MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: August 22, 2012

APPLICATION:	**Site Development Permit Amendment No. SA12-0002, Chu Residence**
APPLICATION SUMMARY:	A request for landscape modifications to an existing hillside home that includes installation of a new 346 square foot gazebo, three trellises, new retaining walls, and 196 square foot storage shed.
LOCATION:	867 Calaveras Ridge Drive (APN 29-06-023)
APPLICANT:	Pek and Mary Chu, 867 Calaveras Ride Drive, Milpitas, CA 95035
OWNER:	Same as above.
RECOMMENDATION:	**Staff recommends that the Planning Commission: Adopt Resolution No. 12-035 recommending approval to the City Council subject to conditions of approval.**

PROJECT DATA:

General Plan/ Zoning Designation:	Single Family Residential with Hillside Combining District (R1-H)
Overlay District:	Site and Architectural Overlay (-S)
Specific Plan:	N/A

Site Area:	1.8 sq. ft. (.acres)
Existing Impervious Coverage:	5,740 sq. ft.
Gazebo:	346.36 sq. ft.
Storage Shed:	196 sq. ft.
Trellises:	232 sq. ft.
Proposed Impervious Coverage:	6,541.36 sq. ft

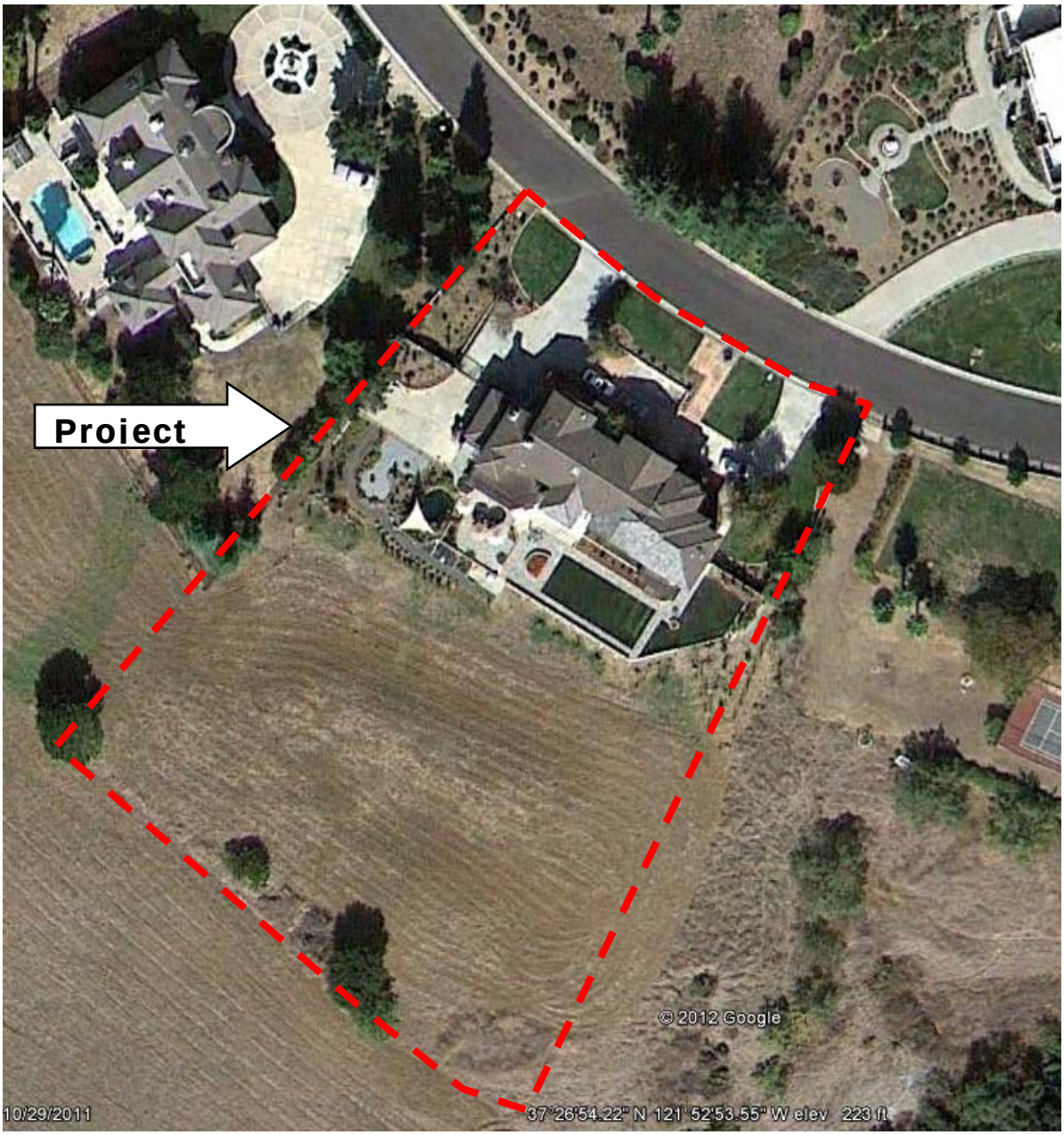
CEQA Determination:	Categorically Exempt from further environmental review pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures – including patios and fences) of the California Environmental Quality Act (CEQA) Guidelines.

