



# MILPITAS PLANNING COMMISSION AGENDA REPORT

**PUBLIC HEARING**

Meeting Date: November 13, 2013

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**APPLICATION:** **SITE DEVELOPMENT PERMIT NO. SD13-0018**

APPLICATION  
SUMMARY:

A request to construct a new 6,000 square foot home with three car garage on the hillside.

LOCATION:  
APPLICANT:  
OWNER:

826 Calaveras Ridge Drive (APN: 029-6-031)  
Nadia Pichko, 401 E Taylor Street # 175, San Jose, CA 95112  
Dave Mohini and Art Dave, 22356 Hartman Drive, Cupertino, CA 95014

**RECOMMENDATION:** **Staff recommends that the Planning Commission:  
Adopt Resolution No. 13-032 recommending the City Council  
approves Site Development Permit No. SD13-0018 for the  
construction of a new 6,000 square foot home in the hillside,  
subject to conditions of approval.**

PROJECT DATA:

General Plan/

Zoning Designation: Hillside Medium Density (HMD)/Single Family Residential (R1)  
with Hillside Combining District (-H)

Overlay District: Site and Architectural Overlay (-S)

Planned Unit Development: PUD 23.5

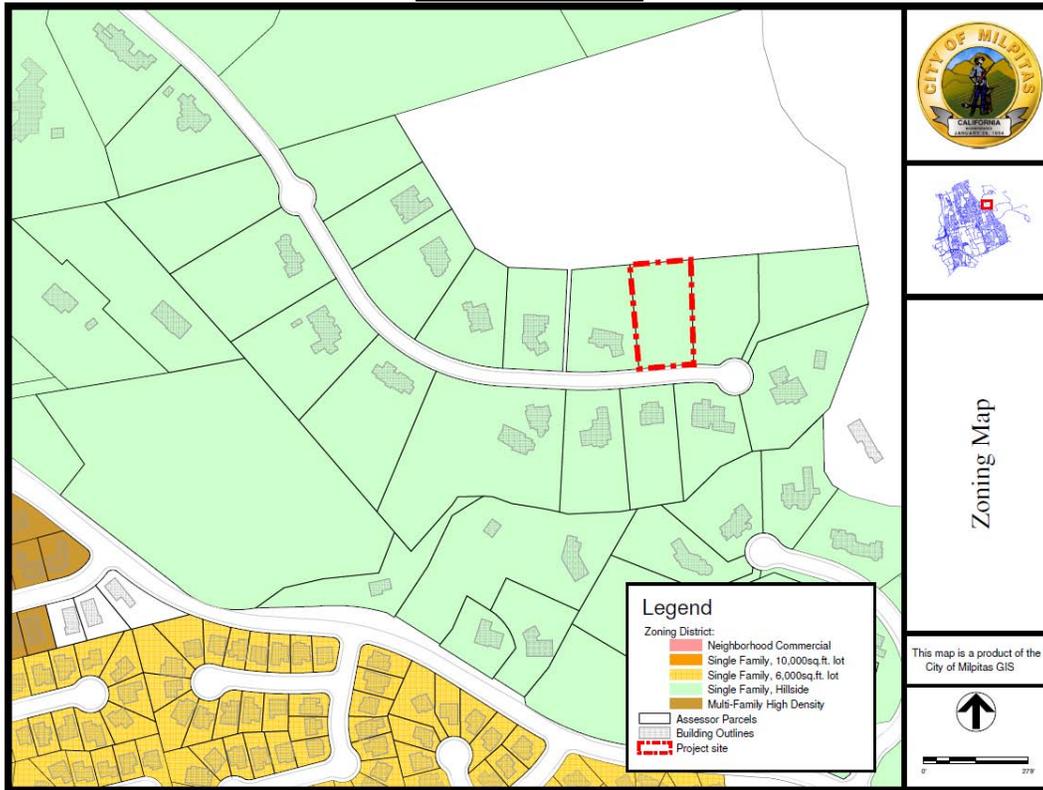
CEQA Determination: Categorically exempt from further environmental review pursuant to Section 15303(a) for New Construction or Conversion of Small Structures including one single-family residence, or a second dwelling unit in a residential zone.

PLANNER: Tiffany Brown, Assistant Planner

PJ: 2884

ATTACHMENTS: A. Resolution No. 13-032  
B. Site Plans

**Map 1**  
**Project Location**



**Map 2**  
**Project Site**



## BACKGROUND

### *History*

In September of 1981, the City approved a Planned Unit Development (PUD 23.5) for a 17 lot subdivision, allowing for the construction of a single family home development known as Calaveras Ridge Estates. To date all but three lots have been developed.

In December of 2007, Pete Vararoutsos received approval (SZ2007-3) to construct a new one-story 4,140 square foot home located on a 1.2 acre parcel at 826 Calaveras Ridge Drive. In 2009, Pete Vararoutsos applied and received approval for a one-time 18 month time extension. The permits have since lapsed.

### *The Application*

On September 24, 2013, an application was submitted by Architect Nadia Pichko representing the new property owner Art Dave, pursuant to Section 57 of the Milpitas Zoning Ordinance for a Site Development Permit. The following is a summary of the request:

- *Site Development Permit:* To evaluate the site layout, architecture, massing, and Landscape for the request to construct a new 6,000 square foot home with three car garage on the hillside per Section 10-45.09 of the Hillside Ordinance.

## PROJECT DESCRIPTION

### *Overview*

The project site is an undeveloped 1.2 acre parcel located along Calaveras Ridge Drive within Calaveras Ridge Estates. The property and neighboring properties are zoned Single Family Residential - Hillside and the project site is more than 300 feet west of the hillside crest line. A vicinity map of the subject site location is included on the previous page.

The applicant proposes a single story 6,000 square foot home including a three car garage with five bedrooms, office, study family room, kitchen, dining area, and living room. The location of the home and the design of the home follows the natural contours of the site and minimizes tree removal based on the proposed grading plans and elevations. The home is consistent with both the PUD 23.5 and Hillside development standards. See Table 1 below for compliance.

### *Development Standards*

The table below demonstrates how the project is consistent with the City's Zoning Code.

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

|                            | <b>Zoning Ordinance &amp; PUD<br/>23.5</b> | <b>Proposed</b>       |
|----------------------------|--|-----------------------|
| <u>Setbacks (Minimum)</u>  |  |                       |
| Front to Primary Structure | 40'  | 130' at closest point |

|   | <b>Zoning Ordinance &amp; PUD<br/>23.5</b>   | <b>Proposed</b>   |
|---|--|---|
| Side Yard Set Back                      | 40'  | 40' at closest point  |
| Rear                                    | 40'  | 54'8" at closest point  |
| <u>Impervious Surfaces</u><br>(Maximum) | 8,000sq.ft.  | 7,515 sq.ft.  |
| <u>Main Dwelling Size</u><br>(Maximum)  | 6,000sq.ft.  | 6,000 sq.ft.  |
| <u>Building Height</u> (Maximum)        | 17'  | 17'   |
| <u>Parking</u> (Minimum)                | 3 Car Garage Required, plus additional parking in driveway.<br><br>Driveway shall be a minimum of 14' in width | 3 car garage with additional parking in driveway.<br><br>Driveway is a minimum of 14' in width. |

Site and Architecture

The proposal is similar to a Mediterranean style. The main façade is of stucco material and will be painted cream/tan color with white trim and multi-colored stone veneer base. The clay tile roof is a blend of brownish red colors with white gutter and roof trim. The entry way columns near the front and rear door will be painted a white and the window mullions will be painted a dark brownish color. All materials and colors are complementary to the neighboring residence and within an earth tone range.

