building Review. During Building Review, their comments will be more detailed and final. They also provide project conditions of approval during Planning Review.

## Step 4: Permitting Roles & Responsibilities

The City Departments involved with the Development Review Process assist in Plan Review through Steps 2 to 3. In Step 4: Permitting, you work directly with these departments to assist in your permit approval process.

### Project Coordinator

The Project Coordinator is the applicant's main point of contact during building permit and plan review and coordinates with other departments; sends comment letter to applicant.

### Permit Technician

At the Permit Center, the Permit Technician accepts application and fees, determines type of review and assists applicant with building permit process.

### Plan Reviewer

Members of City staff will review your plan when you submit your permit applications for your building permits.

## OTHER CITY DEPARTMENTS

Sometimes the Development Review Process requires City staff and developers to coordinate with other City Departments to obtain approvals prior to proceeding with phases of construction work. This part of the process could be time consuming and requires City staff and project applicants to be knowledgeable about each department's requirements, process, and timeline.

- PUBLIC WORKS
- RECREATION SERVICES
- OFFICE OF ECONOMIC DEVELOPMENT

The Office of Economic Development frequently responds to business and real estate development community needs and inquiries regarding the development review process before commencement of the formal permit process. The team has an important role to play in the review process as they often assist various City departments to ensure business activity is happening and benefiting the city. They work collaboratively across departments to identify projects which should be provided additional support or expedited services based upon City priorities, and more generally, to mitigate any permit or development review issues that may be hindering new business activity within the city.

#### Responsibilities:

- Helps facilitate a smooth development review process, identify pinch points and expedite certain aspects when necessary
- Liaises between businesses, real estate developers, and City departments before and during the permitting process
- Engages in business attraction, expansion, and retention in Milpitas

## OUTSIDE AGENCIES

The City has a list of outside agencies City staff and project developers may be required to contact during the development review process and includes the name of the agency, contact information and resources, and general requirements and timeline for each agency. Please contact the Planning Department for more information.

- Milpitas School District
- VTA
- ABC
- Santa Clara Valley Water District (SCVWD)
- Milpitas Chamber of Commerce
- San Francisco Water Department (Hetch-Hetchy)
- Metropolitan Transportation Commission (MTC)
- Association of Bay Area Governments (ABAG)
- CalTrans



## THE COMMUNITY

### Responsibility: Engage in Project Feedback

All planning permits require the City to provide public notice to neighboring property owners giving them an opportunity to provide input before the City decides on a project. Except for decisions made by Planning staff (refer to Section x page xx), all decisions are made by the Planning Commission or City Council and are only reached after conducting a public hearing on the project.

The Planning Department may provide a variety of opportunities for people to participate in the development review process, and must provide public notice to people living near a project site before making a decision on a project.

### COMMUNITY BEST PRACTICES:

**Call.** Find out what is proposed at a location by calling the Planning Department at 408.586.3279, or visiting the Planning Department website at: [www.ci.milpitas.ca.gov/milpitas/departments/development-projects](http://www.ci.milpitas.ca.gov/milpitas/departments/development-projects)

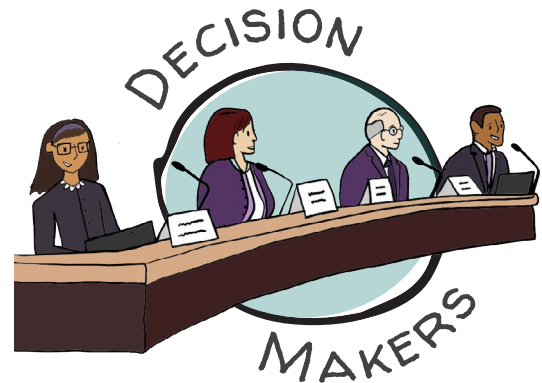
**Research.** Learn about the Development Review Process by finding out the type of plan submitted, what issues will be addressed in the plan's review, and how to voice your concerns.

**Identify.** Find relevant issues such as the project's effect on the neighborhood, environmental impacts, public infrastructure, and traffic.

**Coordinate.** Talk with neighbors and other groups to coordinate everyone's concerns.

**Speak up.** Express your concerns in an e-mail, letter, or in-person at a Planning Commission hearing. Find relevant issues such as the project's effect on the neighborhood, environmental impacts, public infrastructure, and traffic.

**Understand.** Know what the City can and cannot do in regulating development and rely on facts rather than feelings for important issues (e.g., traffic, architecture, noise, etc.).



## DECISION MAKERS

### Responsibility: Approve or Deny an Application

Decision makers consider the approval of an application based upon the Planning Staff report including project findings and conditions of approval, the City's code and adopted policies, and community feedback.

City staff, the Planning Commission, the Zoning Administrator, and the City Council make the decision for different land use permits (see following page), and have the authority to entitle an applicant to move forward with a project. The Planning Department staff is able to make a limited set of decisions; all other land use decisions are reached at a public hearing either before the Planning Commission, Zoning Administrator, or City Council depending on the type of project.

### BEST PRACTICES:

- Review every project based on the merits and consistency with the General Plan, specific plans, zoning, and other adopted policies.
- The Planning Zoning Administrator is the Planning Director or his/her designer has approval authority.
- Recuse designee from making decisions on matters where there might be a conflict of interest.
- Treat every project and application the same.
- Put personal feelings aside, and make decisions that are fair and defensible.

## WHO DECIDES?

### DECISION MAKER ROLES, RULING ACTIONS, & MEETING INFORMATION



	PLANNING STAFF	ZONING ADMINISTRATOR	PLANNING COMMISSION	CITY COUNCIL
<b>WHO</b>	Planning Staff (Current Planning)	Approves Site Development Permits, Minor Site Development Permits, Minor Conditional Use Permits and other minor project reviews.	Seven members: Appointed by City Council (Milpitas Citizens and Registered Voters)	Five elected officials, including the Mayor and Vice Mayor
<b>ROLE</b>	"Counter" hours, answer applicant questions,	Enforces land-use code within Milpitas, reviews applications.	Considers the overall project, including building form, color and material, landscaping, use of property, and specific issues related to a project.	Establishes and reviews ordinances and makes policy decisions related to land use applications.
<b>ACTION</b>	Administrative Review (Approve or Deny) Simple Permits at the Permit Center	Takes action on permits requiring a Zoning Administrator Hearing	Takes action late in the Development Review Process and has the authority to approve, deny, or modify a project, and may request more information or studies from the applicant.	For site development permits on the hillside, subdivisions, and any requests to amend a land use plan the City Council makes the final decision on a project after the Planning Commission provides them with a recommendation.
<b>MEETS WHEN</b>	Office hours	9:00 a.m. Second Thursdays	7:00 p.m. Second and Fourth Wednesdays	7:00 p.m. First and Third Tuesdays
<b>MEETS WHERE</b>	Weekly staff meetings		Council Chambers, Milpitas City Hall 455 E Calaveras Blvd.	

# Section IV: Planning, Policies & Regulations

This section is an introduction to some of the most commonly cited City regulations or policies that impact whether an application is approved. We will introduce the most common plans, zoning, CEQA, and other regulations that may impact your project.

## OVERVIEW

Now that you understand what the Development Review Process, it is important to have a general understanding on what regulations affect how your property can be developed.

### THREE MAIN TOPICS OF THIS SECTION:

#### 1. Introduction to Planning

Provides an overview of planning in the City of Milpitas, including the difference between Current Planning and Long Range Planning.

#### 2. Introduction to Zoning

Explains the Code, and introduces zone districts (such as residential vs. non-residential zoning) and how your project's location affects the development and building standards.

#### 3. Planning with the Environment


The protection of California's resources is vital. This section will highlight complicating factors that may impact your development, such as hillside development, CEQA, tree removal, and the management of stormwater on your property.