PLANNER: Cindy Hom, Assistant Planner

PJ: 2806

ATTACHMENTS:
A. Resolution No. 12-035
B. Project Plans
C. Site Photos

LOCATION MAP



No Scale

BACKGROUND

On February 2, 2012, Pek Chu submitted an application to allow for various landscape modifications that include installation of a 346 square foot gazebo, new retaining walls, and 196 square foot storage shed to an existing hillside residence. The application is submitted pursuant to Milpitas Municipal Code XI-45-09-2 (Hillside Combing District, Site and Architectural Approval, Applicability) and XI-10-54.09 (Accessory Building and Structure) which requires Planning Commission and City Council review and approval for exterior modifications in the Hillside Combining District.

PROJECT DESCRIPTION

The project site is located within the Calaveras Country Estates subdivision [Planned Unit Development (PUD 23.5)] on a developed 1.8 acre site with existing 6,000 square foot, two-story residence, and various site improvements. A number of structures have been constructed on the property without obtaining the necessary approvals and permits. Staff has been working with the applicant to bring these improvements into conformance with both the zoning and building requirements. The applicant requests to permit landscape modifications to the rear yard that includes installation of a 346 square foot gazebo that would measure 13-feet, six-inches in height, two meandering retaining walls that varies between 16-inches to 48-inches in height, 12-foot tall decorative trellises, 196 square foot storage shed and various landscaping. The project proposal would add approximately 780.36 square feet to 6,592 square feet of impervious coverage. Please refer to the site plan attachment for further detail.

The project site is zoned Single Family Residential with Hillside Combining District and is surrounding by other hillside residential homes to the north, east, south, and vacant undeveloped parcels to the west. The project site is located on the west of the crestline and is also located within the Alquist-Priolo study area for seismic hazards. The property also has a recorded landscape easement that spans 1/3 of the rear yard. This landscape easement prohibits any building, structures or paving in this area. An aerial map of the vicinity is provided on the previous page.

Accessory Structures

Gazebo

The applicant proposes a 346 square foot wooden gazebo that is 13-feet and 6-inch tall with cedar or asphalt roof shingles with a 36-inch railing that goes around the perimeter of the gazebo. The railing includes a 2-foot by 3-foot balusters. The proposed gazebo would be constructed over a concrete pad. The applicant has already installed the concrete pad as shown in Attachment C, Photo 1.

Retaining Walls

The applicant proposes two meandering retaining walls that flank the main dwelling on the left and right side. The walls consist of tan colored slump stone and vary in height. The tallest part of the walls would not exceed 42-inches in height.

Storage Shed

A new 196 square foot storage shed is proposed at the northwest corner of the main dwelling. The proposed shed consist of wood construction and will be painted to match the main dwelling. The storage shed is approximately 12 feet in height.

Decorative Trellis

The applicant proposes three (3), 8'-foot tall wooden trellises. Two of the three trellises measure 4'-feet wide and 13-feet long. The third trellis measure 4-feet wide and 32-feet long. The trellises are would be located along the stone and gravel path. The proposed trellises would add approximately 232 square feet of impervious coverage.