Because the subject property’s location, the project is required to comply with the development standards in the City’s Hillside Combining District. The purpose of the "H" Hillside Combining District is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including but not limited to geologic problems, slope, safe access and visibility. Per Section 45.09-7 of the Zoning Ordinance, the Planning Commission and City Council shall consider the following guidelines in its review of this process. The home is consistent with the Hillside Architectural Guidelines. See Table 2 below for consistency.

**Table 2**  
**Hillside Zoning Ordinance Compliance**

| <b>Site and Architectural Guidelines</b><br><i>Section 45.09-7</i>  | <b>Consistency Finding</b>   |
|---|--|
| <i>(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with</i> | <b>Consistent.</b> Because the project site is located on the east side of the PUD, the proposed home will be constructed behind (or east of) existing neighboring residences and therefore will not interfere with views and the neighbors views. The |

| <b>Site and Architectural Guidelines</b><br><i>Section 45.09-7</i>   | <b>Consistency Finding</b>  |
|--|---|
| <i>reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.</i>   | proposed home is on a 1.08 acre parcel sitting at a minimum of 40' back from their property line with a minimum of 80' between the closest neighboring home and therefore will not interfere with privacy.  |
| <i>(b) Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.</i>                                 | <b>Consistent.</b> The project site is currently undeveloped with minimal trees. The applicant is proposes the addition of approximately 32 trees along with shrubbery and natural ground cover.  |
| <i>(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.</i>                                   | <b>Consistent.</b> The proposed home is stepped along the natural contours of the property and as a result minimizes the perception of excessive bulk for a larger home.  |
| <i>(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.</i> | <b>Consistent.</b> The home will not exceed 17 feet in height from grade and is set back a minimum of 40 feet from the property line which will not cast large shadows on neighboring properties and otherwise impair the lighting or air for the adjacent properties and their ability to utilize solar energy.                  |
| <i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>   | <b>Consistent.</b> The proposed grading plan shows how the proposed home is stepped along the natural contours of the property and result in an acceptable amount of cut and fill for the construction of a new home and therefore meets the grading ordinance criteria. (See Grading and Landscaping section starting on page 4) |

### Grading and Landscaping

The grading plan shows the layout of the proposed home and how it steps along the natural contours of the property, resulting in an acceptable amount of cut and fill for the construction of a new home. The proposed landscape plan includes a variety of shrubs and trees (See Attachment B., Landscape Plan). These plans are consistent with the grading/landscaping requirements within the Hillside Ordinance. See applicable standards and conformance in Table 3 below.

**Table 3**  
**Section 10-45.18 for Grading Requirements in Hillside Zones**

| <b>Grading and Landscape</b>   | <b>Conformance</b>                         |
|--|--|
| Grading will “blend” in with the natural land forms and native vegetation to the maximum extent feasible.  | <b>Conforms</b>                            |
| No grading cut or embankment with a slope greater than three (3) feet horizontal to one (1) foot vertical shall be located adjacent to a publicly maintained right-of-way.   | <b>Conforms</b>                            |
| The overall shape, height, grade, or any cut-or-fill slopes shall be developed in concert with existing natural contours and scale of the natural terrain of a particular site.  | <b>Conforms</b>                            |
| Provide sites which fit into the terrain and allow for minimal amount of grading.  | <b>Conforms</b>                            |
| Stepped building foundations shall be required to minimize grading on building pads.   | <b>Conforms</b>                            |
| Structure shall be designed to fit with the contours of the hillside and relate to overall form of the terrain. Structures shall be designed to fit into the hillside rather than altering the hillside to fit to the structure.   | <b>Conforms</b>                            |
| Streets shall be designed to generally follow the contours and land form in order to minimize cut and fill. Exposed walls and facing roadways and retaining walls shall be no greater than six feet in height. Crib walls fencing roadways shall be no greater than 15 feet in height.   | <b>Conform &amp; Condition of Approval</b> |
| Landscaping coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation or to replace removed natural vegetation and should recognize climatic, soil, and ecologic characteristic of the region. Plan materials that require excessive water after becoming established should be avoided.   | <b>Conform &amp; Condition of Approval</b> |
| Trees which have a six inch or greater diameter trunk size at a point three feet above grade should not be removed. The location of all such trees shall be shown on all plans submitted for approval. The Planning Commission, upon review of an “S” Zone application approval, shall have the power to authorize removal, relocation or replacement if the applicant can show that such requirement is unreasonable as applied to the particular property. If the removal is permitted, the replacement of any trees removed pursuant to this section shall be at a five to one (5:1) ratio. | <b>Condition of Approval</b>               |
| Within six months, or such other period established by the Planning Commission, after the commencement of grading activities, all graded areas not covered by an impervious surface shall be stabilized in such manner as shall be approved by the City Engineer.  | <b>Condition of Approval</b>               |
| Where two cut-or-fill slopes intersect, the intersection shall be horizontally   | <b>Condition of</b>                        |

| Grading and Landscape  | Conformance                  |
|--|------------------------------|
| rounded and blended.   | <b>Approval</b>              |
| Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended .   | <b>Condition of Approval</b> |
| Development Plan with Grading under five hundred (500) Cubic Yards. Where the aggregate volume of grading on any site or contiguous group of sites is under five hundred (500) cubic yards, the Community development Manager shall review the proposed Grading Plan. If the plan is found to be in conformance with the provisions of this chapter, the Grading Plan shall be approved. In approving the plan, such conditions are reasonably necessary to ensure compliance with the objectives of the chapter may be imposed. | <b>Condition of Approval</b> |

### REQUIRED FINDINGS

A finding is a statement of fact relating to the information that the Planning Commission or City Council has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

#### *Site Development Permit Findings (Section XI-10-57-03-1(F))*

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

As described in detail above, the style and architectural design of the proposed home fits into the natural contours of the property and is aesthetically compatible with the neighboring homes. The proposed home utilizes earth tone colors as to not draw attention to it when viewing the hillside from the valley floor.

- 2. The project is consistent with the Milpitas Zoning Ordinance in that:*

As described in detail above, the proposed home meets the Development Standards in the Single Family Hillside Zoning district and Calaveras Estates PUD 23.5 for setbacks, height requirements, impervious surfaces, parking, grading, and landscaping.

- 3. The project is consistent with the Milpitas General Plan, specifically Policy Number 2.a-I-14 in that:*

The project site is a part of an approved Planned Unit Development, which subdivided lots planned for clustered housing. The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the Valley Floor.

### 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 Section 15303(a) for New Construction or Conversion of Small Structures including one single-family residence, or a second dwelling unit in a residential zone.