### QUICK LINKS:

 **Milpitas Planning Department**  
<https://www.ci.milpitas.ca.gov/planningdepartment/>

 **Community & Citywide Plans**  
<https://www.ci.milpitas.ca.gov/planningdepartment/community-and-citywide-plans/>

 **Online Interactive Zoning Map**  
<https://www.ci.milpitas.ca.gov/milpitas/departments/maps/>

 **Environmental Documents**  
<https://www.ci.milpitas.ca.gov/milpitas/departments/environmentaldocuments/>

 **Building Safety Adopted Building Code**  
<https://www.ci.milpitas.ca.gov/milpitas/departments/adopted-building-municipal-codes/>



# INTRODUCTION TO PLANNING

The Planning Department of Milpitas's mission is to prepare and plan for the future of the City, while addressing the immediate concerns and developments of today. These services are described as: **Long Range or Current Planning.**

## Long Range Planning

Is the process of identifying and articulating community vision and values that guide how the city will evolve over a long period of time, often as far out as twenty to thirty years. Long range Planning Staff works with the community to identify a vision, goals, and a growth strategy that will guide future development in the city.

### LONG RANGE PLANNING INCLUDES:

- Preparing, maintaining, and updating the General Plan including the Housing Element, Specific Plans, and Design Guidelines and Standards.
- Drafting new zoning ordinances to amend the Zoning Code, keep it up-to-date, and ensure the City has the tools to implement the vision, goals, and policies in the long-range plans.
- Work with other City departments to prepare citywide master plans such as the Climate Action Plan, Utilities Master Plan, Trails, Pedestrian, and Bicycle Master Plan, etc.



#### Community & Citywide Plans

<https://www.ci.milpitas.ca.gov/planning/department/community-and-citywide-plans/>

## Current Planning

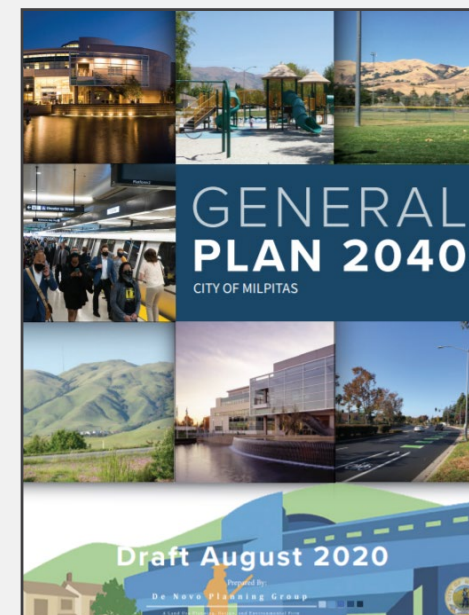
Is the process of "implementing" the vision of the City of Milpitas as it develops. During the Development Review Process, Planning staff reviews applications for consistency with the General Plan, any applicable Specific Plans, design standards, and the zoning code, to ensure that the project is consistent with the vision the community expressed during Long Range Planning. These regulations guide where development can occur, to what degree areas can change, and the use, size, and location of new buildings.

### CURRENT PLANNING INCLUDES:

- Facilitating the Development Review Process, which involves: Reviewing applications for consistency with the General Plan, Specific Plans, Zoning Code, and Design Guidelines and Standards; Ensuring projects will not have an adverse impact on the environment through CEQA; Issuing permits for project's meeting all the City's regulations
- Providing counsel to the public, applicants, architects, and developers at the front counter (One-Stop Permits Center), over the phone, and via e-mail.

# LONG TERM PLANNING INFLUENCES THE DEVELOPMENT REVIEW PROCESS!

## Milpitas General Plan



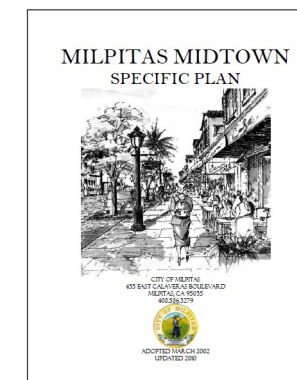
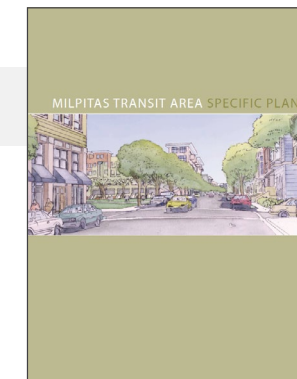
*The City of Milpitas General Plan identifies the community's vision for the future and provides a framework that will guide decisions on growth, development, and conservation of open space and resources in a manner that is consistent with the quality of life desired by the city's residents and businesses.*

## Specific Area Plans

Specific Plans provide recommendations and policies for specific areas of the City and address topics including land use, design guidelines, streetscape design, parks, circulation, and transportation for the specific area.

Milpitas has two specific plans: The **Milpitas Gateway/Main St. Specific Plan** provides a new vision for Midtown which is the historic commercial and industrial core of the City. The **Milpitas Metro Specific Plan** (formerly Transit Area Specific Plan) addresses the redevelopment of the southern portion of the City near the Great Mall shopping center and Milpitas Transit Center.

**i** *If your project is located in the areas indicated in the Specific Plans, there will be additional design guidelines and development considerations beyond the base regulations of the Zoning Code.*



## Zoning Code

The Guidelines, Vision, and Goals from the General Plan for the future of the City are the basis of the **Zoning Code**, which is categorized into Zoning Districts to further explain various areas of the City. Current Planning applies the Zoning Code, in approving permits and guiding applicants through the Development Review Process.





# INTRODUCTION TO ZONING

Zoning classifies the City into zoning districts that regulate the type of buildings and land uses allowed on a site and establish appropriate development standards to guide new development.

## Milpitas Municipal Code

The Milpitas Zoning Code is part of the Milpitas Municipal Code and describes the legal uses of property in Milpitas, establishes various districts, and defines appropriate regulations for each district regarding building type, height and bulk, parking, land uses, and required open spaces for each district. Compliance with this ordinance is mandatory.

**Milpitas Municipal Code Title XI:**

**Chapter 10: Zoning Code**

[https://library.municode.com/ca/milpitas/codes/code\\_of\\_ordinances?nodet=TITXIZOPLAN\\_CH10ZO](https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodet=TITXIZOPLAN_CH10ZO)

## TRANSITIONAL ZONING

This applies to areas from the General and Specific Area Plans that are evolving in how the Zone Districts are categorized based on the future goals and vision of the City. Contact a City Planner if you believe this is applied to your Zone District to better understand how development standards are affected.

## Zone Districts

Zone districts categorize the types of land uses allowed for a property. Each district has specific standards, allowable uses, and other requirements that guide development on your site. Each Zone District is color coded on the Zoning Map and has a corresponding letter that is described within the Milpitas City Code.

