



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: September 21, 2010

APPLICATION:	Site Development Permit No. SD10-0008
APPLICATION SUMMARY:	A request to install a 1,440 square foot accessory building
LOCATION:	1500 Yosemite Drive
APPLICANT:	Kevin Mattos, KMA Architecture + Design, 111 W. Saint John St., Ste 950, San Jose, CA 95113
OWNER:	Milpitas Unified School District, 1331 E. Calaveras Blvd., Milpitas, CA 95035
RECOMMENDATION:	Staff recommends that the Planning Commission: <ol style="list-style-type: none"> 1. Close the public hearing; and 2. Adopt Resolution No. #10-040 approving the project subject to conditions of approval.
PROJECT DATA:	
General Plan/	
Zoning Designation:	Institutional with Site and Architectural Overlay (I-S)
Any other pertinent info:	
CEQA Determination:	Categorically exempt form CEQA pursuant to Section 15301 (Existing Facilities)
PLANNER:	Janice Spuller, Assistant Transportation Planner
PJ:	2669
ATTACHMENTS:	A. Resolution No. #10-040/Conditions of Approval B. Site Plans C. Radius Map

LOCATION MAP



BACKGROUND

On August 19, 2010 the Milpitas Unified School District submitted an application for a Site Development Permit to install a 1,440 square foot accessory building at 1500 Yosemite Drive. According to the Section 10-57.03 of the City of Milpitas Zoning Ordinance, a Site Development Permit is required for accessory buildings. The building will be used to use to add two classrooms to the Nobel Hill Communities (Merryhill School), who leases the space from the Milpitas Unified School District. The project is subject to zoning ordinance because the building is being used by a private school.

PROJECT DESCRIPTION

The Milpitas Unified School District owns the property and leases the space to Merryhill School and Milpitas Montessori School. The General Plan and Zoning designate this site as Institutional with an “S” combining district for site and architectural review (I-S). The surrounding zoning is Single Family Residential (R1-6)

The applicant is requesting approval of 1,440 square feet of modular building which will be divided into two classrooms. The building is composed of a steel frame, with a block pier set foundation and composite siding. The height of the building is approximately 15 feet. The architecture is a standard modular classroom that is complementary to the existing two buildings it will be adjoining to.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

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

Table 1
General Plan Consistency

Policy	Consistency Finding
<p><i>2.a.G-1</i></p> <p><i>Maintain a land use program that balances Milpitas’ regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center.</i></p>	<p>Consistent.</p>

Zoning Ordinance

Under state law, school districts have the power to exempt themselves from local city zoning ordinances for classroom facilities. In that regard, the State has authority over the permitting process regarding such public school facilities.

The location of the accessory building is consistent with the Institutional Zone Development Standards Section 10-10.03 of the City’s Zoning Ordinance. The design and architecture of the accessory building is complementary to the existing accessory buildings, therefore is consistent with the Site and Architectural Overlay District.

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 environmental review pursuant to Class 1, Section 15031(e)(1) (“Existing Facilities”).

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 design of the accessory building is consistent within the Institutional- Site and Architectural Overlay District.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 10-040 approving Site Development Permit No. SD10-0008, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution/Conditions of Approval
- B. Site Plans
- C. Radius Map

RESOLUTION NO. 10-040

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT NO. SD10-0008, TO INSTALL AN ACCESSORY BUILDING, LOCATED AT 1500 YOSEMITE DRIVE

WHEREAS, on August 18, 2010, an application was submitted by Kevin Mattos, with KMA Architecture + Design representing the Milpitas Unified School District, 111 West Saint John Street, Suite 950, San Jose, CA 95113, to allow the installation of a 1,440 square foot accessory building. The property is located within the Institutional Zoning District with Site and Architectural Review Overlay District (APN 088-07-061); and

WHEREAS, approval of such an application would require a site development permit under the provisions of Milpitas Municipal Code § X-57.03 (Site Development Permits and Minor Site Development Permits); 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.