Stone and Gravel Path

The applicant is proposing a meandering stone and gravel path that leads from the open patio deck and connects to the proposed gazebo and lower lawn area. The proposed pathway would add approximately 238 square feet of impervious coverage to the site.

Development Standards

The project does not propose any modifications to the existing dwelling and is limited to installation of accessory structures and landscaping. Compliance with Hillside development standards are demonstrated in Table 1 below:

Table 1:
Hillside Development Standards

Hillside Development Standard	Proposed Project	Complies ?
Accessory Structure Height - 17 feet	Trellis = 8' Gazebo = 13'-6"	Yes
Accessory Structure Size – 1,200 sq. ft.	Gazebo = 346.36 sq. ft. Trellis = 232 sq. ft. Shed = 196 sq. ft. Existing Fish Pond = 227 sq. ft. **Total Sq. Ft. = 1001.36 sq. ft.**	Yes
Impervious Surface Coverage – 8,000 sq. ft.	6,514.36 sq. ft.	Yes
Roof Material – ceramic or concrete tile metal, tri-laminate asphalt composition	Non tri-laminate Asphalt composition on gazebo	Yes (as conditioned)

Site & Architectural Guidelines

Section 45.09-7 sets forth guidelines for the Commission and Council to consider in their review of Hillside homes. These guidelines are summarized below along with comments regarding the proposed plan's conformance with them.

Table 2:
Site and Architectural Guidelines

Site & Architectural Guidelines	Comments Regarding Subject Proposal
(a) Avoid Unreasonable Interference with Views and Privacy	• Complies with 17' height limit for accessory structures. • The proposed structures outside of the Crestline zone of protection (approximately 565-feet away)
(b) Preserve Natural Landscape	• Site is already developed. • Installation of the retaining walls and structures will not greatly disturb existing contours *(natural & man-made)*. • Structures will be outside of the landscape easement.
(c) Minimize Perception of Excessive Bulk	• The structures will not create excessive bulk or massing since these are detached structures. • Trellis arbors, shed building and gazebo are well portioned in that they are secondary to the main dwelling.
(d) Impairment of Light & Air	• The project site is approximately 76-feet and 290-feet from the adjacent homes located on the left and right. Based on the distance to other residential structures and the size and height of the proposed structures, the project will not significantly impair light & air.
(e) Grading	• Though a minimal amount of earth will be disturbed on the site and its impact on the natural contours will be minimal since most of the grading is in or around already developed portions of the *site.*

To ensure compliance with design standard, staff recommends the following conditions of approval:

1. Prior to building permit issuance, the applicant shall revise plans to show placement of structures shall not conflict with utility and landscape easements.
2. The asphalt composition shingle on the gazebo and storage shed shall match and complement the color of the roof material on the main dwelling.
3. Prior to building permit issuance, any proposed new landscaping shall demonstrate compliance with City Council Resolution 6066 for Hillside Landscaping Water Conservation and Fire Hazard Mitigation.

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 3
General Plan Consistency

Policy	Consistency Finding
Implementing Policy 2.a-I-18 *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:* ▪ *Landscaping is of a type indigenous to the area;* ▪ *Building designs, materials and colors blend with the environment;* ▪ *Grading is minimized and contoured to preserve the natural terrain quality.*	Consistent. The proposed project is consistent the policy, in which 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 building envelope. As conditioned, the materials, design of the accessory structures and landscaping will be in keeping with the natural setting and view of the hillside.

Zoning Ordinance
The project is aesthetic and harmonious with the surrounding development and will not impact views considering the accessory structures are below the 17-foot height limitation. The project will not add to the bulk and massing of the home because they are detached and well portioned to the building. The proposed grading is keeping with the natural topography of site, which slopes down, in the southwest direction. Grading would be in keeping with the existing natural and man-made contours. The proposed building modifications utilize colors, material, and styles that complement the existing home. The project complies with the Hillside Zoning Ordinance as demonstrated in Table 1 and 2 above and is consistent with the Milpitas General Plan.