## WHAT ZONE DISTRICT IS MY PROPERTY?

### To find your property's Zoning District:

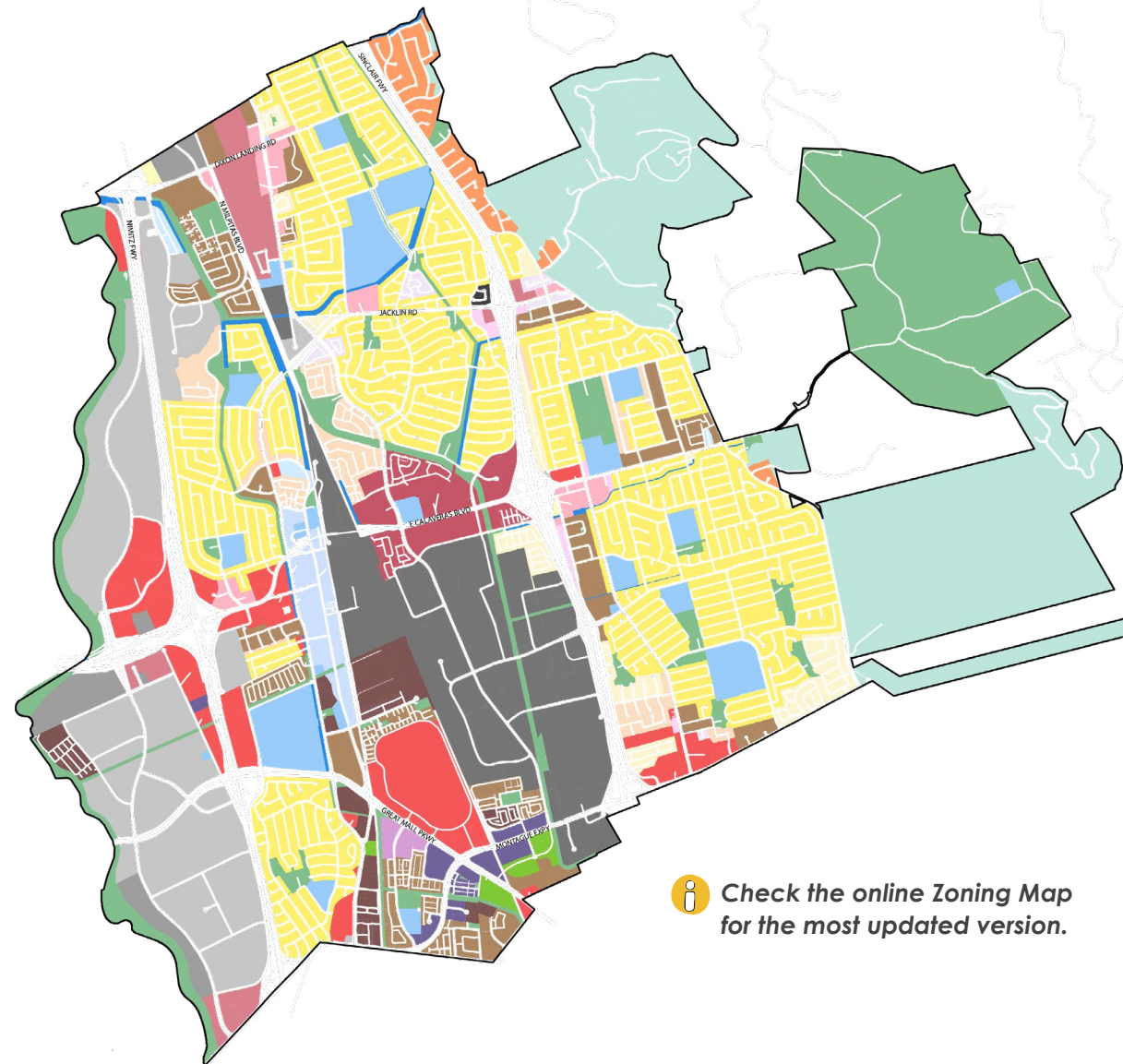
1. Open the Zoning Map on the city website;
2. Find your property using a street address or major surrounding street names.
3. Locate the color your property is shaded in the legend to see your Zoning District. This will help show you what types of planning permits you might need to submit for project approval.
4. Visit the One-Stop Building Permit Center, or contact a Planner by phone for assistance.



**Online Interactive Zoning Map**

<https://www.ci.milpitas.ca.gov/milpitas/departments/maps/>

## ZONING MAP OF MILPITAS



## TYPES OF ZONE DISTRICTS & ASSOCIATED LETTER DESIGNATIONS IN THE CITY CODE

### Legend

- Single Family Residential minimum lot size 2,500 s.f. (R1-2.5)
- Single Family Residential minimum lot size 3,000 s.f. (R1-3)
- Single Family Residential minimum lot size 4,000 s.f. (R1-4)
- Single Family Residential minimum lot size 5,000 s.f. (R1-5)
- Single Family Residential minimum lot size 6,000 s.f. (R1-6)
- Single Family Residential minimum lot size 10,000 s.f. (R1-10)
- Single Family with Hillside Combining District (R1-H)
- One or Two Family (R2)
- Multi-Family Residential, High Density (R3)
- Multi-Family Residential, Very High Density (R4)
- Urban Residential (R5)
- Mixed Use (MXD)
- Mixed Use, High Density (MXD2)
- Mixed Use, Very High Density (MXD3)
- Administrative and Professional Offices (CO)
- Neighborhood Commercial (C1)
- General Commercial (C2)
- Highway Services (HS)
- Town Center (TC)
- Light Industrial (M1)
- Heavy Industrial (M2)
- Industrial Park (MP)
- Institutional (I)
- Agricultural (A)
- Park and Open Space (POS)
- Waterways
- City Boundary

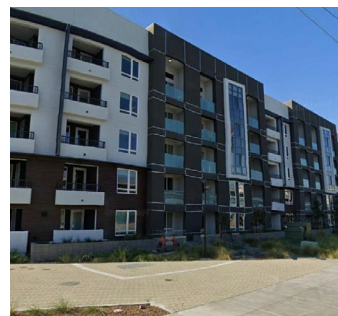
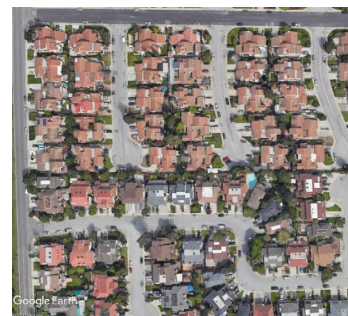
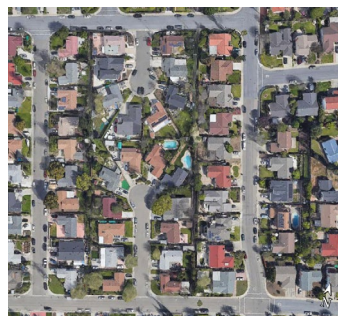
Check the online Zoning Map for the most updated version.



## INTRODUCTION TO ZONING:

### Residential Zone Districts

Below are examples of how Residential Zones of Milpitas are organized based on type, size, and density. Mixed Use Zoning (MXD) are areas where Residential and Commercial uses are shared within a certain zone.



#### R1 - Single Family Residential

The R1 District is intended for a single, suburban family home.

#### R2 - One & Two Family Residential

The R2 District is intended for suburban family homes or shared type of housing within the residential structure (i.e. a duplex or townhouses)

#### R3 - Multiple Family

The R3 District intent is to maximize the intensity of land use (apartments, condos) that provides a suitable environment for family life.

#### R4 - Multiple Family Very High Density

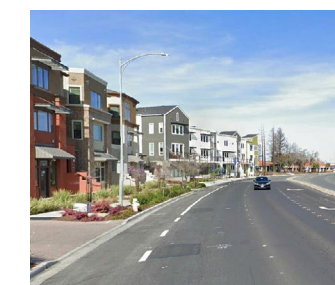
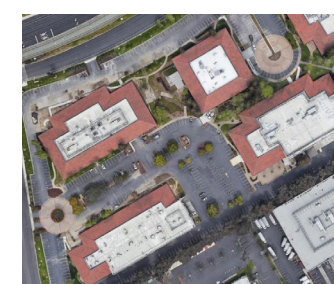
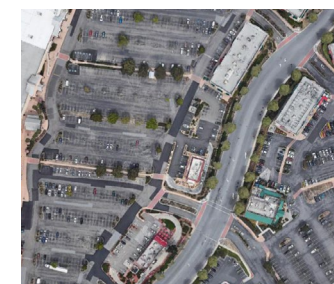
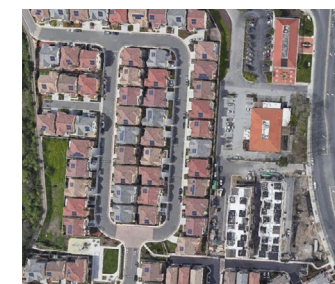
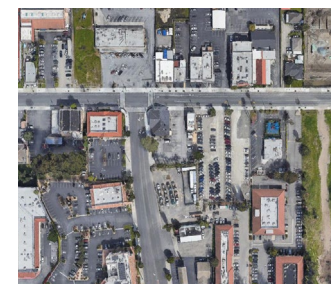
The R4 District is intended to provide for higher-density residential "villages" structured around transit stations, streets, creek side open spaces, trails and parks.

