



## MILPITAS PLANNING COMMISSION AGENDA REPORT

**PUBLIC HEARING**

Meeting Date: October 14, 2009

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**APPLICATION:** **Site Development Permit Amendment No. SA09-0013, Baltazar Residence**

**APPLICATION SUMMARY:**

A request to allow for the construction a 314 square foot room addition and two attached patio covers at rear of an existing hillside home.

**LOCATION:**

2018 Wellington Drive (APN 29-48-046)

**APPLICANT:**

Hai Nguyen, 2721 Mabury Square, San Jose, CA 95133

**OWNER:**

Nellie and Elpidio Baltazar, 2018 Wellington Drive, Milpitas, CA 95035

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:**

- 1. Close the public hearing following public testimony; and**
- 2. Adopt Resolution No. 09-045 approving the project subject to conditions of approval.**

**PROJECT DATA:**

General Plan/

Zoning Designation:

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

Overlay District:

Site and Architectural Overlay (-S)

Specific Plan:

N/A

Site Area:

0.97 Acres

Proposed Building Square Footage: 4,323 Sq. Ft.

Proposed Impervious Coverage: 6,210 Sq. Ft.

No. of Stories/Building Height: Single Story Residence/17-feet

**CEQA Determination:**

Categorically exempt from further environment review pursuant to 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

**PLANNER:**

Cindy Hom, Assistant Planner

**PJ:**

**ATTACHMENTS:**

A. Resolution No. 09-045

B. Project Plans

# LOCATION MAP



No scale

**BACKGROUND**

On June 8, 2005, the Planning Commission granted site and architectural approval to allow for a 363 square foot building addition providing an expanded library for the home. The addition incorporated materials to match the existing building, including concrete tiles, stucco exterior and windows.

On August 8, 2009, Hai Nguyen of Universal Design submitted an application for the construction of a 314 square room expansion of the existing library and two new attached patio covers (combined area of 536 square feet) along the back elevation of the house. The application is submitted pursuant to Milpitas Municipal Code Section XI-10-45.09 -2 (Site and Architectural Approval), which requires Planning Commission and City Council review and approval.

**PROJECT DESCRIPTION**

The project site is located at the northeast corner of the city near the eastern city boundary. The project site is currently designated and zoned as Single Family Residential Hillside and is bounded by Wellington Drive and R1-10 (10,000 square foot Single Family Residential) lots to the north, west and south. The site is located west of the Crestline and is approximately one acre in size. The site is generally flat at the front portion of the site and slopes upward to the rear of the site. A vicinity map of the subject site location is included on the previous page.

The project proposes a 314 square foot expansion of an existing library and two new attached patio covers that flank the kitchen nook area. The proposed addition consists of a new stucco exterior wall, three panel oriel windows, and Spanish roof tiles. The applicant also proposes to construct two new patio covers over the existing concrete patio at the rear of the dwelling. The smaller patio cover (approximates 55 square feet) is located between the proposed addition and existing kitchen nook. The larger patio cover is located at the southeast corner of the dwelling and is approximately 479 square feet in size. No grading is proposed with this application.

***Development Standards***

The project as proposed complies with the development standards in terms setbacks, height, size of dwelling, and impervious coverage as demonstrated in Table 1 below. The proposed building addition and patio covers are constructed over an existing concrete pad and therefore will not require any earthwork or impact any existing landscaping.

**Table 1**  
**Hillside Development Standards**

	<b>Zoning Ordinance</b>	<b>Proposed</b>
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	25'	25'
Interior Side yard	40'	40'
Rear	40'	40'
<u>Maximum Size of Dwelling</u>	6,000 s.f.	4,323 s.f.
<u>Building Height</u> (Maximum)	One story; 17-feet	One story; 17-feet

	Zoning Ordinance	Proposed
<u>Impervious Coverage (Maximum)</u>	8,000 s.f.	6,210 s.f.

Architecture

The architecture of the existing home consists of contemporary Mediterranean architectural elements that include the use of stucco walls, multi-panel oriel windows, and Spanish barrel roof tiles. The proposed room addition and patio covers shall utilize materials that match the existing colors and materials.

**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>Implementing Policy 2.a-I-18</i></p> <p><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 part of the review, ensure that:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Landscaping is of a type indigenous to the area;</i></li> <li>▪ <i>Building designs, materials and colors blend with the environment;</i></li> <li>▪ <i>Grading is minimized and contoured to preserve the natural terrain quality.</i></li> </ul>	<p><b>Consistent.</b> The proposed project is consistent the policy, because the project received site and architectural review for conformance with the Hillside Ordinance. The project as proposed is keeping with the existing architectural design of the home by utilizing materials and styles that match the existing home. The proposed modification maintains the natural character of the hillside by not expanding beyond the existing footprint of the building and maintaining the existing grade. As conditioned, the materials, design of the accessory structures and landscaping will be in keeping with the natural setting and view of the hillside.</p>