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 3, Section 15303 (New Construction or Conversion of Small Structures – including patios and fences) of

the California Environmental Quality Act (CEQA) Guidelines. The proposed project entails site modifications to permit various accessory structures to an existing single-family residence.

PUBLIC COMMENT/OUTREACH
Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there were no inquiries from the public.

CONCLUSION
In conclusion, the project will be aesthetic and harmonious with the surrounding development and will not impact views. The project will not add bulk and mass to the existing home. The placement of structures will be within the building envelope and will not intrude in the landscape easement or conflict with any utility easement. The grading activity will be minimal and will not change the existing contours. The proposed building modifications utilize colors, material, and styles that complement the existing home. The project complies with the PUD development standards and Hillside Zoning Ordinance and is consistent with the Milpitas General Plan.

RECOMMENDATION
STAFF RECOMMENDS THAT the Planning Commission close the public hearing and adopt Resolution No. 12-035 recommending approval of Site Development Permit Amendment No. SA12-0002 to the City Council.

Attachments:

A. Resolution No. 12-035
B. Project Plans
C. Site Photos

RESOLUTION NO. 12-035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0002, CHU RESIDENCE, A REQUEST FOR INSTALLATION OF ACCESSORY STRUCTURES AND MINOR SITE MODIFICATIONS AT 867 CALAVERAS RIDGE.

WHEREAS, on February 2, 2012, an application was submitted by Pek Chu, 867 Calaveras Ridge Drive, to allow for site modifications and installation of accessory structures that include two new retaining walls, decorative trellis arbors, and gazebo in the at rear yard of an existing single family hillside residence located at 867 Calaveras Ridge Drive (APN 029-06-023) located within the Calaveras Ridge Country Estates (PUD 23.5), zone Single Family Residential with the Hillside Combining District and Site and Architectural Overlay (R1-H-S).

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.

WHEREAS, on August 22, 2012 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 per Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The proposed project entails installation of accessory structures that include and minor site modifications to existing single-family residence.

Section 3: The project is consistent with the Milpitas Zoning Ordinance in that the project will complies with the development standards in terms of height, maximum square footage of accessory structures, and impervious coverage. The project conforms to the Hillside Ordinance regulations to ensure minimal interference with view and privacy, preserving natural setting of the hillside, minimizes the perception of excessive bulk, and limit grading. As proposed, the bulk and massing of the home remains unchanged from the original condition. The proposed grading will not be significant and limited to the rear yard area only. The proposed structures shall utilize colors, material, and styles that complement the existing home.

Section 4: The proposed project is consistent the General Plan Implementing Policy No. 2.a-I-18, in which the project reviewed for conformance with the Hillside Ordinance.

Section 5: The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development in that the project as proposed is keeping with the existing architectural design of the home by utilizing materials and styles that match the existing home and preserves the natural topography of the hillside by not expanding beyond the existing landscape easement. As conditioned, the materials, design of the accessory structures and landscaping will be in keeping with the natural setting and view of the hillside.

Section 6: The Planning Commission of the City of Milpitas hereby recommends approval to the City Council Site Development Permit Amendment No. SA12-0002, Chu 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 August 22, 2012.

_____
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 August 22, 2012, and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**ABSENT**	ABSTAIN
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Zeya Mohsin				
Gurdev Sandhu				
Steve Tao				
Garry Barbadillo				

EXHIBIT 1

CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0002, CHU RESIDENCE

Planning Division

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 August 22, 2012, 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)

2. Site Development Permit Amendment No. SA12-0002 shall become null and void if the project is not commenced within two (2) years from the date of approval. Pursuant to Section 64.06 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 and a foundation is completed.