#### R5 - Urban Residential

The purpose and intent of this zone is to provide for high-density residential development structured around transit stations.

### Non-Residential Zone Districts

These Zones are considered "Non-Residential" - however some zones such as Mixed-Use and Town Center allow for new or existing residential developments and structures.



#### Mixed Use Zones

- MXD Zoning District** (Mixed Use Zoning District)
- MXD 2 Zoning District** (High Density Mixed Use Zoning District)
- MXD3 Zoning District** (Very High Density Mixed Use Zoning District)

#### Town Center (Commercial)

- TC Zoning District** (Town Center Zoning District)

#### Commercial Zones

- CO Zoning District** (Administrative and Professional Office Zoning District)
- C1 Zoning District** (Neighborhood Commercial Zoning District)
- C2 Zoning District** (General Commercial Zoning District)
- HS Zoning District** (Highway Service Zoning District)

#### Industrial Zones

- MP Zoning District** (Industrial Park Zoning District)
- M1 Zoning District** (Light Industrial Zoning District)
- M2 Zoning District** (Heavy Industrial Zoning District)

#### Overlay Districts

Overlay zoning districts allow jurisdictions to establish special zoning requirements in certain areas for a specific purpose.

Other Types of Non-Residential Zone Districts:

#### Agricultural (A)

#### Institutional (I)

#### Parks & Open Space (POS)

#### Hillside Combining District (HSD)



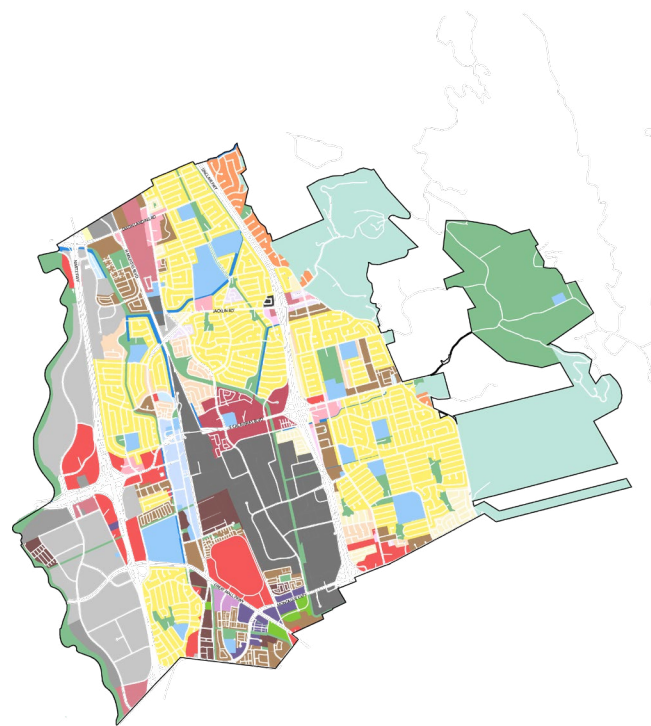
# INTRODUCTION TO ZONING: Understanding the Zoning Code

1. Find what type of Zoning District your property is located in using the City of Milpitas interactive Zoning Map online.

2. After you identify the Zoning District for your property (e.g., R-1 or MXD2), locate the applicable development standards in the Milpitas Municipal Code under Chapter 10 (Zoning Ordinance).

3. Locate the Use regulations table for your specific Zoning District

Use tables are presented in the Zoning Code and are usually organized by land use categories that share similar physical or operating features. As shown in this example table, you can find your zoning district designation on the column heading of the use table, and then look at the list of uses in the left column of the table that matches your proposed use to find the approval requirement for the use.



[www.ci.milpitas.ca.gov/milpitas/departments/maps/](https://www.ci.milpitas.ca.gov/milpitas/departments/maps/) Online Interactive Zoning Map

USE	R1	R2	R3	R4	R5
1. Commercial					
Commercial Services	NP	NP	C	C	C
2. Professional Offices and related uses					
Offices	NP	NP	C	C	C
3. Public/Quasi-Public and Institutional Uses					
Child care center	C	C	P/C	P	P
Nursing home	NP	C	C	C	C
Park, playground or community center (non-profit)	C	C	C	C	C
Parking lots	C	C	C	C	C
P = Use is Permitted      C = Use is Permitted by issuance of a Conditional Use Permit NP = Use is Not Permitted      O = Use is Subject to an Alternative Review Process					

## 4. Understand if the project requires a conditional use permit

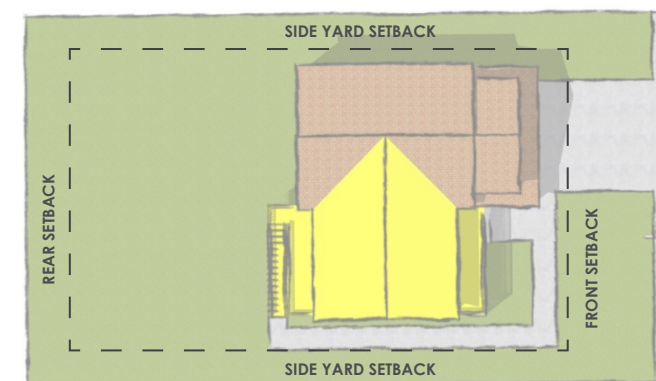
When you see the letter "C" within the Land Use Table, this means that you can proceed with that project but require a Conditional use Permit. A conditional use permit is a zoning exception that allows the property to be developed in a way not otherwise permitted within the particular zoning district.

USE	R1	R2	R3	R4	R5
3. Public/Quasi-Public and Institutional Uses					
Child care center	C	C	P/C	P	P
P = Use is Permitted      C = Use is Permitted by issuance of a Conditional Use Permit NP = Use is Not Permitted      O = Use is Subject to an Alternative Review Process					

For example, if you are proposing to open a child care center in the R1 district, you would find that a conditional use permit would be required. If the use you are proposing is not on the use table, it typically means that the proposed use is not allowed. Contact the Planning Department to check.

## 5. Learn the Development Standards for your Zoning District

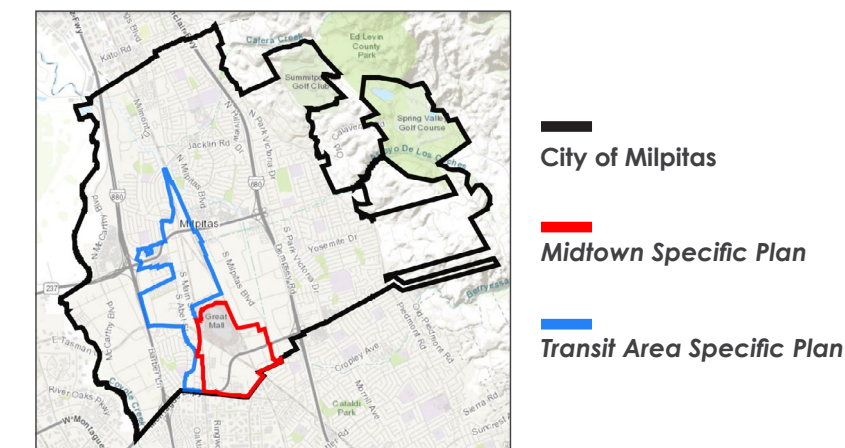
Each Zoning District has its own set of development standards such as setbacks and building heights. There are also general development standards that apply to all zoning districts such as parking, accessory structures, fences and walls, trash enclosures, and lighting.