**Zoning Ordinance**

The proposed 314 square foot building addition is consistent with the development standards and the following guidelines for Single Family Residential - Hillside zoning district:

- a) Avoid Unreasonable Interference with Views and Privacy

The building addition will not be any taller than the existing structure and will not be built outside of the approved building envelope while meeting setback requirements. In addition, the building addition will be located at the rear of the home.

b) Preserve Natural Landscape

The building addition will preserve natural landscape as the project will not be proposing any grading on the site, nor the removal of any trees.

c) Minimize Perception of Excessive Bulk

The project is in conformance with the maximum size of a home in the Hillside district. In addition, it is not proposed to be any taller than the existing building.

d) Impairment of Light and Air

The addition will not impair light and air because it will not be any taller than the existing building and does not propose any type of exterior lighting.

e) Grading

The project does not involve any grading to the site as it will be constructed in an area that is already flat and level.

## **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 exempt from further environment review pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA). The proposed project entails construction of a 314 square foot room addition and two new attached patios constructed over an existing concrete pad. The project will not result in an increase of floor area greater than 2,500 sq. ft. nor will it increase the total floor area more than 50% of the structure before the addition.

## **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 room addition and attached patio covers are consistent with the General Plan and Milpitas Zoning Ordinance in that the exterior modifications received site and architectural review to ensure an aesthetic and harmonious development. The project complies with the development standards and guidelines for the Single Family Residential Hillside zoning district. The proposed modification are also consistent with the architectural style of the existing home.

## **RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 09-045 approving SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0013, BALTAZAR RESIDENCE, subject to the attached Conditions of Approval.

### *Attachments:*

- A. Resolution No. 09-045

B. Plans



## RESOLUTION NO. 09-045

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO SA09-0013, BALTAZAR RESIDENCE TO ALLOW FOR 314 SQUARE FOOT ROOM ADDITION AND INSTALLATION OF TWO NEW PATIO COVERS AT THE REAR OF AN EXISTING HILLSIDE HOME LOCATED AT 2018 WELLINGTON DRIVE.

**WHEREAS**, on, August 8, 2009, an application was submitted by Hai Nguyen for the construction of a 314 square foot room addition and two new patio covers at the rear of an existing hillside home located at 2018 Welling Drive (APN 29-48-046). The site is zoned Single Family Residential with Hillside Combining District and Site and Architectural Overlay; 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 is categorically exempt from further environmental review; and.

**WHEREAS**, on October 14, 2009, 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 Class 3, Section 15303 (New Construction or Conversion of Small Structures) in that the proposed project entails construction of a 314 square foot room addition and two new attached patios constructed over an existing concrete pad. The project will not result in an increase of floor area greater than 2,500 sq. ft. nor will it increase the total floor area more than 50% of the structure before the addition.

**Section 3:** The project is consistent with the Milpitas General Plan in that the project received site and architectural review for conformance with the Hillside Ordinance. The project is consistent with General Plan policies by maintaining the existing architectural style of the home and utilizing materials and styles that match the existing home. The proposed modification maintains the natural character of the hillside by not expanding beyond the existing footprint of the building and maintaining the existing grade.

**Section 4:** The project is consistent with the Milpitas Zoning Ordinance in that project complies with the development standards in terms of setbacks, height, maximum size of dwelling, and impervious coverage. As proposed, the existing residence would be increased to 4,323 square feet with 6,210 square feet of impervious coverage and maintain a height of 17-feet.

**Section 5:** The layout of the site and design of the proposed project are compatible and aesthetically harmonious with adjacent and surrounding development that it utilizes colors and materials that match the existing architecture.

**Section 6:** The Planning Commission of the City of Milpitas hereby approves Site Development Permit Amendment No. SA09-0013, Baltazar Residence, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on October 14, 2009

\_\_\_\_\_  
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 October 14, 2009, and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Cliff Williams				
Aslam Ali				
Lawrence Ciardella				
Alexander Galang				
Sudhir Mandal				
Gurdev Sandhu				
Noella Tabladillo				
Mark Tiernan				

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0013**

**Site Development Permit**

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on October 14, 2009, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, 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 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.

2. Site Development Permit Amendment No. SA09-0013 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of Site Development Permit Amendment No. SA09-0013 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

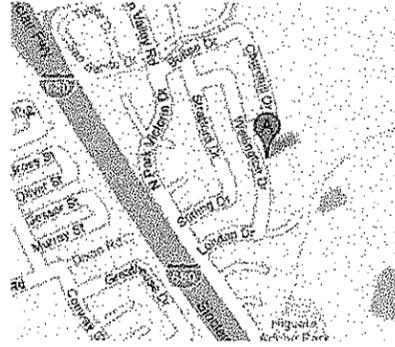
3. The building addition shall match the existing building colors and materials. (P)

**General**

4. This project shall be conducted in compliance with all appropriate local, state, and federal laws and regulations. (P)