WHEREAS, on September 21, 2010, 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 15301(e) for Existing Facilities.

Section 3: The project is consistent with the General Plan Policy 2.a.G-1, by providing complementary design and architecture.

Section 4: Furthermore, the project is consistent with the zoning ordinance in that the granting of the site development permit will not amount to special privileges which are inconsistent with the limitations imposed upon other properties within the vicinity and the same zoning district.

Section 5: The Planning Commission of the City of Milpitas hereby approves SD10-0008, 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 September 21, 2010.

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 21, 2010, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Cliff Williams				
Lawrence Ciardella				
Sudhir Mandal				
Gurdev Sandhu				
Steve Tao				
Noella Tabladillo				
Mark Tiernan				
John Luk				

EXHIBIT 1

CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT NO. SD10-0008
A request to install a 1,440 square foot accessory building
1500 Yosemite Drive (APN: 088-07-061)

General Conditions

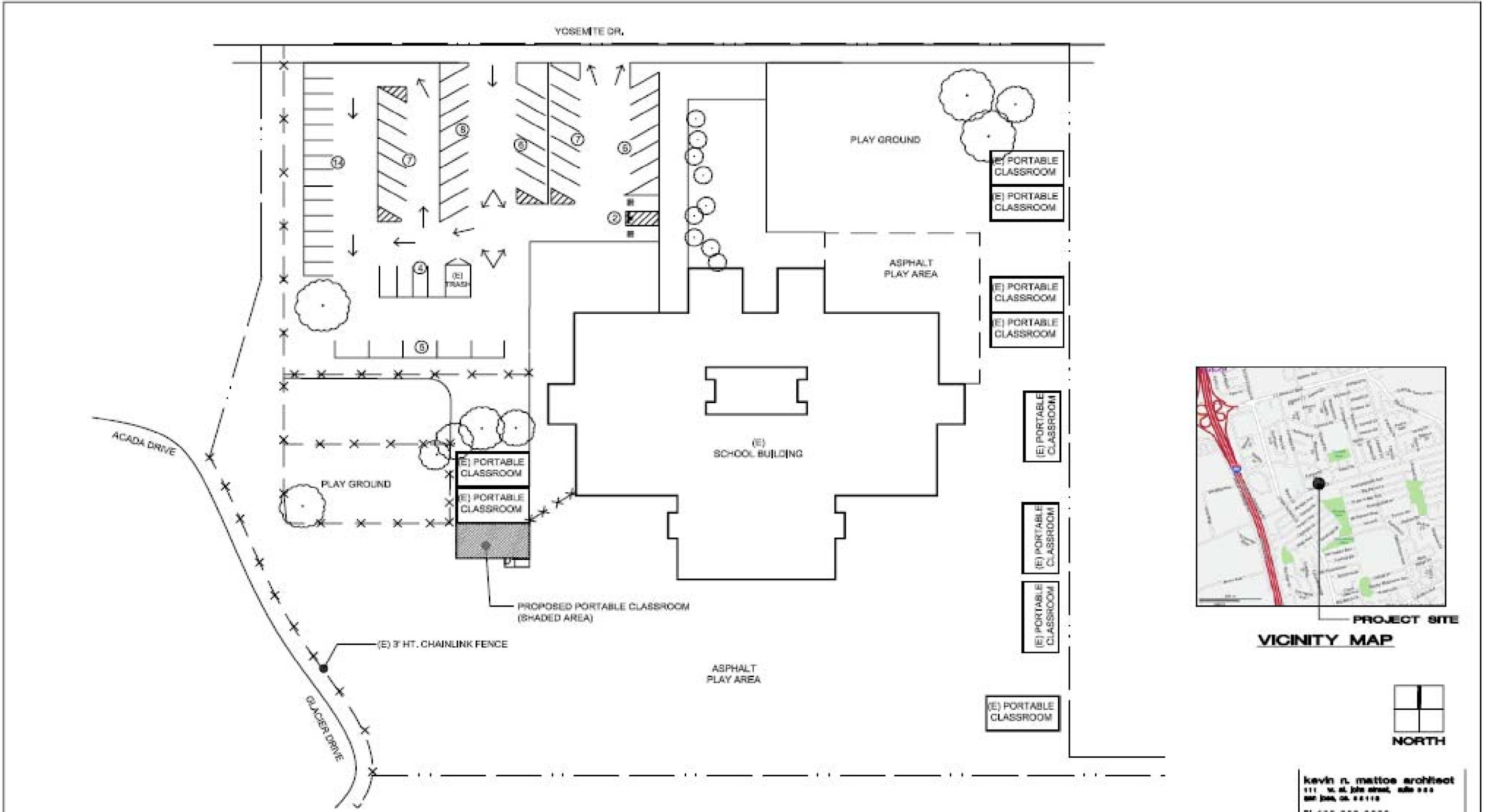
1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on September 21, 2010, in accordance with these Conditions of Approval.