   Pursuant to Section 64.07, the owner or designee shall have the right to request an extension of Site Development Permit Amendment No. SA12-0002 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. Prior to building permit issuance, the applicant shall revise plans to demonstrate that the placement of structures will not conflict with utility and landscape easements. (P)

4. The asphalt composition shingle roofing material on the proposed gazebo and storage shed shall be dimensional and complement the color of the roof material on the main dwelling. (P)

5. Prior to building permit issuance, any proposed new landscaping shall demonstrate compliance with City Council Resolution 6066 for Hillside Landscaping Water Conservation and Fire Hazard Mitigation. (P)

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

Engineering Division

7. Prior to building permit issuance, the applicant shall address all the red-mark on the Engineering Services Exhibit "S", dated 7/20/2012. (E)

8. Prior to building permit issuance, developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee scheduled adopted by the City Council, including but not limited to plan check and inspection deposit, and 2.5% building permit automation fee as approved by City Council Resolution No. 7590. (E)

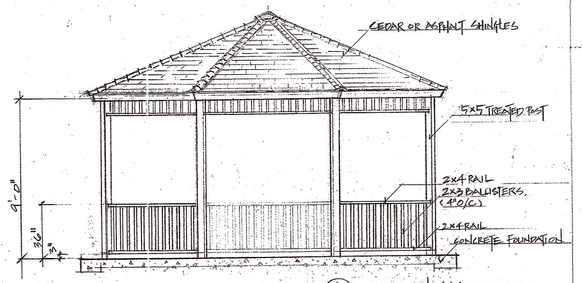
9. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)

10. All existing public utilities shall be protected in place. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. (E)

11. Prior to any work within City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

12. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)

13. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers including construction activities to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)



(A) ELEVATION <A>
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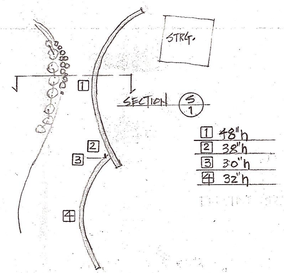
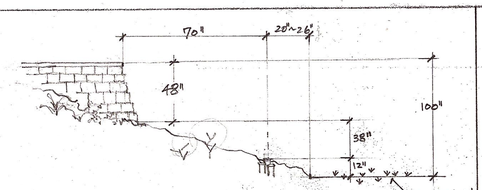
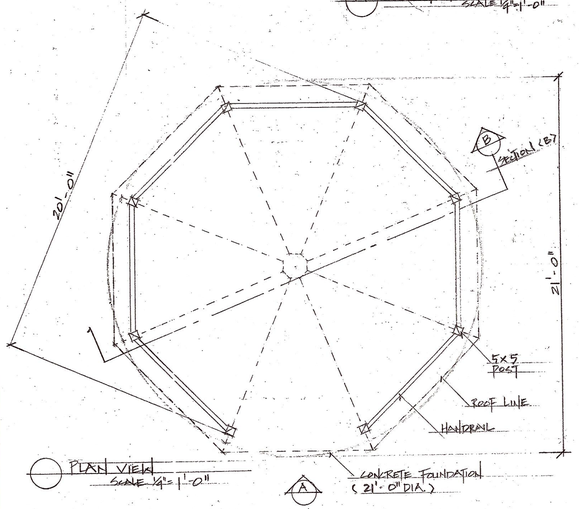


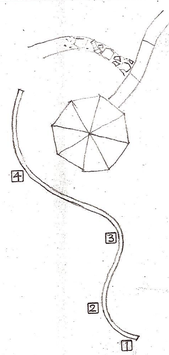
RETAINING WALL <A>



(S/1) SECTION / RETAINING WALL <A>
N.T.S.



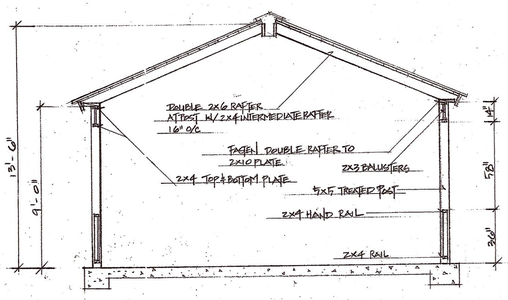
(PLAN VIEW)
SCALE 1/4"=1'-0"