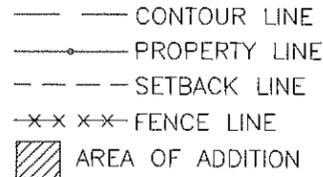
(P) = Planning

**PROJECT MAP**



**GENERAL NOTES**

1. ALL WORK TO CONFORM TO 2001 CBC, CPC, CMC, 2004 CEC AND 2007 CALIFORNIA ENERGY CODE (I.E., 1997 UBC, 2000 UPC AND 2004 NEC AS AMENDED BY THE STATE OF CALIFORNIA UNLESS OTHERWISE NOTED.
2. DO NOT SCALE PLANS, ANY UNCLEAR OR MISPRINT DIMENSIONS OR DISCREPANCIES ON PLANS SHALL BE BROUGHT UP TO THE DESIGNER FOR CLARIFICATIONS.
3. PRIOR TO STARTING OF ANY WORK, THE CONTRACTOR SHALL VERIFY ALL EXISTING BUILDING CONSTRUCTION AND DIMENSIONS AS PER PLANS INCLUDING FOOTING SIZE (WIDTH, HEIGHT, DEPTH, ETC.) ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER AND ENGINEER FOR REVIEW AND APPROVAL.
4. THESE PLANS AND DESCRIPTION OF MATERIAL SHALL GOVERN THE EXTENT OF THE WORK TO BE DONE. ANY DISCREPANCY BETWEEN THESE DOCUMENT AND FIELD CONDITION MUST BE CALLED TO THE ATTENTION OF THE DESIGNER. ANY DISCREPANCY NOT REPORTED TO THE DESIGNER WILL ABSOLVE HIM OF ANY RESPONSIBILITY.
5. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR DESIGN AND INSTALLATION OF ALL TEMPORARY BRACING AND SHORING PRIOR TO THE REMOVAL OF ANY SUPPORTING STRUCTURE.
6. THE GENERAL CONTRACTOR IS FULLY RESPONSIBLE FOR THE SATISFACTORY COMPLETION OF ALL WORK IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATION.



**SITE ANALYSIS**

JOB LOCATION: 2018 WELLINGTON DR.  
 JURISDICTION: MILPITAS, CA 95035  
 APN: 029-48-046  
 LOT SIZE: 41,966 SF  
 ZONING: R-1-10

**EXISTING HOUSE:**

LIVING AREA: 3,334 SF.  
 GAGARE: 675 SF.  
 TOTAL: 4,009 SF.

**PURPOSE FLOOR AREA**

ADDITION FLR. AREA: 314 SF.  
 GRAND TOTAL SQ SF. 4,323 SF.

