



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: September 24, 2008

APPLICATION:
APPLICATION
SUMMARY:

MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012

A request to construct a new 224 square foot deck located on the southwest portion of the property

LOCATION:

1485 Country Club Drive (APN: 029-03-018)

APPLICANT:

Frank Houghton, 1485 Country Club Drive, Milpitas, CA 95035

OWNER:

Frank Houghton, 1485 Country Club Drive, Milpitas, CA 95035

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1. Close the public hearing; and**
- 2. Adopt Resolution No. 08-049 recommending the City Council approve the project subject to conditions of approval.**

PROJECT DATA:

General Plan/

Zoning Designation:

Hillside Low Density / Single Family Residential with Hillside Combining District (R1-H)

Overlay District:

Site and architectural Review ("S")

Site Area:

Property is 2.76 acres with an existing 2,755 square foot home

Any other pertinent info:

Current Impervious Surface 10,903 square feet; Maximum allowable Impervious Surface 12,02.26 square feet.

CEQA Determination:

Categorically exempt pursuant to Section 15303(e); Accessory Structures, of the California Environmental Quality Act.

PLANNER:

Tiffany Kunsman, Junior Planner

PJ:

N/A

ATTACHMENTS:

A. Resolution No. 08-049

B. Site Plan with Photos

LOCATION MAP



BACKGROUND

In January 2000, the City Council and Planning Commission approved a Site and Architectural Review Permit to allow for the construction of a new 2,775 square foot residence located along the Milpitas Hillside at 1485 Country Club Drive.

On July 23, 2008, home owner Frank Houghton submitted an application requesting to locate a new deck located off the south corner of the main driveway. According to the Hillside Overlay district Section 45.09-2, the accessory deck requires approval by the Planning Commission and City Council.

PROJECT DESCRIPTION

The project site is a 2.76 acre parcel located on the east hills of Milpitas. Located on the property is a 2,775 square foot single family home that was approved in the year of 2000. The property and its surroundings are zoned Single Family Residential with a Hillside and Site and Architectural Overlaying districts.

Hillside Overlay Development Standards

The Hillside overlay district allows for properties less than three acres to have an impervious surface maximum of 10% of the entire site (*Section 45.17-2*). Impervious Surfaces is defined as:

“...surfaces that will not allow or will greatly reduce the penetration of water into the ground...(i.e.) concrete, asphalt, bricks, paving stones ... and any accessory structures located on a specific site.”

The project is a request to construct a new 224 square foot deck on the south corner of the property. (*See aerial photo, page 2*). A deck is considered an accessory structure (*Section 2.03*) and therefore must meet the maximum allowed impervious requirement. The property currently has a total of 10,903 square feet of impervious surface. The property is allowed a maximum of 12,023 square feet of impervious surfaces. The proposed project will add 224 square feet of impervious surface, giving the property a total of 11,127 square feet of impervious surface. The proposed project conforms to the impervious surface standard. Table 1 below demonstrates the project’s compliance with the applicable Hillside Overlay Development standards.

Table 1
Development Standards

<i>Zoning Ordinance</i>	<i>Project Proposal</i>	<i>Complies?</i>
Minimum front, side and rear setbacks: 40 feet	The deck is 75 feet away form the southwest corner of the property (closest corner to property line)	Yes
Maximum accessory structure height: 17 feet	The deck railing is 4 feet in height	Yes
Maximum size of an accessory structure : 1,200 square feet	224 square feet	Yes
Maximum underfloor clearance: 5 feet	The deck varies from 1 foot clearance to a 5 foot clearance	Yes

Site and Architectural Review

The proposed deck is an accessory structure to the main dwelling. The materials being utilized is wood and is of natural earthtone color. The deck’s size and materials are compatible with the existing structure and surrounding area and the modification will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 2
General Plan Consistency