AERIAL PLAN VIEW

## 6. Determine if your property is subject to special development standards from Specific Plans, overlay Zoning Districts, or planned developments

Identify the applicable Design Guidelines and Standards Projects in the Specific Plan areas are subject to the applicable Specific Plan design guidelines. All multifamily residential developments and mixed-use developments with a residential component are subject to the City's Objective Design Standards.



# PLANNING WITH THE ENVIRONMENT

## CEQA - California Environmental Quality Act

### WHAT IS CEQA?

CEQA is a set of regulations that helps govern the protection of California's natural resources - because we must take care of our air, water, and planet. For a development project, CEQA help determine whether an activity is subject to environmental review, what steps are involved in the environmental review process, and the required content of environmental documents.

**All projects must comply with CEQA.**

### IS MY PROJECT EXEMPT FROM CEQA?

A project may be considered "exempt" from CEQA or may need an extensive review process depending on the project's scale and its potential impact to the environment. Typically, minor projects are exempt from CEQA, and **Categorical Exemption** is determined by Planning staff.

If your project is exempt from CEQA, you can proceed with the Development Review process with no environmental review. Projects that aren't exempt will require further study to determine if the project will have "significant" environmental impacts.

 **Check with a City Planner to see if your project qualifies for an exemption from CEQA.**

**Common exemption categories include existing facilities involving negligible or no expansion of an existing use, replacement or reconstruction of existing structures, new construction or conversion of small structures, minor alterations to land, accessory structures, minor land divisions, and in-fill development projects that meet certain conditions.**

**Some common examples of exemptions include:**

- Interior or exterior alterations such as plumbing and electrical work to existing facilities
- Additions to existing structures if the addition does not result in an increase of more than 2,500 square feet
- Replacement of a commercial structure with a new structure that is the same size, purpose, and capacity;
- Single family homes in a residential zone, or a multi-family structure that has no more than four units
- Accessory structures such as garages, carports, patios, swimming pools, and fences
- Minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel

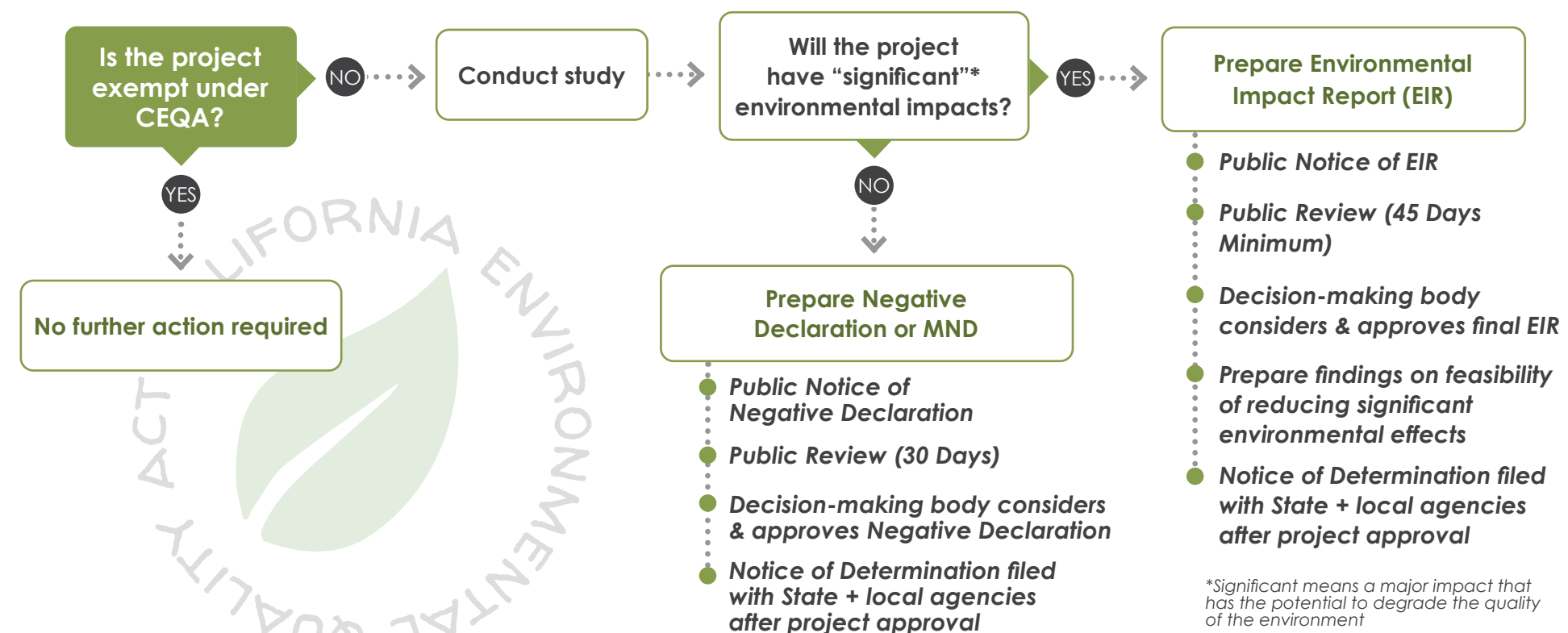
 **Environmental Documents**  
<https://www.ci.milpitas.ca.gov/milpitas/departments/environmentaldocuments/>

### FURTHER CEQA STUDY REQUIRED IF....

Your project will require a **Negative Declaration or Mitigated Negative Declaration (MND)** if it will not result in significant and unavoidable impacts to the environment. The City will hire an environmental consultant (at your cost) to prepare the required documentation. Following a public review period of 20-30 days, the decision-making body will consider the Negative Declaration or MND along with your project at a public hearing.

Your project will require an **Environmental Impact Report (EIR)** if it will result in significant and unavoidable impacts to the environment even with mitigation. The process for an EIR is similar to a Negative Declaration or MND except the public review period is 30-45 days. Also, a Final EIR to address all comments received and a statement of overriding considerations to explain why a project is approved even with significant and unavoidable impacts are required.

### CEQA ROADMAP PROCESS



\*Significant means a major impact that has the potential to degrade the quality of the environment



# PLANNING WITH THE ENVIRONMENT

## Site Considerations

Sometimes certain lots and parcels by natural design or previous construction do not always adhere to existing city codes. Factors such as these can include developing on a hillside or over earthquake fault lines.

### SEISMIC ISSUES / FAULT ZONES

The Alquist-Priolo Earthquake Fault Zoning Act (1972) and the Seismic Hazards Mapping Act (1990) directs the State Geologist to delineate regulatory “zones of required investigation” to assist cities, counties, and state agencies in fulfilling their responsibilities for protecting the public safety from the effects of earthquake-triggered ground failure. Check with City staff to confirm if your property is located in a fault zone or any area susceptible to geologic hazards such as liquefaction or landslides. If your property is located in one of these areas, a preliminary geotechnical report with recommended design measures may be required.

 **Interactive Earthquake Zone Map**  
<https://maps.conservation.ca.gov/cgs/fam/>

### HILLSIDE / GEOTECHNICAL LOTS

If the project’s location is on a Hillside lot, there are complicating factors that will add more steps, required documentation, and fees to the Development Review Process. CEQA also plays a large role in these types of projects. Projects located in the Hillside Combining District require site and architectural approval by the Planning Commission and City Council and are subject to the City’s Hillside Ordinance in addition to the regulations of the base zoning district. The Hillside Ordinance provides requirements related to grading, density, height, floor area, setbacks, open space and landscaping, parking and driveways, fencing, and lighting. These requirements are intended to preserve and minimize impacts to Milpitas’ hillsides. Understanding the complexities of Hillside lot development requires additional assistance from the Planning, Building Safety & Housing, and Engineering Departments.