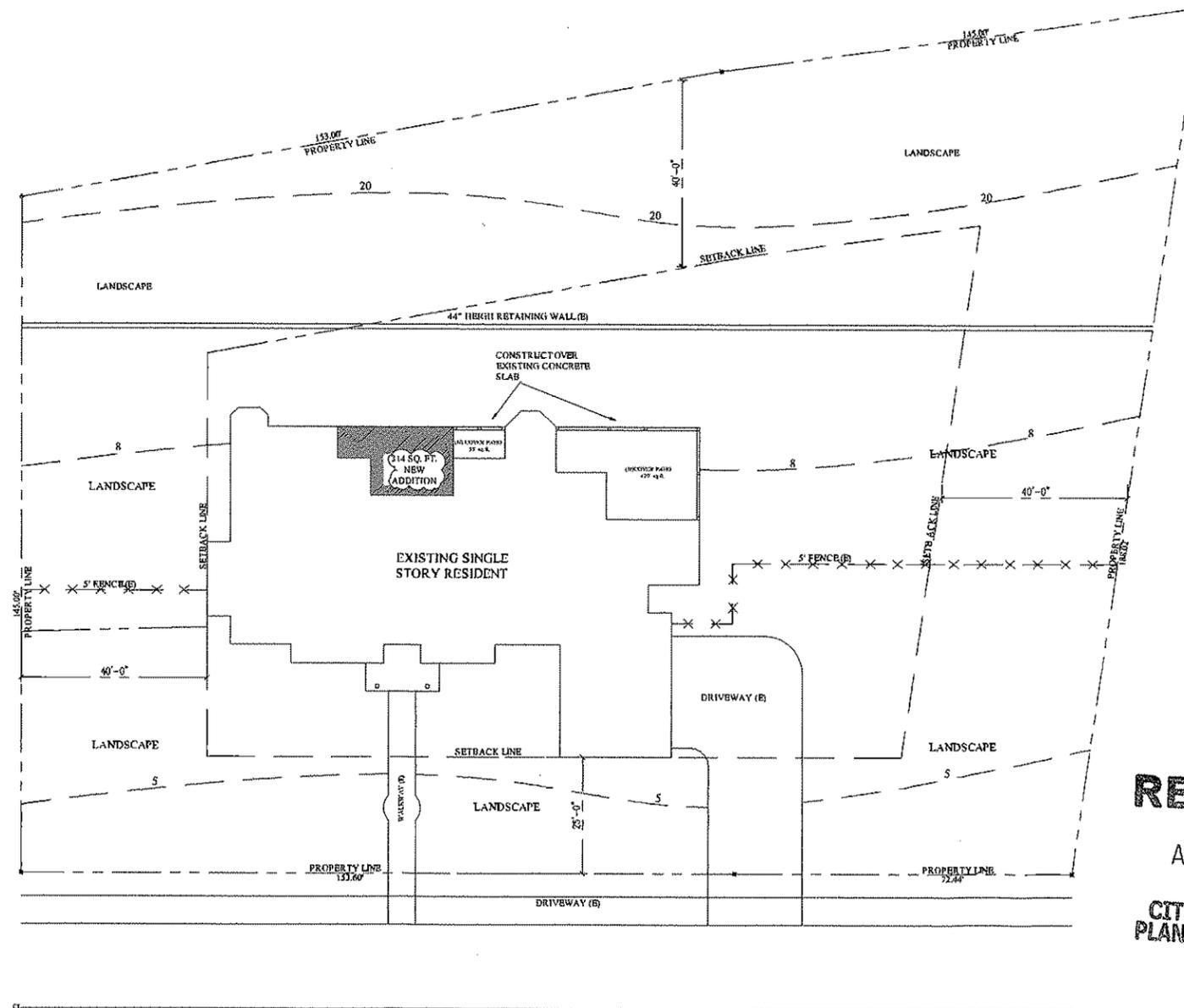
4,323 SF.  
 F.A.R. = 41,966 SF. = .10%

**IMPERVIOUS SURFACE CALCULATION:**

DRIVEWAY: 1,175 SF.  
 WALKWAY: 712 SF.  
 MAIN DWELLING: 4,323 SF.  
 TOTAL CALCULATION: 6,210 SF.

**DRAWING LIST**

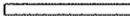
- A-1 FLOOR PLAN
- A-3 ROOF FRAMING PLAN
- A-4 ELEVATION PLAN
- A-5 BUILDING PLAN
- C-1 PLOT PLAN
- M-1 MECHANICAL PLAN
- E-1 ELECTRICAL PLAN
- S-1 GENERAL NOTES
- S-2 FOUNDATION PLAN
- S-3 FRAMING PLAN
- S-4 DETAIL PLAN