GRADE LEVEL REFERENCE

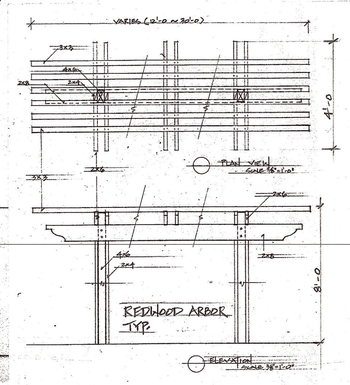
1 48"
2 32"
3 27"
4 ±0"

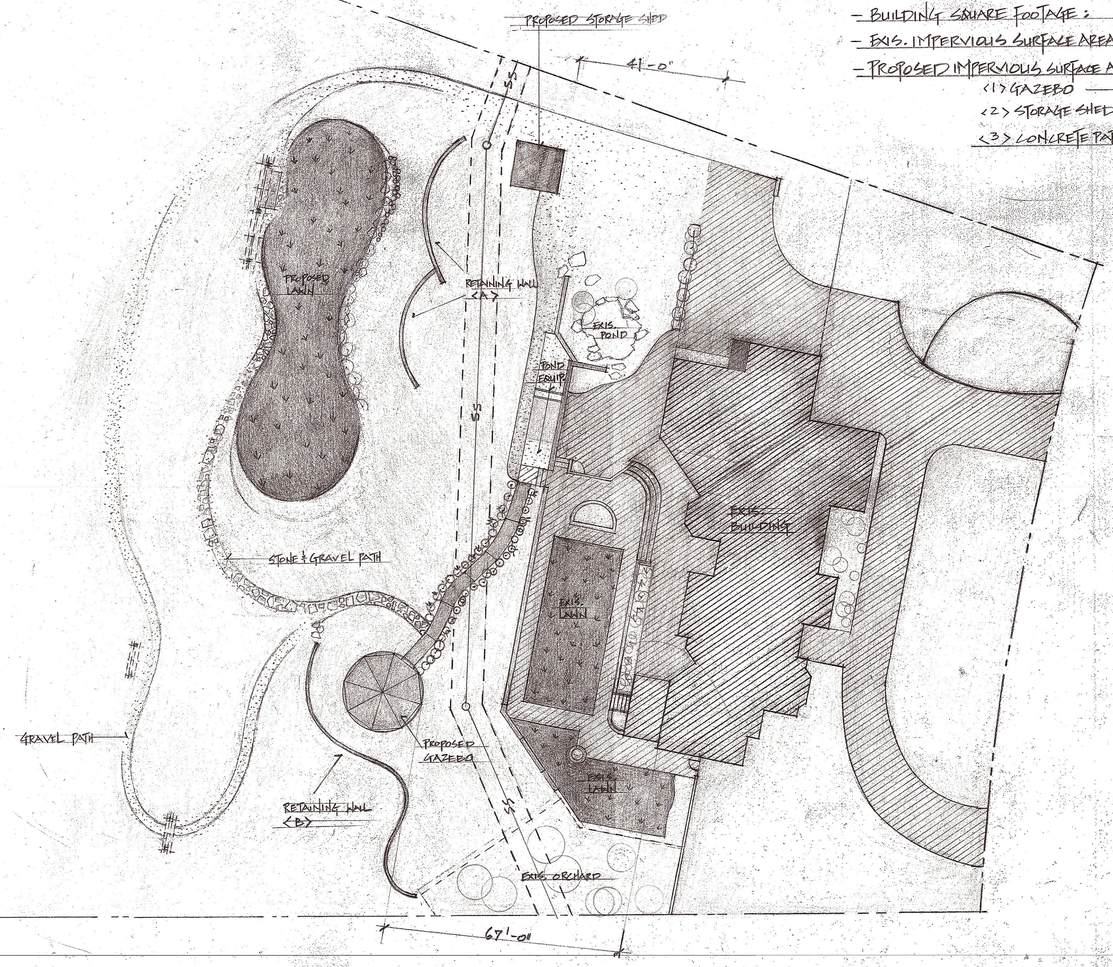
RETAINING WALL <B>



(B) CROSS SECTION <B>
SCALE 1/4"=1'-0"

PROPOSED GAZEBO DESIGN
SCALE 1/4"=1'-0"





SITE PLAN W/ PROPOSED GAZEBO
SCALE: 1" = 20'-0"