### **PUBLIC COMMENT/OUTREACH**

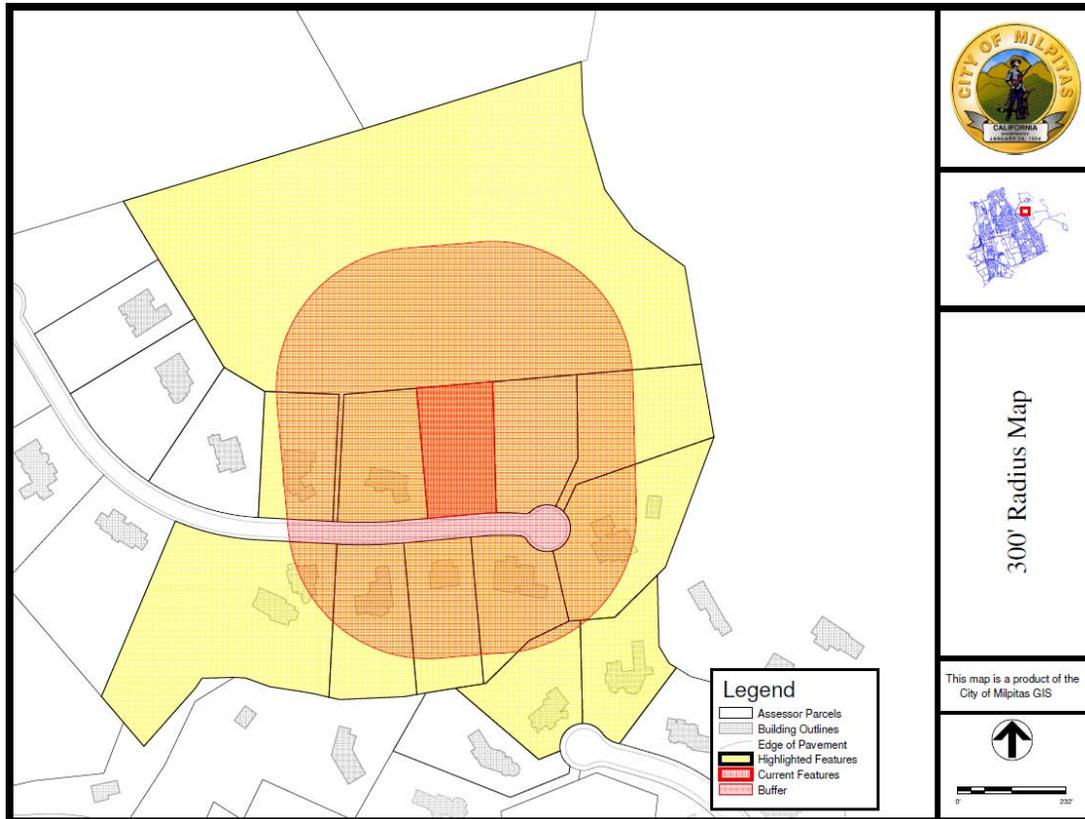
Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public. The table below provides a summary of the City's public noticing efforts for this project.

**Table 4**  
**Public Noticing Summary**

| <b>Notice of Public Hearing</b>  | <b>Agenda</b>  |
|--|--|
| <ul style="list-style-type: none"> <li>▪ Posted on the site (<i>14 days prior to the hearing</i>)</li> <li>▪ Twenty-four (24) notices mailed to property owners and residents within 300' feet to the project site (<i>10 days prior to the hearing</i>)</li> <li>▪ Posted on the City's official notice bulletin board (<i>10 days prior to the hearing</i>)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Posted on the City's official notice bulletin board (<i>5 days prior to the hearing</i>)</li> <li>▪ Posted on the City of Milpitas's Web site (<i>one week prior to the hearing</i>)</li> </ul> |

The map below illustrates the extent of the mailed notices.

**Map 3**  
**Public Notice Radius**



### CITY COUNCIL REVIEW

After publicly heard at the Planning Commission meeting of November 13, 2013, the application will move forward with the Commission's recommendation to the December 3, 2013 City Council meeting.

### CONCLUSION

The intent of the subdivision approved in the 1980's (Calaveras Estates PUD) was to allow for the construction of new homes with a district neighborhood characteristic. The City's Hillside Ordinance ensures that new development is compatible and consistent with natural topography and other developments. The style and architectural design of the home fits into the natural contours of the property and is aesthetically pleasing. The home utilizes earth tone colors as to not draw attention to it when viewing the hillside from the valley floor and the proposed home is in compliance with the General plan, Zoning Ordinance, and Calaveras Estates PUD.

### RECOMMENDATION

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 13-032 recommending **the City Council approves Site Development Permit No. SD13-0018 for the construction of a new 6,000 square foot home in the hillside, subject to conditions of approval.**

*Attachments:*

- A. Resolution No. 13-032
- B. Site Plans

**RESOLUTION NO. 13-032**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS,  
APPROVING SITE DEVELOPMENT PERMIT NO. SD13-0018 TO CONSTRUCT A  
NEW HILLSIDE HOME LOCATED AT 826 CALAVERAS RIDGE DRIVE**

**WHEREAS**, on September 24, 2013, an application was submitted by Nadia Pichko, 401 E Taylor Street # 175, San Jose, CA 95112 to allow the construction of a construct a new 6,000 square foot home with three car garage on the hillside at 826 Calaveras Ridge Drive. The property is located within Single Family Hillside Zoning District (APN: 029-6-031) and a Planned Unit Development (PUD 23.5) approved by the City of Milpitas (“City”) in 1981 for a 17 lot subdivision, allowing for the construction of a single family home development known as Calaveras Ridge Estates.

**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 under CEQA.

**WHEREAS**, on October 21, 2013, the application was deemed complete, Staff completed the review of the project, prepared the Staff Report and supporting documents for the November 13, 2013 Planning Commission meeting.

**WHEREAS**, on November 13, 2013, 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 Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**Section 2:** The project is categorically exempt from further environmental review pursuant to Section 15303(a) for “New Construction or Conversion of Small Structures including one single-family residence, or a second dwelling unit in a residential zone.” The project is for the construction of one new single-family residence and therefore meets the definition for this exemption.

**Section 3:** *Site Development Permit (Section XI-10-57-03(F) - The Planning Commission makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD13-0018:*

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The style and architectural design of the proposed home fits into the natural contours of the hill and is aesthetically compatible with the neighboring homes. The proposed home utilizes earth tone colors as to not draw attention to it when viewing the hillside from the valley floor.

2. *The project is consistent with the Milpitas Zoning Ordinance in that:*

The table below demonstrates how the project is consistent with the City’s Zoning Code.

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

|   | <b>Zoning Ordinance &amp; PUD<br/>23.5</b>   | <b>Proposed</b>   |
|---|--|---|
| <u>Setbacks</u> (Minimum)               |  |   |
| Front to Primary Structure              | 40’  | 130’ at closest point   |
| Side Yard Set Back                      | 40’  | 40’ at closest point  |
| Rear                                    | 40’  | 54’8” at closest point  |
| <u>Impervious Surfaces</u><br>(Maximum) | 8,000sq.ft.  | 7,515 sq.ft.  |
| <u>Main Dwelling Size</u><br>(Maximum)  | 6,000sq.ft.  | 6,000 sq.ft.  |
| <u>Building Height</u> (Maximum)        | 17’  | 17’   |
| <u>Parking</u> (Minimum)                | 3 Car Garage Required, plus additional parking in driveway.<br><br>Driveway shall be a minimum of 14’ in width | 3 car garage with additional parking in driveway.<br><br>Driveway is a minimum of 14’ in width. |

**Site and Architecture**

The proposal is similar to a Mediterranean style. The main façade is of stucco material and will be painted cream/tan color with white trim and multi-colored stone veneer base. The clay tile roof is a blend of brownish red colors with white gutter and roof trim. The entry way columns near the front and rear door will be painted a white and the window mullions will be painted a dark brownish color. All materials and colors are complementary to the neighboring residence and within an earth tone range.

Because the subject property’s location, the project is required to comply with the development standards in the City’s Hillside Combining District. The purpose of the "H" Hillside Combining District is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including but not limited to geologic problems, slope, safe access, and visibility. Per Section 45.09-7 of the Zoning Ordinance, the Planning Commission and City Council shall consider the following guidelines in its review of this process. The home is consistent with the Hillside Architectural Guidelines. See Table 2 below for consistency.