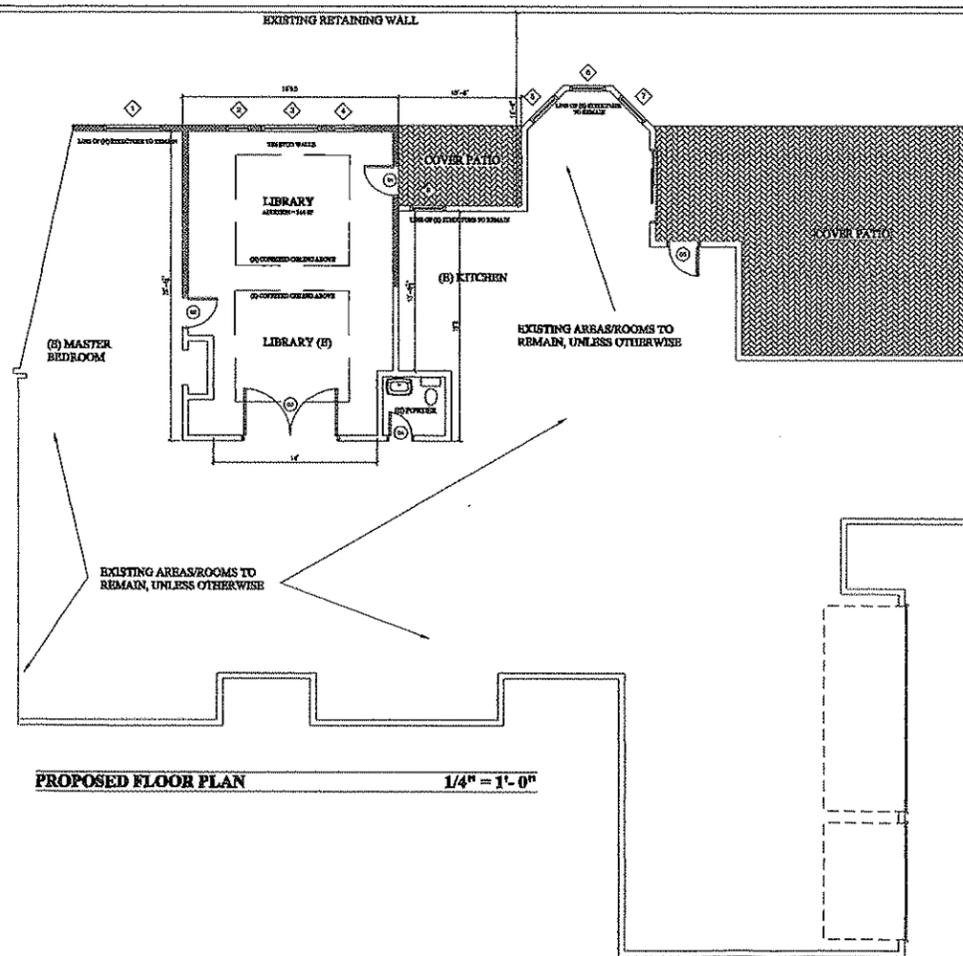
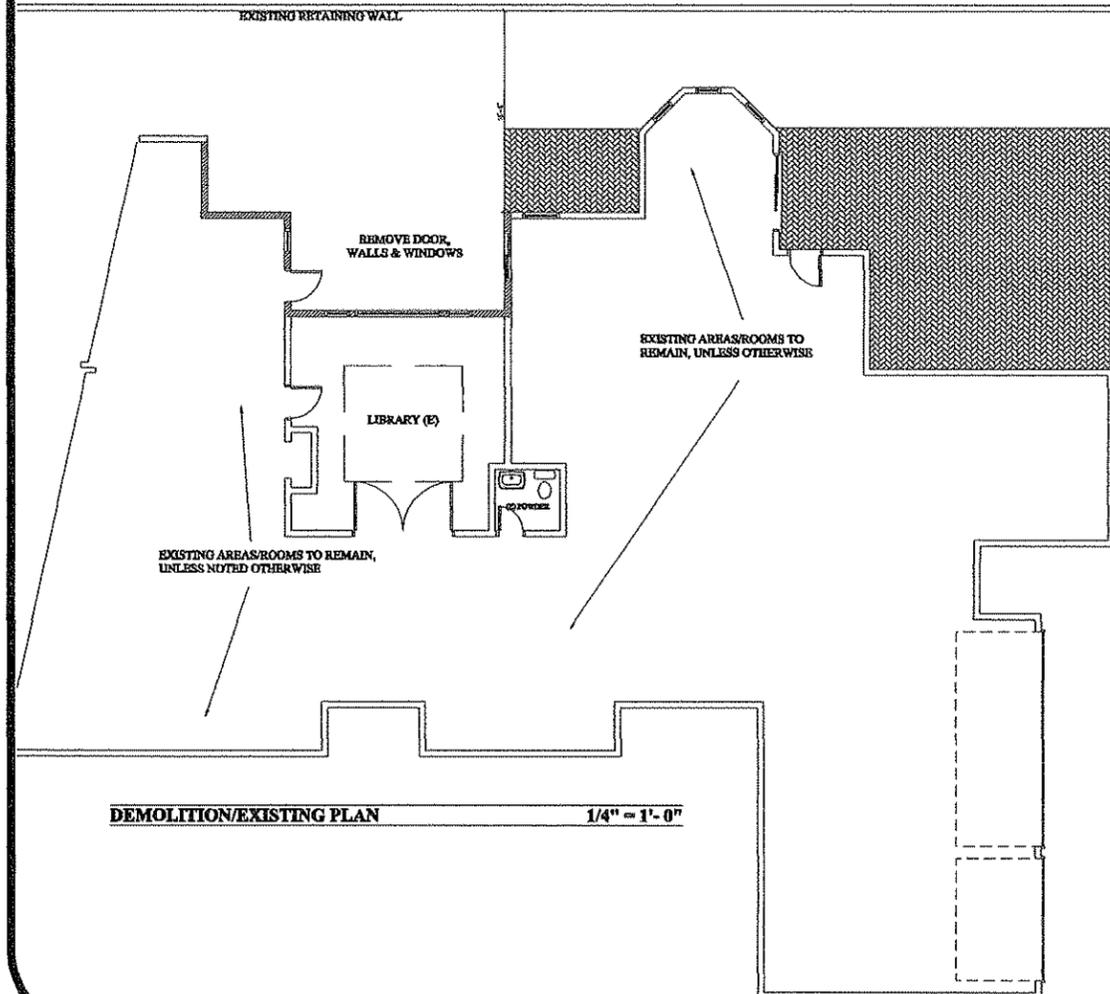
**DEMOLITION NOTES**

1. DEMOLITION PLAN IS PROVIDED FOR REFERENCE ONLY. GENERAL CONTRACTOR SHALL CAREFULLY COORDINATE DEMOLITION AND REMOVAL WITH NOTES AND DIMENSIONS INDICATING THE EXTENT AND NATURE OF NEW CONSTRUCTION SHOWN ELSEWHERE IN THESE DOCUMENTS.
2. GENERAL CONTRACTOR IS RESPONSIBLE FOR SECURELY SHORING IN PLACE ALL OVERHEAD STRUCTURE PRIOR TO THE REMOVAL OF ANY EXISTING SUPPORT STRUCTURES.
3. CAP-OFF PLUMBING, GAS AND ELECTRICAL LINES AS REQUIRED.