Policy	Consistency Finding
<p><i>2.a-I-18:</i> <i>To ensure that development in the foothills is in keeping with the natural character of the hillside, and that views are protected, require city review and approval of all proposed development or major alterations to existing development in the hillside. As a part of the review, ensure that:</i></p> <ul style="list-style-type: none"> • <i>Landscaping is of a type indigenous to the area;</i> • <i>That building designs, materials and colors blend with the environment; and</i> • <i>Grading is minimized and contoured to preserve the natural terrain quality.</i> 	<p>Consistent.</p>

The project is consistent with General Plan Policy 2.a-I-18 in that the structure design, materials and colors blend with the natural surrounding environment. Grading is not necessary for this type of structure and there for is minimized and preserves the natural terrain quality of the hillside.

Zoning Ordinance

The project is consistent with the Zoning Ordinance in that a deck is an accessory structure to a residence and the deck meets the development standards for a Hillside Residence and conforms to the impervious surface standard. (See Table 1, Development Standards)

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically except pursuant to Section 15303(e); Accessory Structures, of the California Environmental Quality Act.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

The proposed deck is consistent with the General Plan and Zoning ordinance and utilizes materials of natural tones that are aesthetically pleasing and compatible with the existing home and surrounding area. The modification to add a deck will not interfere with the privacy, quiet enjoyment or views from surrounding properties.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 08-049 recommending approval of the project to the City Council subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 08-049
- B. Site Plan with Photos

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RESOLUTION NO. 08-049

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012, TO ALLOW THE CONSTRUCTION OF A NEW 224 SQUARE FOOT DECK, LOCATED AT 1485 COUNTRY CLUB DRIVE

WHEREAS, on July 23, 2008, an application was submitted by Frank Houghton, 1485 Country Club Drive, to allow the construction of a new 244 square foot deck located on the southwest portion of the property at 1485 Country Club Drive. The property is located within the Single Family Residential with Hillside and Site and Architectural Overlaying Districts (R1-H-S) (APN: 029-03-018); and

WHEREAS, such application requires site and architectural review approval by both the Milpitas Planning Commission and the Milpitas City Council pursuant to Title XI, Chapter 10, Section 45.09 of the Milpitas Municipal Code; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt pursuant to Section 15030(e); Accessory Structures.

WHEREAS, on September 24, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from further environmental review pursuant to Section 15030(e); Accessory Structures.

Section 3: The proposed accessory structure's size and materials are compatible with the surrounding area and the modification will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.

Section 4: The proposed use is consistent with the Milpitas General Plan because it is an accessory structure to a residence and the structure design, materials and colors blend with the natural surrounding environment. Grading is not necessary for this type of structure and therefore impacts are minimized in order to preserve the natural terrain quality of the hillside. (General Plan Implementation Policy 2.a-I-18)

Section 5: The proposed use is consistent with the Milpitas Zoning Ordinance pursuant to Title XI, Chapter 10, Section 45(Single Family Residential with Hillside Overlay and Site and Architectural Overlay) and Section 57 (Conditional Use Permitted by Commission) in that the proposed use is a conditionally permitted use with the approval of the Planning Commission.

Section 6: The Planning Commission of the City of Milpitas hereby approves Minor Site Development Permit No. MS08-0012, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1, and recommends the furtherance of the application to the Milpitas City Council for concurrent site and architectural review approval pursuant to Milpitas Municipal Code XI-10.45.09.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on September 24, 2008.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on September 24, 2008, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	OTHER
Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			
Noella Tabladillo			
Aslam Ali			

EXHIBIT 1

**CONDITIONS OF APPROVAL
MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012**

General Conditions

1. This permit is for the approval of a 224 square foot wood deck locating on the southwest portion of the property located at 1485 Country Club Drive.
2. The owner or designee shall develop the approved project in conformance with the approved plans, color and materials approved by the Planning Commission on September 24, 2008, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, materials, colors, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or his or her designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.

3. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued.

Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of MS08-0012 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

REVISIONS	BY
11-17-00	

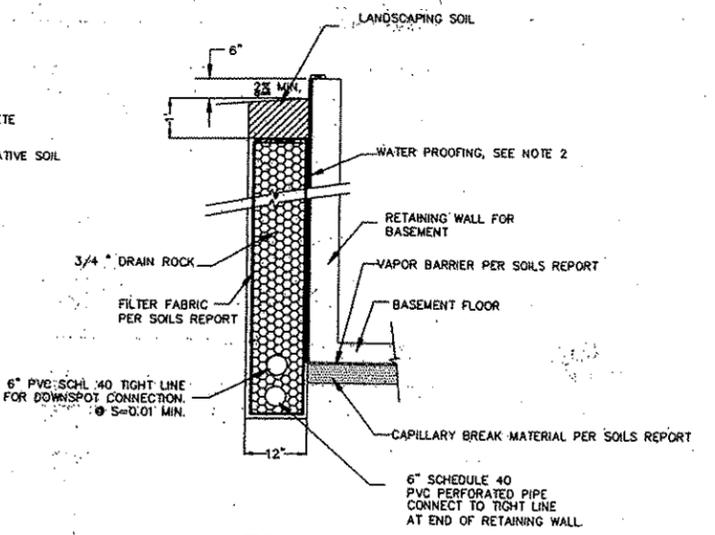
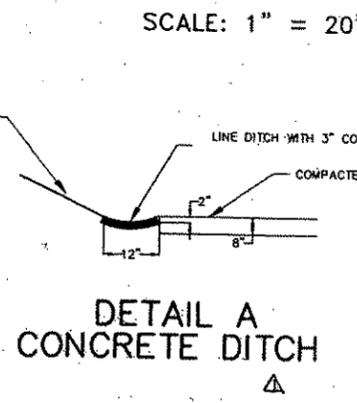
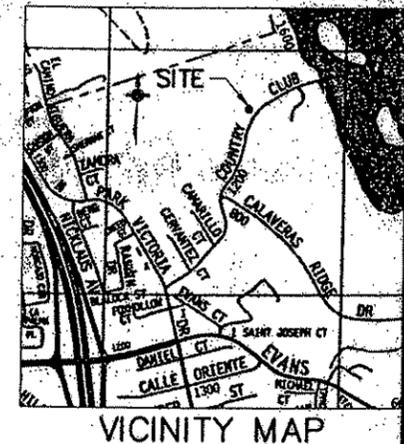
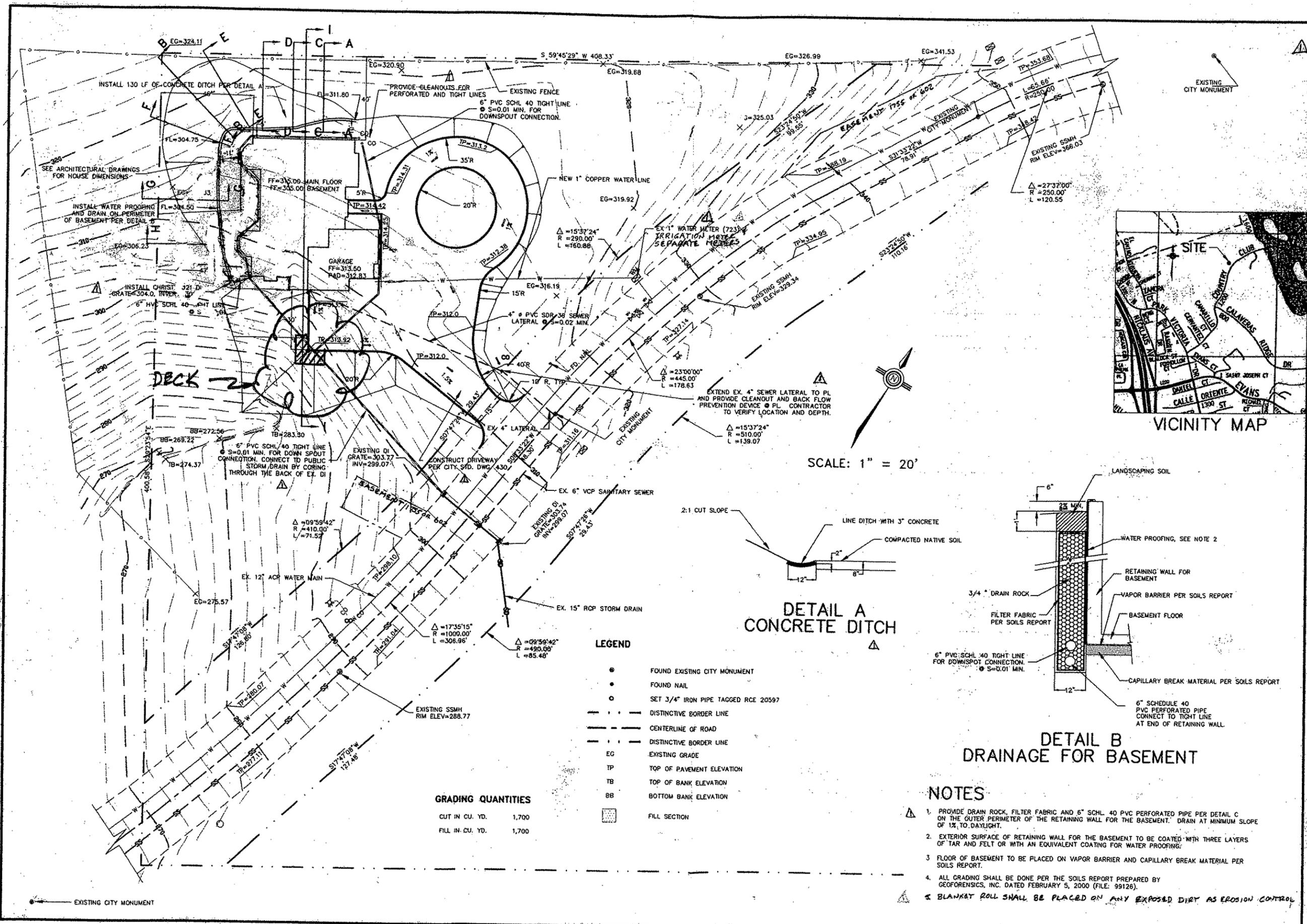
CIVIL ENGINEERING
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CONSTRUCTION