**Table 2**  
**Hillside Zoning Ordinance Compliance**

| <b>Site and Architectural Guidelines</b><br><i>Section 45.09-7</i>  | <b>Consistency Finding</b>  |
|---|---|
| <i>(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.</i> | <b>Consistent.</b> Because the project site is located on the east side of the PUD, the proposed home will be constructed behind (or east of) existing neighboring residences and therefore will not interfere with views and the neighbors views. The proposed home is on a 1.08 acre parcel sitting at a minimum of 40’ back from their property line with a minimum of 80’ between the closest neighboring home and therefore will not interfere with privacy. |
| <i>(b) Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.</i>  | <b>Consistent.</b> The project site is currently undeveloped with minimal trees. The applicant proposes the addition of approximately 32 trees along with shrubbery and natural ground cover.   |
| <i>(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.</i>  | <b>Consistent.</b> The proposed home is stepped along the natural contours of the property and as a result minimizes the perception of excessive bulk for a larger home.  |
| <i>(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.</i>  | <b>Consistent.</b> The home will not exceed 17 feet in height from grade and is set back a minimum of 40 feet from the property line which will not cast large shadows on neighboring properties and otherwise impair the lighting or air for the adjacent properties and their ability to utilize solar energy.  |

| Site and Architectural Guidelines<br><i>Section 45.09-7</i>  | Consistency Finding   |
|--|---|
| <i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i> | <b>Consistent.</b> The proposed grading plan shows how the proposed home is stepped along the natural contours of the property and result in an acceptable amount of cut and fill for the construction of a new home and therefore meets the grading ordinance criteria. (See Grading and Landscaping section starting on page 4) |

Grading and Landscaping

The grading plan shows the layout of the proposed home and how it steps along the natural contours of the property, resulting in an acceptable amount of cut and fill for the construction of a new home. The proposed landscape plan includes a variety of shrubs and trees (See Attachment B., Landscape Plan). These plans are consistent with the grading/landscaping requirements within the Hillside Ordinance. See applicable standards and conformance in Table 3 below.

**Table 3**  
**Section 10-45.18 for Grading Requirements in Hillside Zones**

| Grading and Landscape  | Conformance                                |
|--|--|
| Grading will “blend” in with the natural land forms and native vegetation to the maximum extent feasible.  | <b>Conforms</b>                            |
| No grading cut or embankment with a slope greater than three (3) feet horizontal to one (1) foot vertical shall be located adjacent to a publicly maintained right-of-way.   | <b>Conforms</b>                            |
| The overall shape, height, grade or any cut-or-fill slopes shall be developed in concert with existing natural contours and scale of the natural terrain of a particular site.   | <b>Conforms</b>                            |
| Provide sites which fit into the terrain and allow for minimal amount of grading.  | <b>Conforms</b>                            |
| Stepped building foundations shall be required to minimize grading on building pads.   | <b>Conforms</b>                            |
| Structure shall be designed to fit with the contours of the hillside and relate to overall form of the terrain. Structures shall be designed to fit into the hillside rather than altering the hillside to fit to the structure  | <b>Conforms</b>                            |
| Streets shall be designed to generally follow the contours and land form in order to minimize cut and fill. Exposed walls and facing roadways and retaining walls shall be no greater than six feet in height. Crib walls fencing roadways shall be no greater than 15 feet in height. | <b>Conform &amp; Condition of Approval</b> |

| Grading and Landscape  | Conformance                                |
|--|--|
| Landscaping coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation or to replace removed natural vegetation and should recognize climatic, soil and ecologic characteristic of the region. Plan materials that require excessive water after becoming established should be avoided.  | <b>Conform &amp; Condition of Approval</b> |
| Trees which have a six inch or greater diameter trunk size at a point three feet above grade should not be removed. The location of all such trees shall be shown on all plans submitted for approval. The Planning Commission, upon review of an “S” Zone application approval, shall have the power to authorize removal, relocation or replacement if the applicant can show that such requirement is unreasonable as applied to the particular property. If the removal is permitted, the replacement of any trees removed pursuant to this section shall be at a five to one (5:1) ratio. | <b>Condition of Approval</b>               |
| Within six months, or such other period established by the Planning Commission, after the commencement of grading activities, all graded areas not covered by an impervious surface shall be stabilized in such manner as shall be approved by the City Engineer.  | <b>Condition of Approval</b>               |
| Where two cut-or-fill slopes intersect, the intersection shall be horizontally rounded and blended   | <b>Condition of Approval</b>               |
| Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended   | <b>Condition of Approval</b>               |
| Development Plan with Grading under five hundred (500) Cubic Yards. Where the aggregate volume of grading on any site or contiguous group of sites is under five hundred (500) cubic yards, the Community Development Manager shall review the proposed Grading Plan. If the plan is found to be in conformance with the provisions of this chapter, the Grading Plan shall be approved. In approving the plan, such conditions as are reasonably necessary to ensure compliance with the objectives of the chapter may be imposed.  | <b>Condition of Approval</b>               |

3. *The project is consistent with the Milpitas General Plan, specifically Policy Number 2.a-I-14 in that:*

The project site is a part of an approved Planned Unit Development, which subdivided lots planned for clustered housing. The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the Valley Floor.

**Section 6:** The Planning Commission of the City of Milpitas hereby adopts **Resolution No. 13-032 Recommending the City Council approves Site Development Permit No. SD13-0018 for the construction of a new 6,000 square foot home in the hillside, subject to conditions of approval.**

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on November 13, 2013

---

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 November 13, 2013, and carried by the following roll call vote:

| <b>COMMISSIONER</b> | <b>AYES</b> | <b>NOES</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|---------------------|-------------|-------------|---------------|----------------|
| Lawrence Ciardella  |             |             |               |                |
| John Luk            |             |             |               |                |
| Rajeev Madnawat     |             |             |               |                |
| Sudhir Mandal       |             |             |               |                |
| Zeya Mohsin         |             |             |               |                |
| Gurdev Sandhu       |             |             |               |                |
| Garry Barbadillo    |             |             |               |                |
| Demetress Morris    |             |             |               |                |

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
SITE DEVELOPMENT PERMIT NO. SD13-0018**

**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 November 13, 2013, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, 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. SD13-0018 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) of the Zoning Code, the owner or designee shall have the right to request an extension of Site Development Permit No. SD13-0018 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**
  3. Prior to the issuance of a building permit, the owner or designee shall pay in full the project account balance and establish a remaining balance of 25% of the initial deposit.
  4. Prior to the issuance of a building permit, 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. Streets shall be designed to generally follow the contours and land form in order to minimize cut and fill. Exposed walls and facing roadways and retaining walls shall be no greater than six feet in height. Crib walls fencing roadways shall be no greater than 15 feet in height. **(P)**
  6. Landscaping coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation or to replace removed natural vegetation and

should recognize climatic, soil and ecologic characteristic of the region. Plan materials that require excessive water after becoming established should be avoided. **(P)**