**LEGEND:**

-  EXISTING WALLS TO REMAIN
-  NEW WALL (2X4 STUDS @ 16" O.C.)
-  EXISTING WALLS TO BE REMOVED
-  1/2" CDX PLYWOOD SHEAR WALL WITH SPACING OF 6" O.C. EDGE 12" O.C. FIELD 16D'S NAIL

WINDOW SCHEDULE				DOORS SCHEDULE				
MARK	SIZE		NOTES	MARK	SIZE			NOTES
	WIDTH	HEIGHT			WD	HGT	THK	
1(W)	5'-0"	5'-0"	NEW	1(DR)	2'-6"	7'-0"	1 3/4"	NEW
2(W)	2'-0"	6'-0"	NEW	2(DR)	2'-6"	7'-0"	1 3/4"	NEW
3(W)	5'-0"	6'-0"	NEW	3(DR)	8'-0"	7'-0"	1 3/4"	EXISTING
4(W)	2'-0"	6'-0"	NEW	4(DR)	2'-0"	5'-8"	1 3/4"	EXISTING
5(W)	3'-0"	6'-0"	EXISTING	5(DR)	2'-6"	5'-8"	1 3/4"	EXISTING
6(W)	3'-0"	6'-0"	EXISTING	6(DR)	6'-0"	5'-8"	1 3/4"	EXISTING
7(W)	3'-0"	6'-0"	EXISTING					
8(W)	3'-0"	5'-0"	EXISTING					



THE BALTAZAR RESIDENT  
2018 WELLINGTON DRIVE  
MILPITAS, CA 95035

No.	Revision/Issue	Date

STRUCTURAL ENGINEER

Firm Name and Address  
UNIVERSAL DESIGN  
2721 MABURY SQUARE  
SAN JOSE, CA 95133  
408-627-9242  
UNIVERSAL41@HOTMAIL.COM