**NELSEN
ENGINEERING**
CUPERTINO, CA
(408) 257-8452



GRADING PLAN & DECK PLACEMENT
LANDS OF HOUGHTON
MILPITAS, CALIFORNIA

Date:	APRIL 2000
Scale:	1"=20'
Drawn:	CAD
Job:	
Sheet:	1
of	2



- NOTES**
1. PROVIDE DRAIN ROCK, FILTER FABRIC AND 6" SCHL. 40 PVC PERFORATED PIPE PER DETAIL C ON THE OUTER PERIMETER OF THE RETAINING WALL FOR THE BASEMENT. DRAIN AT MINIMUM SLOPE OF 1% TO DAYLIGHT.
 2. EXTERIOR SURFACE OF RETAINING WALL FOR THE BASEMENT TO BE COATED WITH THREE LAYERS OF TAR AND FELT OR WITH AN EQUIVALENT COATING FOR WATER PROOFING.
 3. FLOOR OF BASEMENT TO BE PLACED ON VAPOR BARRIER AND CAPILLARY BREAK MATERIAL PER SOILS REPORT.
 4. ALL GRADING SHALL BE DONE PER THE SOILS REPORT PREPARED BY GEOFORENSICS, INC. DATED FEBRUARY 5, 2000 (FILE: 99126).
 5. BLANKET ROLL SHALL BE PLACED ON ANY EXPOSED DIRT AS EROSION CONTROL.