7. Trees which have a six inch or greater diameter trunk size at a point three feet above grade should not be removed. The location of all such trees shall be shown on all plans submitted for approval. The Planning Commission, upon review of an "S" Zone application approval, shall have the power to authorize removal, relocation or replacement if the applicant can show that such requirement is unreasonable as applied to the particular property. If the removal is permitted, the replacement of any trees removed pursuant to this section shall be at a five to one (5:1) ratio. **(P)**
8. Within six months, or such other period established by the Planning Commission, after the commencement of grading activities, all graded areas not covered by an impervious surface shall be stabilized in such manner as shall be approved by the City Engineer. **(P)**
9. Where two cut-or-fill slopes intersect, the intersection shall be horizontally rounded and blended. **(P)**
10. Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended. **(P)**
11. Development Plan with Grading under five hundred (500) Cubic Yards. Where the aggregate volume of grading on any site or contiguous group of sites is under five hundred (500) cubic yards, the Community Development Manager shall review the proposed Grading Plan. If the plan is found to be in conformance with the provisions of this chapter, the Grading Plan shall be approved. In approving the plan, such conditions are reasonably necessary to ensure compliance with the objectives of the chapter may be imposed. **(P)**
12. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. **(E)**
13. At the time of building permit plan check submittal, the owner or designee shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the owner or designee shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. **(E)**
14. Prior to building permit issuance, owner or designee shall satisfy the conclusions and recommendations of the *Soils Engineering and Geologic and Seismic Hazards Evaluation Reports* by Earth Systems Consultants dated 1981-1982, and *Geotechnical investigation* by Wayne Ting & Associates dated 3/11/1999. **(E)**

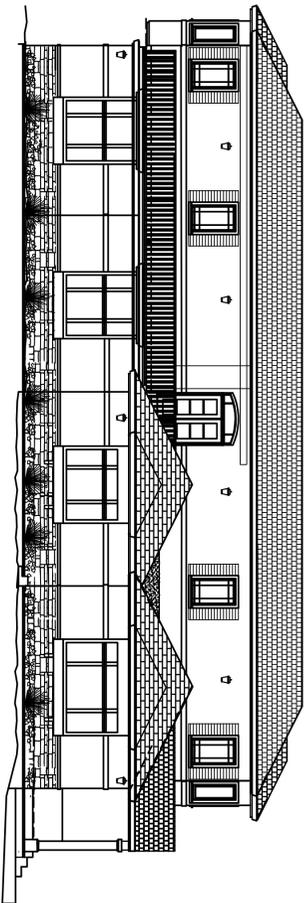
15. Prior to building permit issuance, owner or designee must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee. **(E)**
16. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrub are permitted within City utility easements, where the easement is located within landscape areas. **(E)**
17. The owner or designee shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping, and signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. **(E)**
18. 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 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)**
19. The design of this project shall include adequate Best Management Practices (BMPs) to eliminate pollutant from entering the offsite drainage systems. **(E)**
20. The owner or designee shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
  - A. Storm water connection fee of **\$3594**, water connection fee of **\$1910**, sewer connection fee of **\$1908** and wastewater treatment plant fee of **\$880**.
  - B. Water Service Agreement(s) for water meter(s) and detector check(s).
  - C. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). **(E)**
21. If the existing services (water, sewer and storm) are not adequately sized to serve this development, plans showing new services must be submitted and approved prior to building permit issuance. **(E)**
22. Prior to any work within public right of way or City easement, the owner or designee shall obtain an encroachment permit from City of Milpitas Engineering Division. **(E)**
23. Apply applicable Guidelines for New Developments and Hillside Landscaping Water Conservation Policy (Resolution # 6066). **(E)**

24. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), owner or designee may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. **(E)**
25. The owner or designee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities. **(E)**
26. It is the responsibility of the owner or designee to obtain any necessary encroachment permits or approvals from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. **(E)**
27. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "D". **(E)**
28. Indemnification. To the fullest extent permitted by law, applicant shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**
29. The development of the Project shall comply with all local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

(P) = Planning  
(E) = Engineering  
(CA) = City Attorney

# ART DAVE RESIDENCE

## 826 CALAVERAS RIDGE DR., MILPITAS, CA, 95035



### GENERAL PROJECT INFORMATION

**OWNER:** ART DAVE  
**ADDRESS:** 826 CALAVERAS RIDGE DR., MILPITAS, CA, 95035  
**TYPE:** SINGLE FAMILY RESIDENCE  
**CONSTRUCTION TYPE:** V/B  
**A.P.N.:** 029-06-031  
**LOT SIZE:** 44,294 SQ.FT.  
**ZONING REGULATIONS:** R1-H-S  
**OCCUPANCY GROUP:** R-3

| SETBACKS   | PROVIDED   | MINIMUM REQUIRED |
|------------|------------|------------------|
| Front      | 7'4" - 10" | 4'0" - 0"        |
| Back       | 11'5" - 5" | 4'0" - 0"        |
| Right Side | 4'0" - 0"  | 4'0" - 0"        |
| Left Side  | 4'0" - 0"  | 4'0" - 0"        |

**BUILDING SITE COVERAGE**  
 Building (s) : 6,000.0 sq. ft.  
 Porch (s) : 383.0 sq. ft.  
 Deck (s) : 0.0 sq. ft.  
 Total : **6,383.0** sq. ft.

**BUILDING FLOOR AREA**  
 First Floor: 4,225.0 sq. ft.  
 Second Floor: 1,162.0 sq. ft.  
 Total Conditioned: **5,383.0** sq. ft.  
 Garage\*: 610.0 sq. ft.  
 Total: 5,997.0 sq. ft.  
 (\*) unconditioned space  
 Maximum allowable floor area: **6,000.00** sq. ft.

### AUTOMATIC FIRE SPRINKLER SYSTEM

AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM MEETING THE REQUIREMENTS OF CFC SEC. 903.2 IS REQUIRED TO BE INSTALLED IN THIS PROJECT, INCLUDING ATTACHED AND DETACHED GARAGES AT OR ABOVE 1,000 SQFT. PLANS SHALL BE DESIGNED BY A LICENSED SPRINKLER SYSTEM DESIGNER AND SUBMITTED TO THE MILPITAS FIRE DEPARTMENT FOR REVIEW AND APPROVAL.

### VINICITY MAP



### LOCATION MAP



### CODES AND RESTRICTIONS

THE CONSTRUCTION SHOULD BE IN STRICT ACCORDANCE WITH THE FOLLOWING:

- 2010 CBC, 2010 CPC, 2010 CEC, 2010 CMC, 2010 CRC, 2010 CGC, 2010 NEC STANDARDS
- 2010 CALIFORNIA ENERGY CODE
- 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE
- ALL APPLICABLE CODES AND REGULATIONS OF 2011 MILPITAS MUNICIPAL CODE (MMC) AND THE STATE OF CALIFORNIA