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. **(P)**

Site Development Permit No. 10-0008 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

- a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of SD10-0008 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**
 3. Colors and materials shall match the existing building or structure **(P)**
 4. Prior to the issuance of building permits, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
 5. Prior to the issuance of building permits, the applicant shall demonstrate that all site signage is in compliance with the ordinance and has obtained the proper permits. **(P)**

(P) = Planning



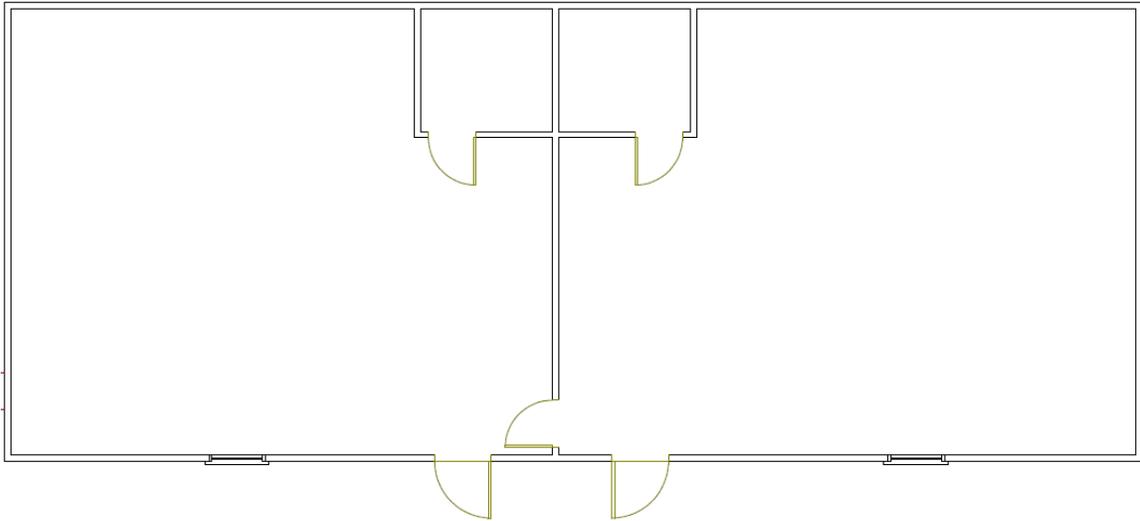
MILPITAS UNIFIED SCHOOL DISTRICT
1500 YOSEMITE DRIVE, MILPITAS CA

SCALE: 1"=50'-0"

kevin n. mattoe architect
111 W. ST. JOE STREET, SUITE 200
SAN JOSE, CA 95110
P: 408.999.0000
F: 408.999.0000
kma
architecture+design

022163/4 24x60

Attachment B
Agenda Item IX-1



Radius Map



**1500 Yosemite Drive
300 Feet Public Hearing Notification**