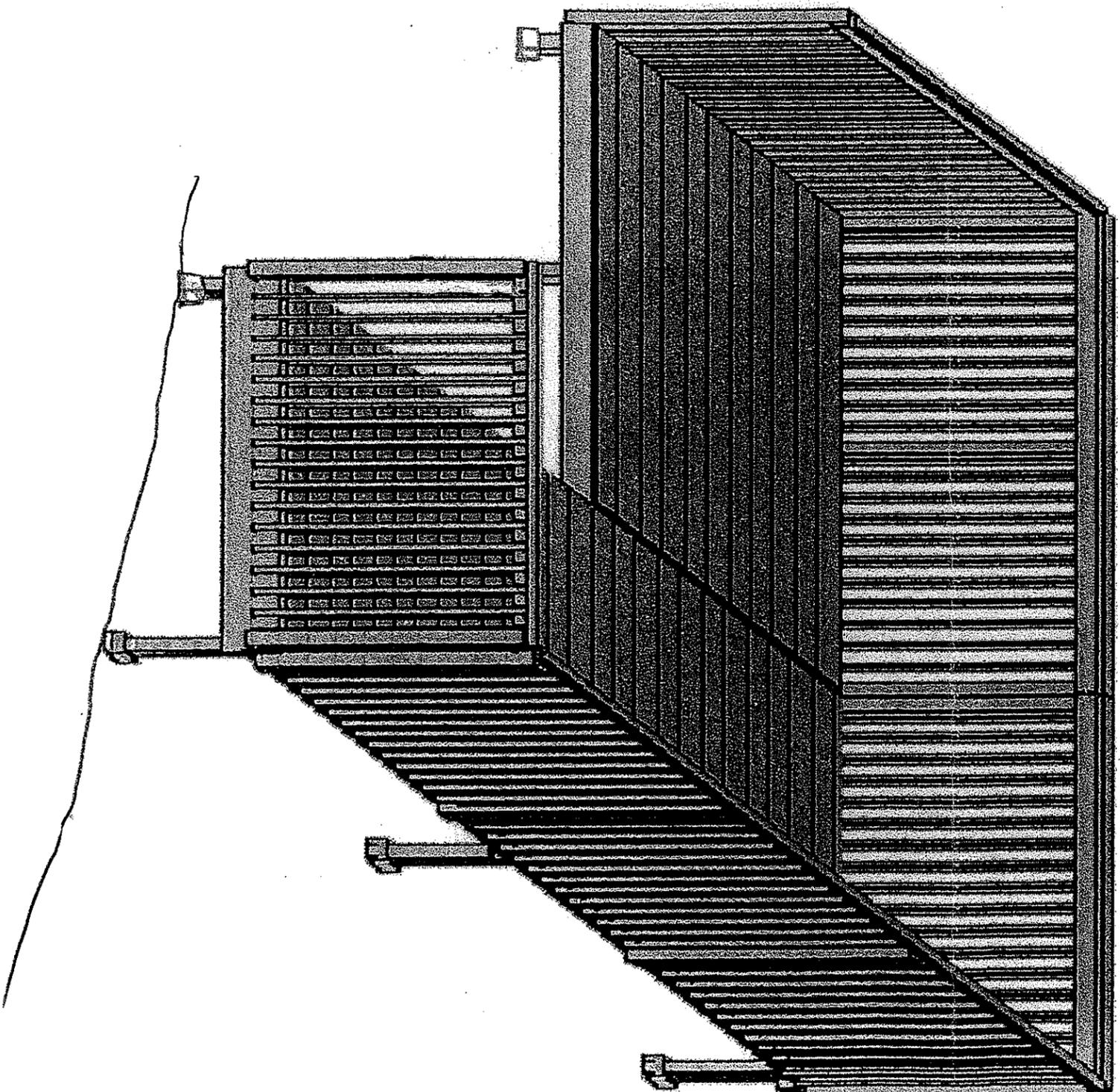
Mark Houghton

1485 Country Club Dr.