### STANDARD NOTES:

1. ANY CONFLICTS BETWEEN ACTUAL ON SITE CONDITIONS AND THE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO RESOLVE WITH THE OWNER/DESIGNER IMMEDIATELY, PRIOR TO PROCEEDING WITH THE WORK IN QUESTION OR ANY PORTION OF THE WORK, EITHER AT THE START OF CONSTRUCTION OR AT ANY TIME THROUGHOUT THE COURSE OF THE CONSTRUCTION TO COMPLETION.
2. ALL CONTRACTORS AND SUBCONTRACTORS SHALL IMPLEMENT CONSTRUCTION BEST MANAGEMENT PRACTICES TO PROTECT STORM QUALITY AND PREVENT POLLUTANTS ENTERING THE PUBLIC STORM DRAIN. FAILURE TO IMPLEMENT AND COMPLY WITH THE APPROVED CONSTRUCTION BEST MANAGEMENT PRACTICES WILL RESULT IN THE ISSUANCE OF CORRECTION NOTICES, CITATIONS, OR STOP ORDERS.
3. CARE SHOULD BE TAKEN NOT TO GENERATE PAINT FLAKES AND/OR DEBRIS. IF PAINT DEBRIS IS LEFT ON THE PROPERTY AFTER DEMOLITION, THEN PROPER DISPOSAL OF THE PAINT-IMPACTED SOIL MUST BE PERFORMED.
4. CONTRACTOR SHALL REVIEW CITY DETAILS ON TREE PROTECTION PRIOR TO ACCOMPLISHING ANY WORK OR REMOVING ANY TREES.
5. CONTACT PUBLIC WORKS FOR INSPECTION OF GRADING, STORM DRAINAGE, AND PUBLIC IMPROVEMENTS.
6. ALL PUBLIC IMPROVEMENTS MUST BE COMPLETED PRIOR TO OCCUPANCY.
7. ALL NEW ELECTRICAL SERVICE (POWER, PHONE, AND/OR CABLE) SHALL BE UNDERGROUND.
8. UTILIZE BEST MANAGEMENT PRACTICES (BMP#9), AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD, FOR ANY ACTIVITY, WHICH DISTURBS THE SOIL.
9. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS PREVAIL.
10. CONTRACTOR TO LAYOUT BUILDING OUTLINE TO VERIFY ALL REQUIRED SETBACKS, PRIOR TO POURING THE FOUNDATION.
11. ALL EXTERIOR AND INTERIOR MATERIALS AND COLORS TO BE APPROVED BY THE OWNER BEFORE ORDERING AND INSTALLATION.
12. ALL PLUMBING, MECHANICAL, ELECTRICAL, LIGHTING FIXTURES AND APPLIANCES TO BE APPROVED BY THE OWNER.

### DRAWING INDEX

- A1 COVER SHEET
- A1.1 SITE AND CREST LINE
- A1.2 CREST LINE PROJECTION
- A1.3 TOPO
- A1.4 SITE PLAN
- A2 PROPOSED FLOOR PLANS
- A3.1 ELEVATIONS
- A3.2 ELEVATIONS
- A4 ROOF PLAN
- A5 LANDSCAPE PLAN
- A6 RENDERING

### PROJECT SCOPE:

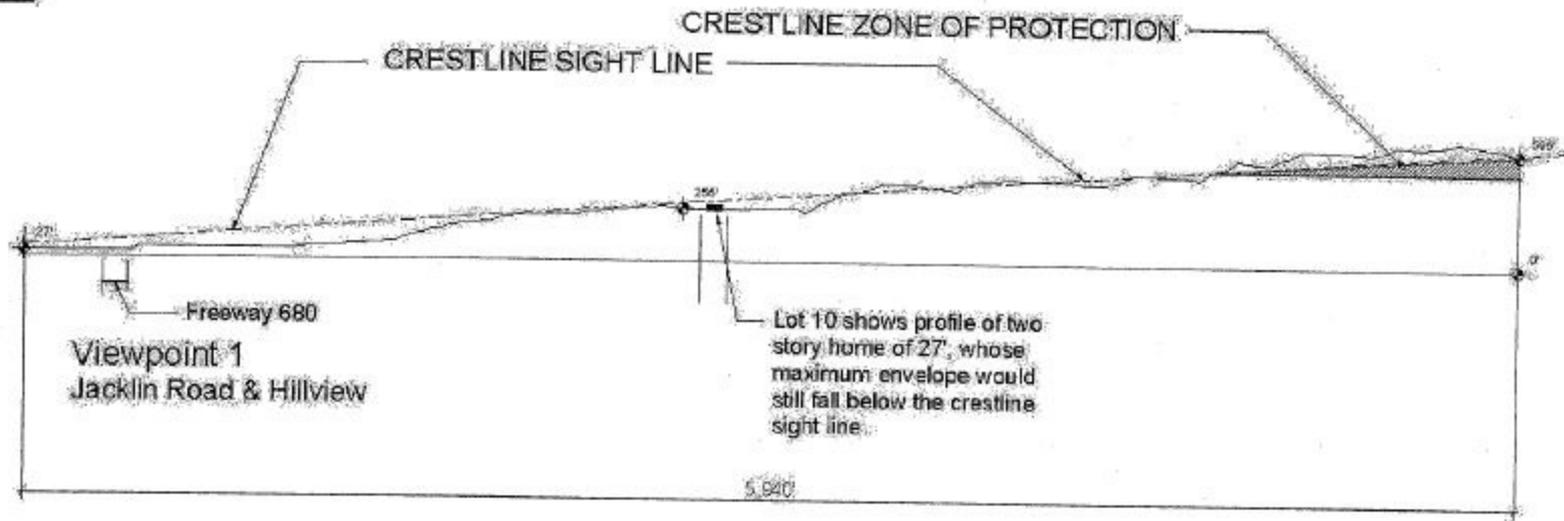
NEW 6,000 SQ. FT. SINGLE FAMILY HILLSIDE RESIDENCE ON A 44,298 SQ FT VACANT LOT WITHIN THE BOUNDARIES OF PUD 2.5 IN THE CALAVERAS RIDGE ESTATES.

THE DESIGN OF THE HOME WILL UTILIZE CONSTRUCTION MATERIALS AND ELEMENTS COMMONLY USED IN CALIFORNIA SUCH AS STUCCO, STONE, CONCRETE ROOF TILES AND HIPPED ROOF STRUCTURES AND WILL BE FOLLOWING MEDITERRANEAN STYLE GUIDELINES.

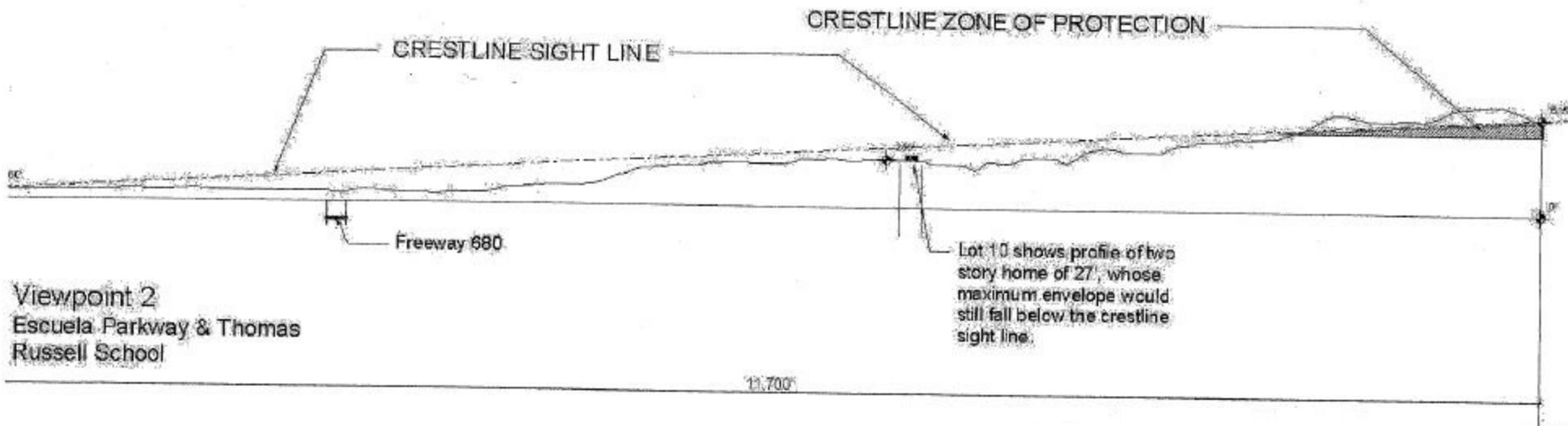
**PROJECT DESIGNER:**  
 NADIA PICHKO  
 10450 BAYVIEW DRIVE  
 10450 BAYVIEW DRIVE, SAN JOSE, CA, 95131  
 (408) 646-2195

**SUPERVISOR:**  
 AL PASQUAL & ASSOCIATES, INC.  
 841 MONTEVINO DR., PLEASANTON, CA, 94666  
 (925) 423-9598





SECTION @ VIEWPOINT 1



CRESTLINE SIGHT LINE PROJECTION

SCALE : NOT DRAWN TO SCALE

|     |               |      |
|-----|---------------|------|
| No. | Revised/Issue | Date |
|     |               |      |
|     |               |      |
|     |               |      |
|     |               |      |
|     |               |      |
|     |               |      |
|     |               |      |
|     |               |      |

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION DRAWINGS.