**You will know if your property is located in the “Hillside Combining District” on the Milpitas Zoning Map if it is labeled HLD, HVL, or HMD.**

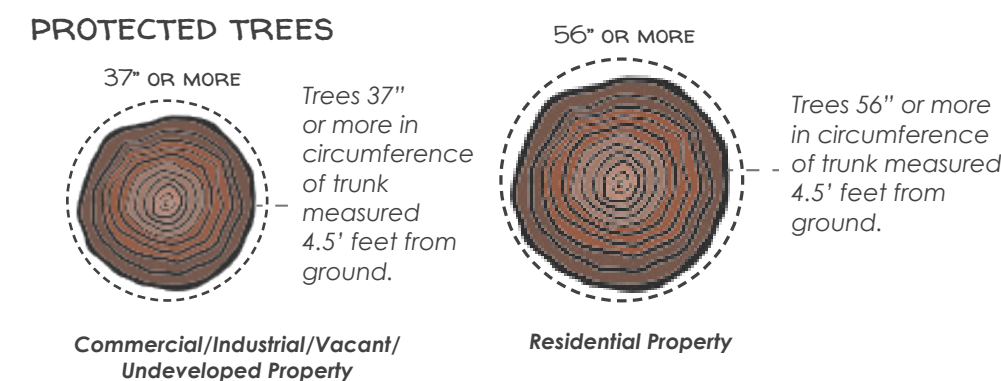
## Trees



**STREET TREES**  
*A street tree is any tree located in the City’s public right-of-way between a curb and a sidewalk.*  
 (Applies to trees on Public Property)



**HERITAGE TREES**  
*Individual trees or groups of trees within Milpitas that are distinctive of special historical value, or significant community benefit.*  
 (Applies to trees on Public & Private Property)



**PROTECTED TREES**

37" OR MORE  
 Trees 37" or more in circumference of trunk measured 4.5' feet from ground.  
 Commercial/Industrial/Vacant/Undeveloped Property

56" OR MORE  
 Trees 56" or more in circumference of trunk measured 4.5' feet from ground.  
 Residential Property

### REMOVAL PROCESS (PUBLIC PROPERTY)


The City’s Public Works Department is responsible for removing and pruning Street and Heritage trees. **It is unlawful for a resident to prune or remove a street tree.** If the tree is located on City right-of-way and poses a hazard or nuisance to your property or has become diseased or unsightly, please **contact the Public Works Department at (408) 586-2600 or submit a request on the MyMilpitas mobile phone application.**

### REMOVAL PROCESS (PRIVATE PROPERTY)

Any removal of a protected tree or heritage planting will require a tree removal permit. Please ensure first that the tree to be removed is located on your private property. **The removal of any protected tree requires a consultation and memo from a landscape professional.** The memo should include the tree type (species), its approximate size, circumference at breast height, health or status, and reason for its removal. The landscape professional must have a business license with the City of Milpitas to provide services.

### REMOVAL APPLICATION CHECKLIST (PRIVATE PROPERTY)

- Completed Application Form & Fees**  
 The property owner must complete and sign the form for each removal project. Submit the Application Fee.
- Landscape Professional Memo**  
 A professional should confirm that the removal of the tree is necessary and include every item listed above.
- Site Plan and Description**  
 Clearly describe your reason for removing the tree and include a site plan of your property indicating the location of each tree. This site plan should also include your replacement plan, demonstrating a 2:1 replacement ratio for all trees removed and showing where the new trees will be planted.

 **Residential Tree Removal Application**  
<https://www.ci.milpitas.ca.gov/milpitas/departments/applications-forms-checklists/>

# PLANNING WITH THE ENVIRONMENT

## Properties in Flood Zones

Certain areas have been designated by the Federal Emergency Management Agency (FEMA) as Special Flood Hazard Areas (SFHA). **Approximately one-quarter of the City is within these flood zones.** SFHAs are by definition, areas within the 100-year flood boundary as mapped by FEMA. A “100-year flood” refers to a flood level with a 1 percent or greater chance of being equaled or exceeded in any given year. There is a 26% chance that a structure located in an SFHA will be inundated by a 100-year flood during the life of a 30-year mortgage. In comparison, the risk of fire is approximately 5% in the same time period. Smaller floods have a greater chance of occurring in any given year and can still create a significant hazard to life and property.

**i** In Milpitas, SFHA's are generally located near the following major creeks: Calera, Penitencia, Berryessa, Los Coches, and Tularcitos

### FLOOD ZONE MAP

Any proposed development within the Federal Emergency Management Agency's (FEMA) Special Flood Hazard Area, is subject to federal and the City's floodplain management requirements. The City's Engineering Department has an online map tool that allows you find the parcel(s) of your project site and see which flood zone it is in.

[www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/](https://www.ci.milpitas.ca.gov/milpitas/departments/engineering/flood-information/)  
**Interactive Flood Zone Map**



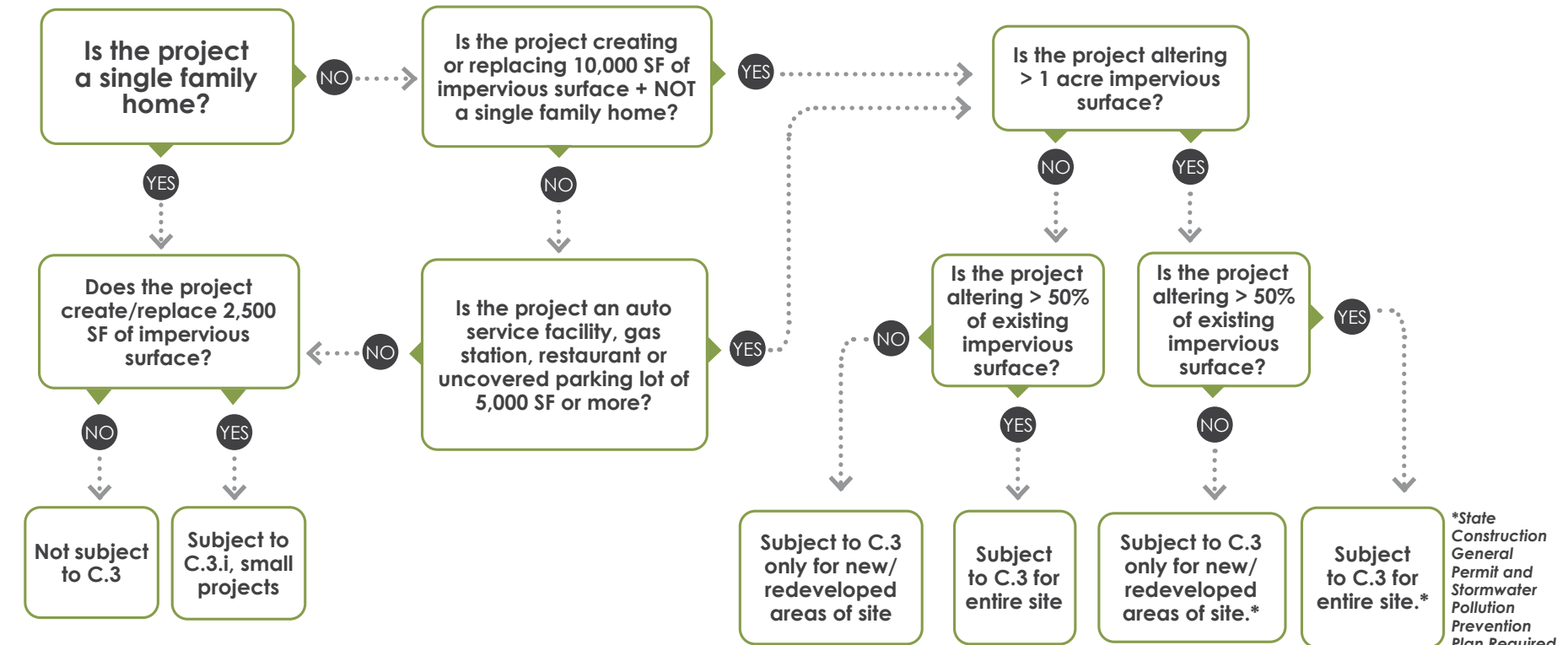
## C.3 Stormwater Requirements

**Provision C.3 is a stormwater permit that seeks to reduce runoff and pollution** through post-construction stormwater management requirements for new development and redevelopment projects.