DESIGNER

Project	00109	Sheet	A-1
Date	7/20/09		
Scale			

# ATTIC VENTILATION CALCULATION

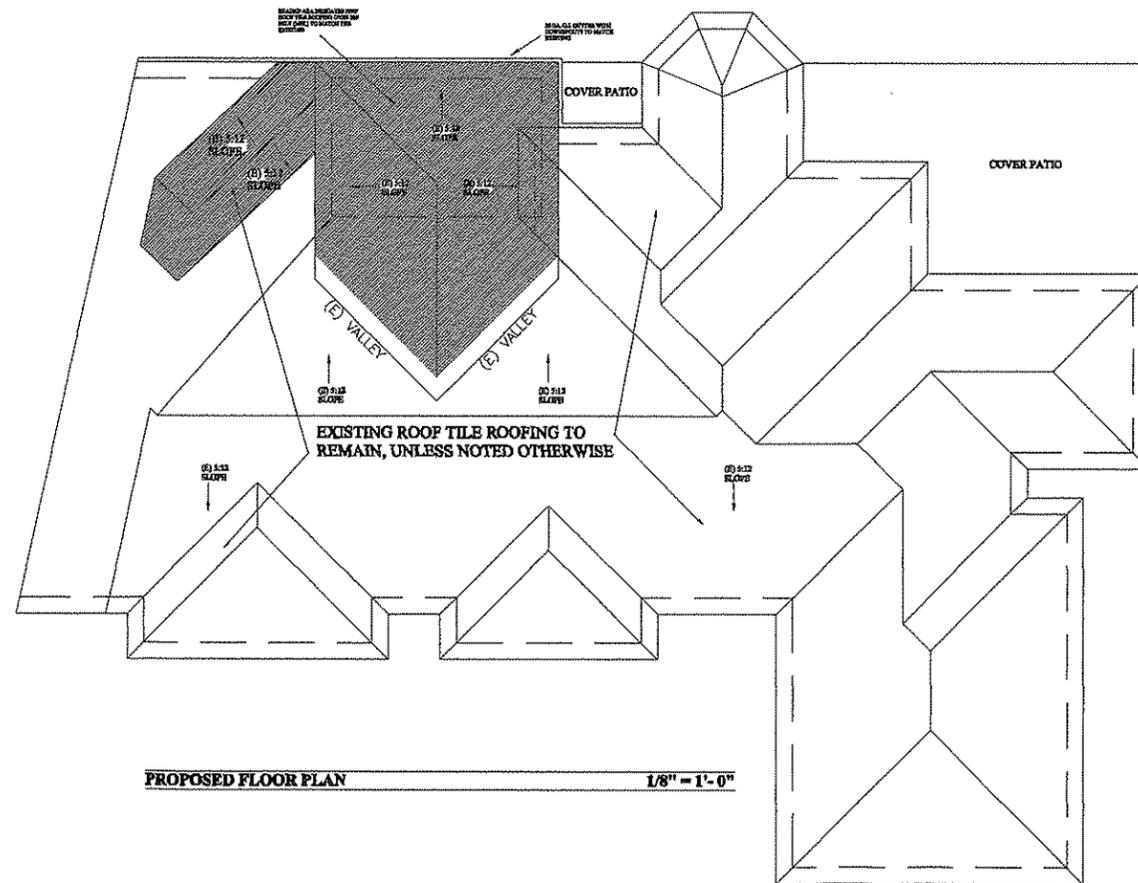
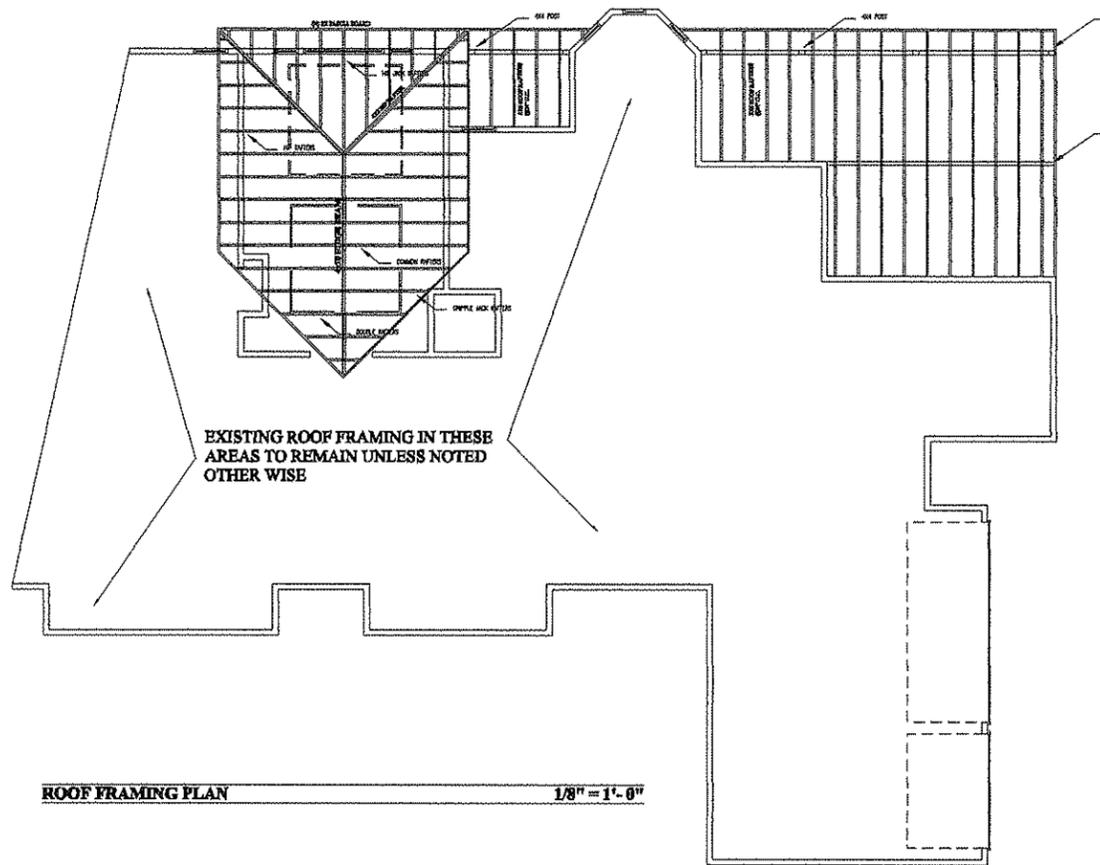
PROPOSED ATTIC VENTILATION TO PROVIDE A NET FREE VENT AREA EQUAL TO  
1 / 150 OF THE PROPOSED ROOF AREA.

## VENTILATION REQUIRE

314 SF (45216 SQ IN.) ATTIC AREA  
 $45216 / 300 = 150.72$  SQ IN TOTAL VENT AREA  
 14x8 IN VENTS = 112 SQ IN PER VENT  
 $150 / 112 = 1.3 \sim 2$  ATTIC VENTS

## ROOF FRAMING PLAN

RIDGE BEAM ~ 4X10 DF #1  
 HIP RAFTER ~ 4X8 DF #1  
 HIP JACK RAFTER ~ 2X6 DF#2  
 COMMON RAFTERS ~ 2X6 DF #2  
 CRIPPLE JACK RAFTER ~ 2X6 DF #2