ALL WORK SHALL CONFORM TO APPLICABLE REQUIREMENTS OF LOCAL, STATE, AND FEDERAL AGENCIES HAVING JURISDICTION. DESIGNER ASSUMES NO RESPONSIBILITY FOR THE SUPERVISION NOR PROPER EXECUTION FOR THE WORK SHOWN ON THESE DRAWINGS, NOR FOR ANY EXISTING CONSTRUCTION. ANY REPRODUCTION IN ANY FORM OR PART THERE OF IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF DESIGNER.

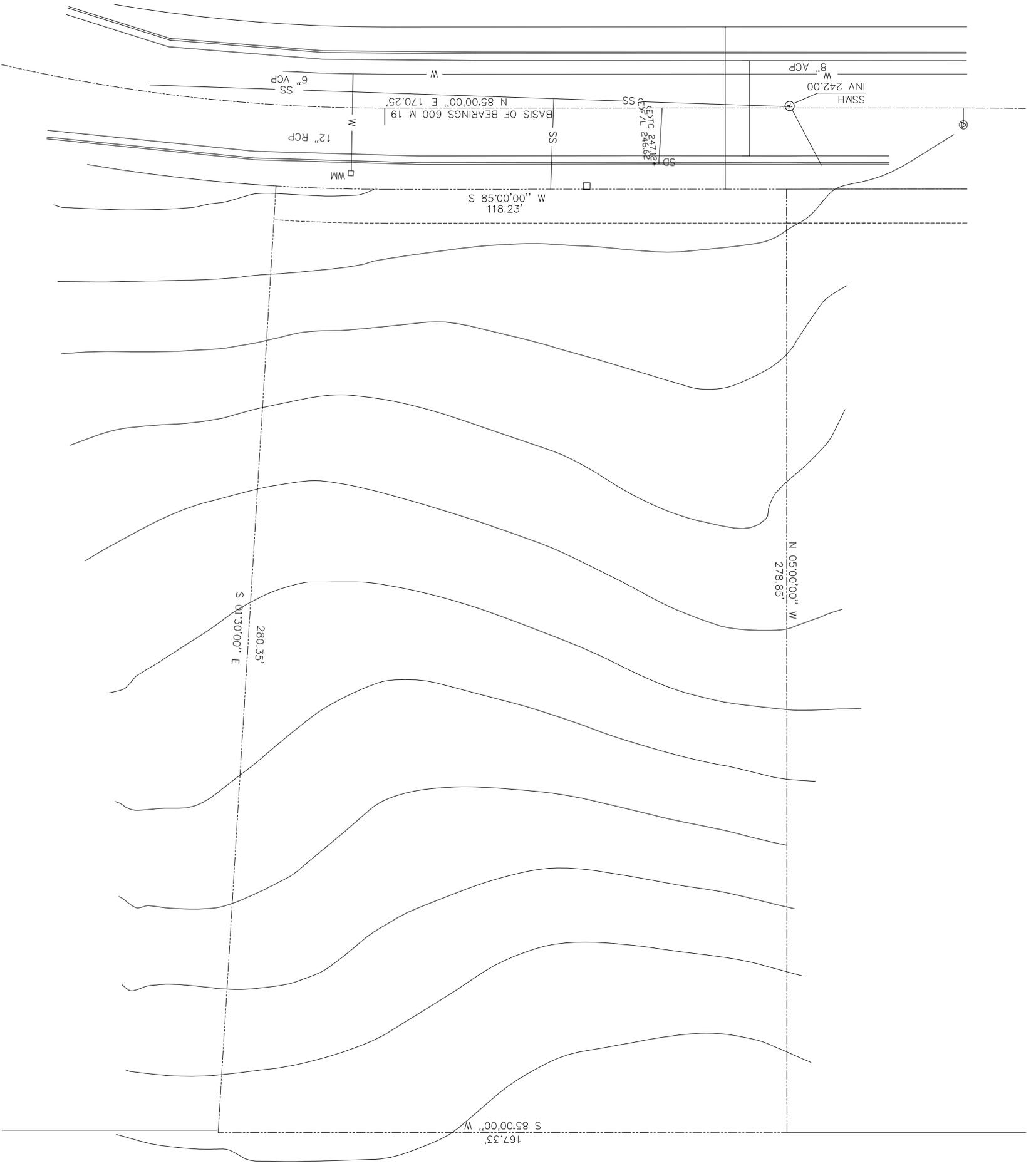
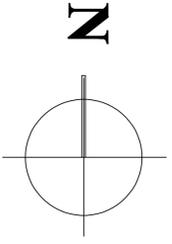
CONTRACTORS TO VERIFY ALL CONDITIONS AND REPORT ANY DISCREPANCIES TO OWNER, DESIGNER, AND ENGINEER.

PAGE:  
CRESTLINE SIGHT LINE PROJECTION

Project Name and Address  
SIC, ART, DAVE  
224 CRESTLINE RIDGE DRIVE,  
HILTYNG CA 90035

Sheet  
CUSTOMER NAME  
Date 06-23-2011  
Title AS\_N0102  
A1.2

CONTRACTORS TO VERIFY ALL CONDITIONS AND REPORT ANY DISCREPANCIES TO OWNER, DESIGNER, AND ENGINEER.