**i** *Single-family homes, Interior remodeling projects, and routine maintenance/repairs such as re-roofing and re-paving are exempt from C.3 Stormwater Requirements*

**Low Impact Development (LID)** designs projects are to help manage stormwater runoff. Examples of LID include green roofs, bioretention gardens, and permeable pavement. This is required for any project that creates/replaces more than 10,000+ sq. ft. of impervious surfaces, any restaurants, auto service facilities, retail gasoline outlets, and uncovered parking lot projects that create and/or replace 5,000 square feet or more of impervious surface. The project applicant must provide application information and hydrolic calculations to the Planning and Engineering departments for review.

### C.3 PROVISION ROADMAP



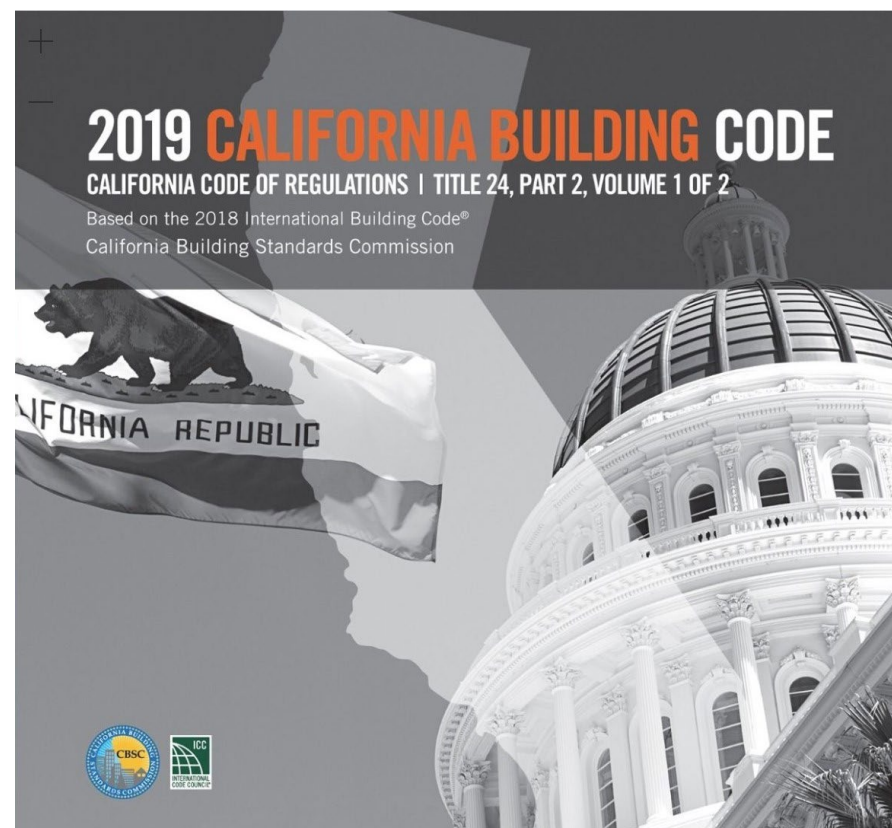
\*State Construction General Permit and Stormwater Pollution Prevention Plan Required



# BUILDING CODES & REGULATIONS

## Building & Safety Adopted Building Code

All projects must adhere to local and state building codes. Speak with a representative at the Permit Center to help identify which codes apply to your building permits for your project.



- California Building Code (CBC)
- California Electrical Code (CEC)
- California Mechanical Code (CMC)
- California Plumbing Code (CPC)
- California Energy Code (CEnc)
- California Fire Code (CFC)
- California Green Building Code (CalGreen)
- Milpitas Municipal Code (MMC)

[www Building Safety Adopted Building Code](https://www.ci.milpitas.ca.gov/milpitas/departments/adopted-building-municipal-codes/)  
<https://www.ci.milpitas.ca.gov/milpitas/departments/adopted-building-municipal-codes/>

## Accessory Dwelling Units (ADUs)



ADUs are known by many names — including accessory dwelling unit, second unit, in-law unit, granny flat, casita, and backyard home. But, no matter what you call them, these are homes located on the same piece of property as another home. They provide a complete and permanent home for at least one person.

An ADU may be established on any lot in any district that allows single-family or multi-family dwelling residential uses. A JADU may be established on any lot in any district that allows single-family residential use.

**Refer to the Milpitas ADU Toolkit online at our ADU Corner for more detailed information about Accessory Dwelling Unit Projects.**

[www Milpitas ADU Corner](https://www.ci.milpitas.ca.gov/adu/)  
<https://www.ci.milpitas.ca.gov/adu/>

***If you are planning to build an ADU on your property, your project might need to go through the Development Review Process depending if your ADU design does or does not follow certain Design Guidelines.***

If your ADU design deviates from the General Requirements (i.e. setback or building height) you will be required to obtain a Minor Site Development Permit through the Development Review Process. Speak to a City Staff representative at the Permit Center to better understand how the Development Review Process will apply to your ADU build.

**Check property eligibility for ADUs and get a free report of your ADU options:**

[www Symbium Build](https://build.symbium.com/)  
<https://build.symbium.com/>

# Appendix: Useful Tips, Checklists and Resources

## What does my project need?

Does the project comply with existing General Plan policies?

NO

*If no, your project may not be permitted. See Planning staff about possible amendment.*

Does the project comply with applicable Specific Plans and Zoning?

NO

*If no, your project may not be permitted. See Planning staff about possible amendment or variance permit application.*

Does the project involve a land division?

YES

*If yes, please apply for a tentative subdivision or parcel map.*

Is the intended use a conditional use in existing or proposed zoning district?

YES

*If yes, please apply for a conditional use permit. See Planning staff for more information.*

Does the project involve affordable housing?

YES

*If yes, you can request a density bonus. See Planning staff about the application.*

Does the project include a new building, parking lot?

YES

*If yes, please apply for a site development permit. See Planning staff for more information.*



# Useful tools for your application process...

## DEVELOPMENT REVIEW PROCESS CHECKLIST

### Planning Application Process:

The following are required items for a complete project submittal:



- Project Description or Justification
- Standard Plan Set
- Site Plan
- Existing Conditions Plan / Demolition Plan
- Building Floor Plans
- Building Elevations
- Building Sections
- Any other items as required by the Planning Department

### Building Application Process:

Building permits will be issued when the following items are completed:



- The parcel map, entitlements, and any other easement and license agreements are approved or finalized
- Building construction documents are approved
- Plan check and permit fees are paid



**Building Permits & Resources**  
<https://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/building-permits/>



**Universal Planning Application**  
[www.ci.milpitas.ca.gov/wp-content/uploads/2021/11/Universal-Planning-Applicaion-Revised-Nov-21-pdf-fillable.pdf](http://www.ci.milpitas.ca.gov/wp-content/uploads/2021/11/Universal-Planning-Applicaion-Revised-Nov-21-pdf-fillable.pdf)

## SUMMARY CHECKLIST BY STEP:

### 1. PRE-APPLICATION MEETING & REVIEW (OPTIONAL)

- Did you meet with a planner to go over application requirements and preliminary plans?
- Did you research and gather information on your project site?
- Did you go on a site visit?
- Is your preliminary plan complete and accurate?
- Did you meet with nearby neighbors and inform them about the project?
- Do you have a written summary of neighborhood and early review meetings with city staff?