<LEGEND>

- BUILDING FOOT PRINT
- GENERAL PLANTING AREA (LANDSCAPED)
- LAWN (EXIS. & PROPOSED)
- EXISTING IMPERVIOUS SURFACE AREAS
- PROPOSED CONCRETE WALKWAYS, GAZEBO & STORAGE SHED FOOT PRINTS
- RETAINING WALL
- REDWOOD ARBOR
- GRAVEL PATH

<PROJECT DATA>

- BUILDING SQUARE FOOTAGE: 6000 ☐
- EXIS. IMPERVIOUS SURFACE AREA: 5740 ☐
- PROPOSED IMPERVIOUS SURFACE AREA:
  - <1> GAZEBO — 346.36 ☐
  - <2> STORAGE SHED — 196. ☐
  - <3> CONCRETE PATH & ETC. — 238 ☐
  - TOTAL 780.36 ☐.

PROPOSED GAZEBO PLAN
SCALE 1/4"=1'-0"

SITE PLAN
SCALE 1" = 20'-0"

CHU RESIDENCE
867 CAMERAS RIDGE DR., MILPITAS, CA
94035

Photo 1: Concrete Pad

Photo 2: Retaining Wall

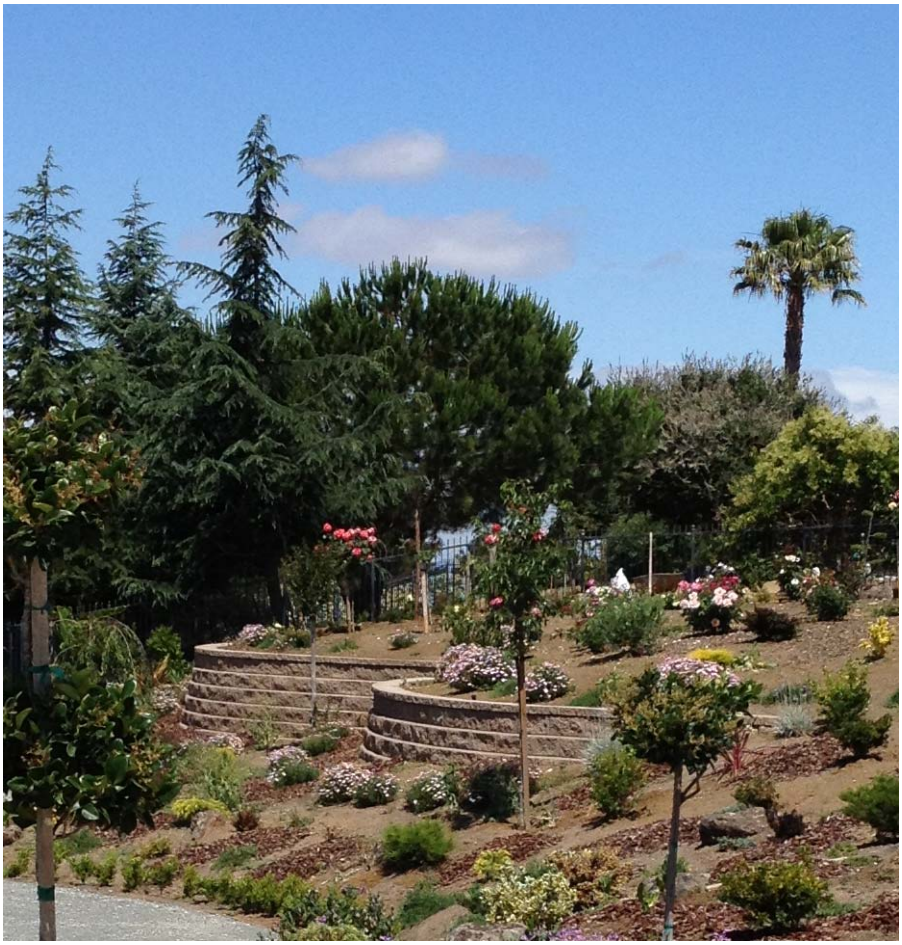


Photo 3: Trellis, Stone and Gravel Path, and Proposed Lawn area.