General Notes

**THE BALTAZAR RESIDENT**  
 2018 WELLINGTON DRIVE  
 MILPITAS, CA 95035

No.	Revision/Issue	Date

STRUCTURAL ENGINEER

Firm Name and Address

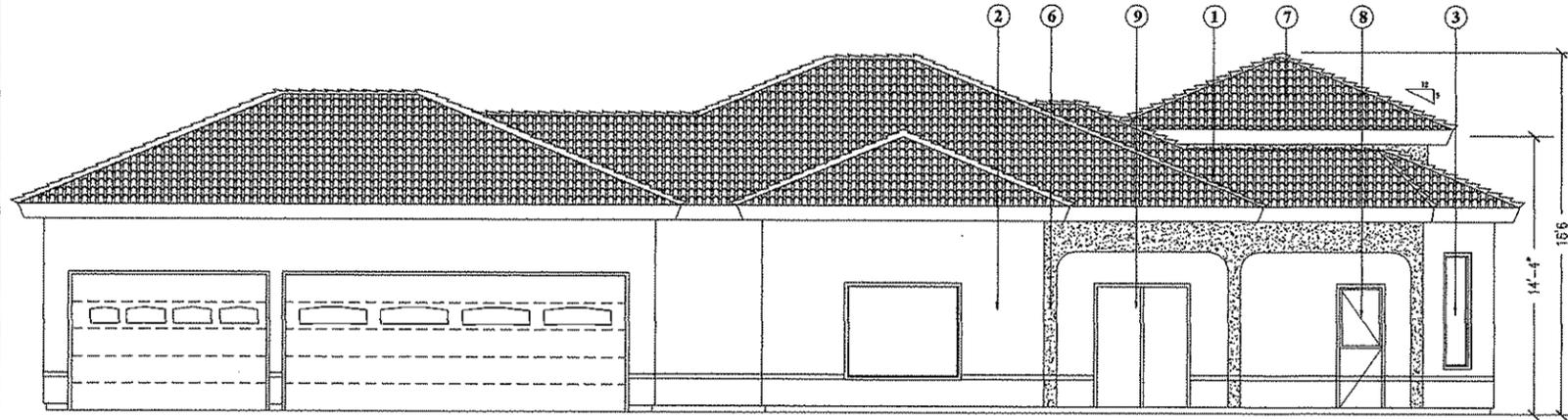
UNIVERSAL DESIGN  
 2721 MABURY SQUARE  
 SAN JOSE, CA 95133  
 408-627-9242  
 UNIVERSAL41@HOTMAIL.COM

DESIGNER

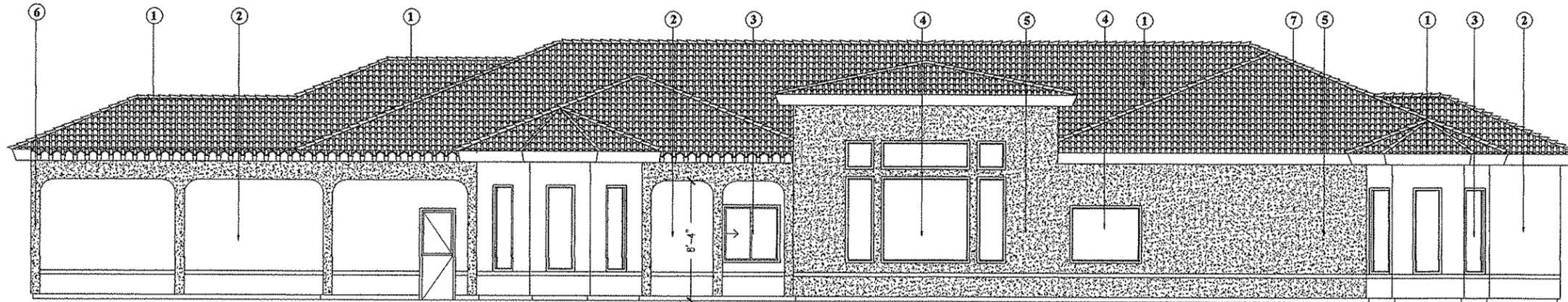
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**GENERAL NOTES**

- ① EXISTING ROOF TILE, ROOF TILE TO REMAIN
- ② EXISTING STUCCO FINISH TO REMAIN
- ③ EXISTING WINDOWS TO REMAIN
- ④ NEW WINDOWS
- ⑤ NEW 3/8 THICK STUCCO FINISH TO MATCH THE EXISTING STUCCO
- ⑥ NEW 4X4 COLUMNS WITH 3/8 STUCCO FINISH
- ⑦ NEW ROOF TILE TO MATCH THE EXISTING ROOF TILE
- ⑧ EXISTING SINGLE EXTERIOR DOOR TO REMAIN
- ⑨ EXISTING SLIDING DOOR



**EAST SIDE ELEVATION** 1/4" = 1'- 0"



**SOUTH ELEVATION** 1/4" = 1'- 0"

General Notes

THE BALTAZAR RESIDENT  
2018 WELLINGTON DRIVE  
MILPITAS, CA 95035

No.	Revision/Issue	Date

STRUCTURAL ENGINEER  
DB ENGINEERING  
DUNG BUI, PE  
2021 THE ALAMEDA,  
SUITE 360  
SAN JOSE, CA 95126  
PH. 408-621-0114  
EMAIL: mstrung@aol.com

Form Name and Address  
UNIVERSAL DESIGN  
2721 MABURY SQUARE  
SAN JOSE, CA 95133  
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DESIGNER

Project	00109	Sheet	A-4
Date	7/20/09		
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