### 2. PLAN REVIEW & PROCESSING

- Did you complete the planning and zoning checklist?
- Did you review the special considerations list in this handbook?
- Did you meet with a planner when submitting your application?
- Did you pay all your fees/minimum deposits?
- If you received an incompleteness letter, have you addressed all of the city's comments and submit them to the planning department?
- If your project is exempt from CEQA, have you completed and submitted all required documents?
- If your project is not exempt from CEQA, have you complete additional studies?

### 3. NOTICING & DECISION MAKING

- Has Planning staff completed the staff report and environmental documentation for the project?
- Has Planning staff scheduled the public hearing date?
- Has Planning staff completed all noticing for the public hearing?
- Did you attend the public hearing with Planning staff?

### 4. PERMITTING

- Did you submit a building permit application?
- Did you submit all requested information needs to the City during the review period?

# BUILDING PERMITS

Building Permits can be administratively approved at the Milpitas Permit Center. A member of City Staff will review your project scope and determine which building permits are required for your project. They can also help identify if your project requires planning permits before you can apply for building permits.

## TYPES OF BUILDING PERMIT REVIEW:

Building Permit Review takes place online or in-person at the Permit Center. Target turnaround time varies depending on the scope of work and will be determined upon submittal. There are four different approval tracks for your building permits once you submit your building permit application:



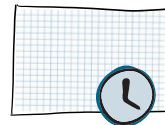
### 1. Express Permits

Express permits include permit applications that **do not require a plan review** (e.g. re-roofing or water heater replacement). City Staff can quickly issue the permit and then you can schedule an inspection.



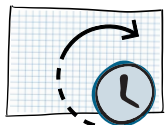
### 2. Express Plan Review

Express Plan Review applies to simple projects (e.g. kitchen/bathroom remodel or constructing a small shed or patio cover), where you will be **required to show your plans to the city staff member at the Permit Center to review**. This service is provided on a “first come first serve” basis with **no appointment necessary**.



### 3. Plan Review by Appointment

For projects with limited scope of work, (e.g. small tenant improvement projects) applicants may request a Plan Review by Appointment. **City staff will schedule an appointment to meet with the design team** and perform plan review in the meeting. The entire design team is required to attend the meeting.



### 4. Standard Plan Review

Typical projects shall be submitted online and the **Permit Center will process and route the submittal documents to various departments for plan review**.

## BUILDING PERMIT PROCESS:

### Submit building permit application

The Permit Technician will process the application and let you know your required type of permit review and plan check fees. Pay your fees online or at the Permit Center.

### Plan Review

Plan Reviewers will review your plans and indicate if you need to make any adjustments for building code compliance.

### Permit Approval

Your Project Coordinator will alert you that your building permits have been approved.

### Issuance

The Permit Technician will let you know what your required permit fees and any pending documents required for permit issuance. Pay your fees online or at the Permit Center and provide the required documents to be issued with your newly approved building permits.

### Construction & Inspection

Your permit card and construction drawings shall be made available at your construction site. Construction may proceed according to the approved plans. Schedule inspections online or by phone.

### Final Approval

Following construction and inspection, inspectors verify that your project has been constructed in compliance with the approved plans, your building permits will be finalized.

### Certificate of Occupancy

Congratulations! You can now move in!

*Learn more about Certificate of Occupancy on Page 31.*

For your convenience, the City of Milpitas provides **Expedited Plan Review Service**. Expedited Plan Review Service may be requested if the applicant would like to **reduce the turnaround time by approx. ½ of the target turnaround time depending on staff availability**. Please contact the Permit Center for more information.

**Building Permit Application: (408) 586-3240**

**Building Plan Check: (408) 586-3240**

**Building Inspection Line: (408) 586-2797**

**Hours: Monday - Friday: 8am - 5pm**



#### Building Permits & Resources

<https://www.ci.milpitas.ca.gov/milpitas/departments/building-and-safety-department/building-permits/>



**See example types of required Building Permits that may qualify for Express Plan Review or Plan Review by Appointment on the following pages 68-69.**

# BUILDING PERMITS

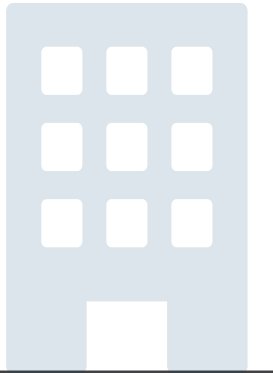
EXAMPLES OF BUILDING PERMITS / 'SIMPLE PROJECTS' THAT QUALIFY FOR **Express Plan Review** or **Plan Review by Appointment**



## Residential

RESIDENTIAL PERMITS:	BY APPOINTMENT:	EXPRESS PLAN CHECK:
<b>ADDITION</b>	First and/or second floor room additions that do not exceed 1,000 sf of combined floor area	Does not exceed 600 sf.
<b>INTERIOR WORK</b>	Interior alterations/modifications that do not require structural changes	Same as "By Appointment"
<b>GARAGE CONVERSION</b>	Alteration of a single-family garage to become living space or any other use	Same as "By Appointment"
<b>PATIO COVER</b>	Patio covers excepting those located on hillside lots	Same as "By Appointment"
<b>ACCESSORY STRUCTURES</b>	New detached garages, carports, sheds, playhouses that do not exceed 1000 sf and that do not require Planning Commission/City Council approval	If less than 600 sf and do not require Planning Commission/City Council approval
<b>ROOF CONVERSION</b>	New roof framing over existing roof	Same as "By Appointment"
<b>MINOR SITE STRUCTURES</b>	Fences, sound walls, and site retaining walls that do not require Planning Commission/City Council approval	Fences that do not require Planning Commission/City Council approval

## Commercial/Industrial



PERMITS FOR:	BY APPOINTMENT:	EXPRESS PLAN CHECK:
<b>OFFICE SPACE</b>	Non-structural interior modifications and alterations not exceeding 10,000 sf.	Does not exceed 5,000 sf.
<b>RETAIL SALES</b>	Non-structural interior modifications not exceeding 5,000 sf of improved space. May include new or relocated rooftop units. <i>Verify with Planning that a use permit is not required for proposed retail use</i>	Does not exceed 2,000 sf.
<b>RESTAURANTS</b>	Non-structural interior modifications not exceeding 2,000 sf of improved space without extensive kitchen equipment work. May include new or relocated roof top units. <i>Drawings must be approved by Santa Clara County Department of Environmental Health prior to being reviewed by the City</i>	Does not exceed 1,000 sf.
<b>INDUSTRIAL USES</b>	Non-structural interior modification/alterations not exceeding 10,000 sf of improved space when such areas do not involve storage/use of hazardous materials	Does not exceed 5,000 sf.
<b>NON-HIGH PILED STORAGE RACKS</b>	When top of stored product does not exceed 12 feet in height with max. 2 rack types	Not applicable
<b>EQUIPMENT ANCHORAGE</b>	If equipment does not use hazardous materials and does not exceed 8 pieces of floor-mounted equipment per project	Not applicable
<b>MONUMENT SIGNS</b>	Does not exceed 20 feet in height - <i>Requires Planning Department approval before plan check submittal</i>	Not applicable







**City of Milpitas**  
**Development Review Handbook**  
[www.ci.milpitas.ca.gov/planningdepartment](http://www.ci.milpitas.ca.gov/planningdepartment)  
455 East Calaveras Blvd. Milpitas, CA 95035