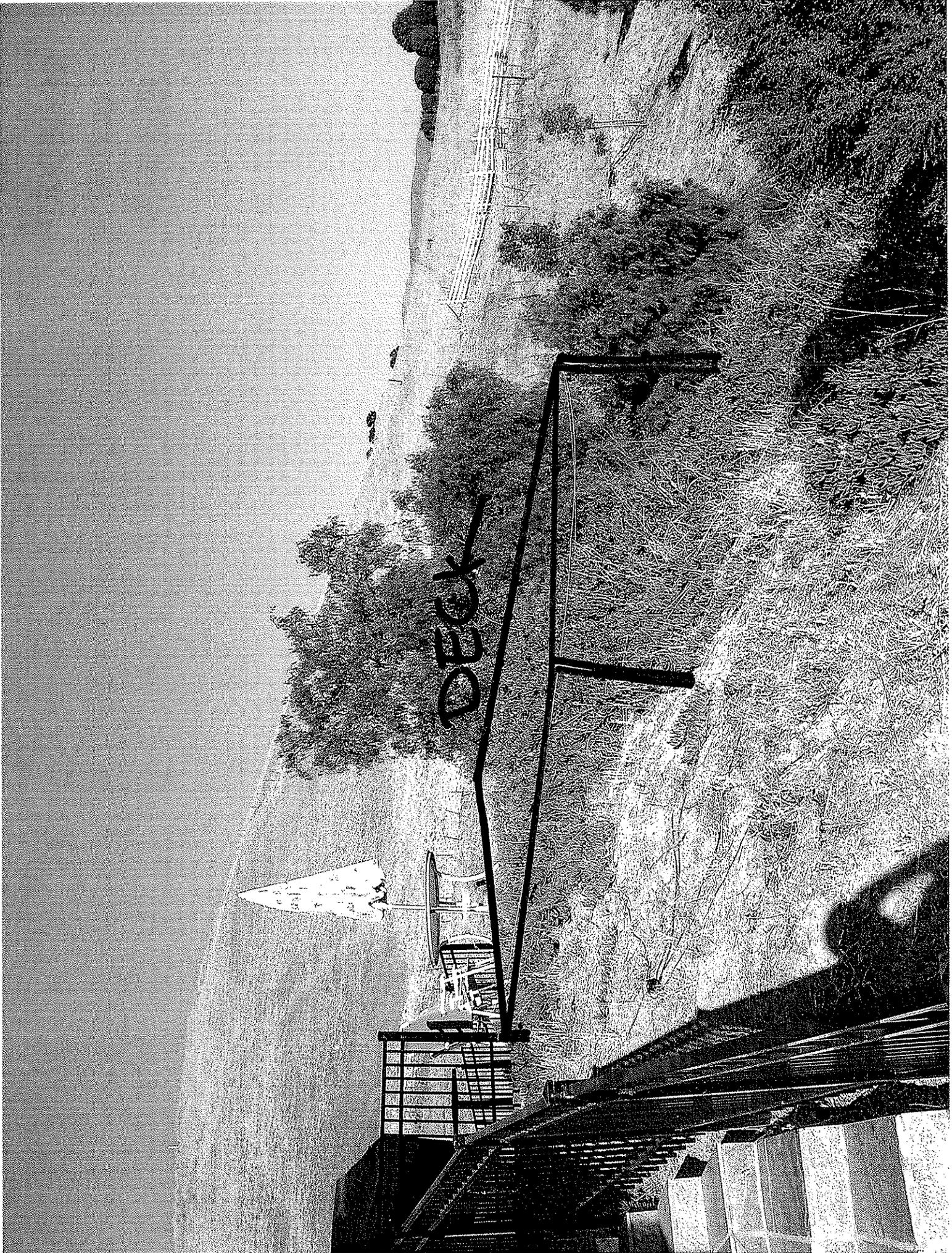
Milpitas, CA 95035

Tue Jul 15 21:29:36 2008

3D View







DECK