**A1.3**

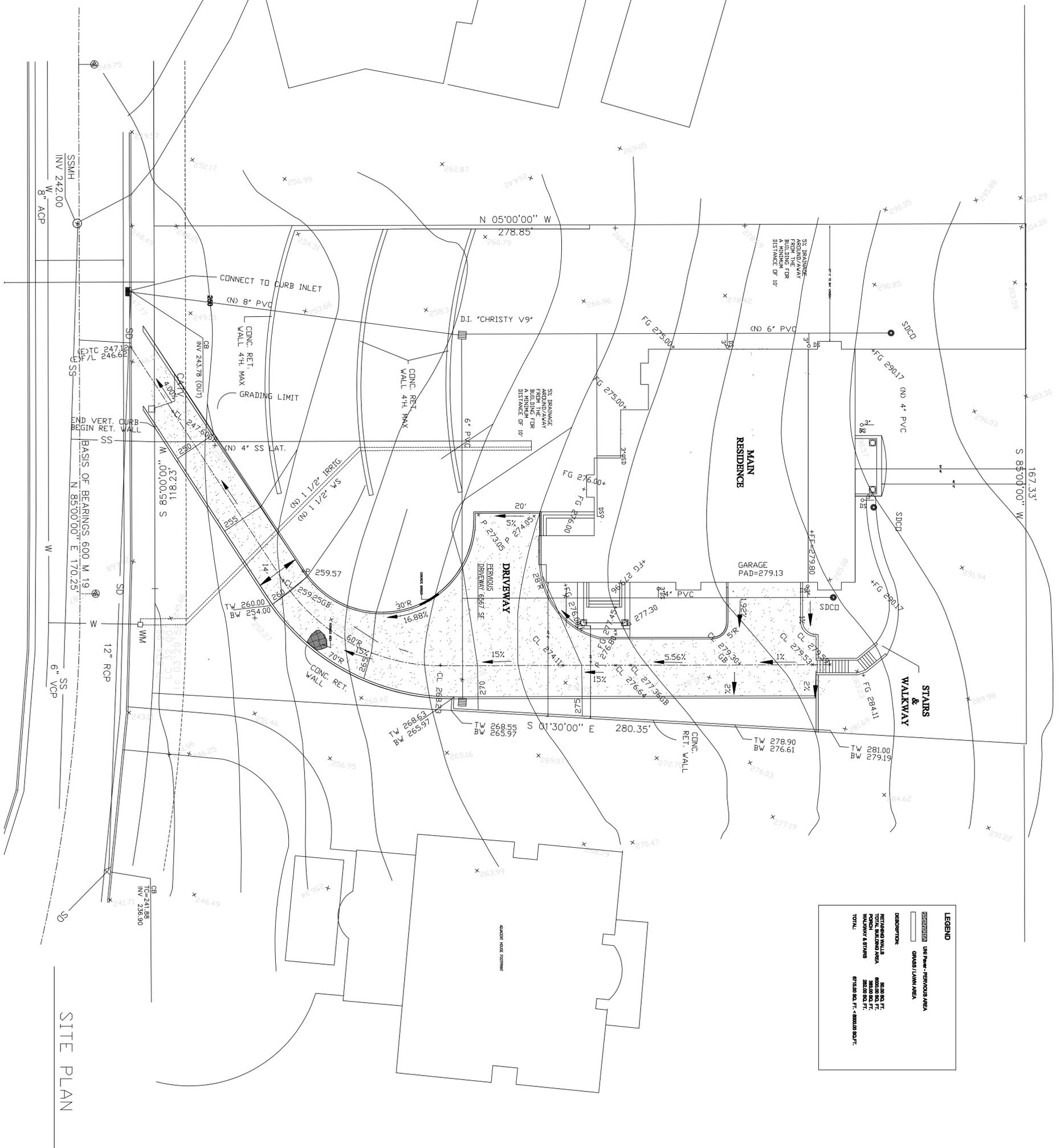
SHEET

DATE 12/10/2012  
SCALE 1/16"=1'-0"

NADIA PICHKO  
401 E Taylor St. #175  
San Jose, CA, 95112  
Boltstudio@yahoo.com  
(408) 646-2195

**ART DAVE RESIDENCE**  
**826 CALAVERAS RIDGE DR. MILPITAS, CA, 95035**

REVISIONS



| LEGEND |                             |
|--------|-----------------------------|
|        | RETAINING WALL              |
|        | PAVED AREA                  |
|        | LAWN AREA                   |
|        | GRAVEL AREA                 |
|        | PERVIOUS AREA               |
|        | STAIRS & WALKWAY            |
|        | TOTAL BUILDING AREA         |
|        | TOTAL PAVED AREA            |
|        | TOTAL LAWN AREA             |
|        | TOTAL GRAVEL AREA           |
|        | TOTAL PERVIOUS AREA         |
|        | TOTAL STAIRS & WALKWAY AREA |

SITE PLAN

**A1.4**

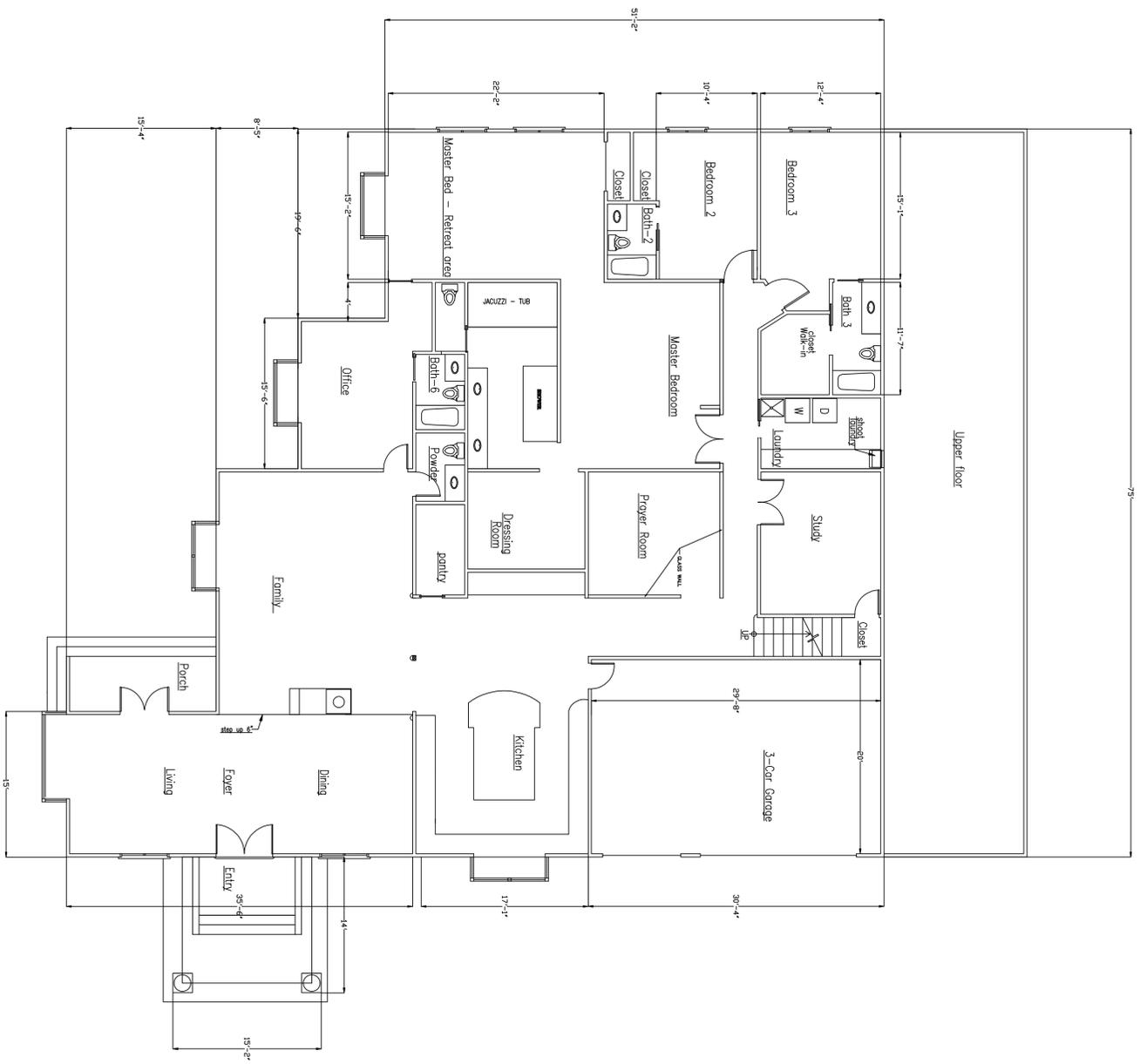
SHEET

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 San Jose, CA, 95112  
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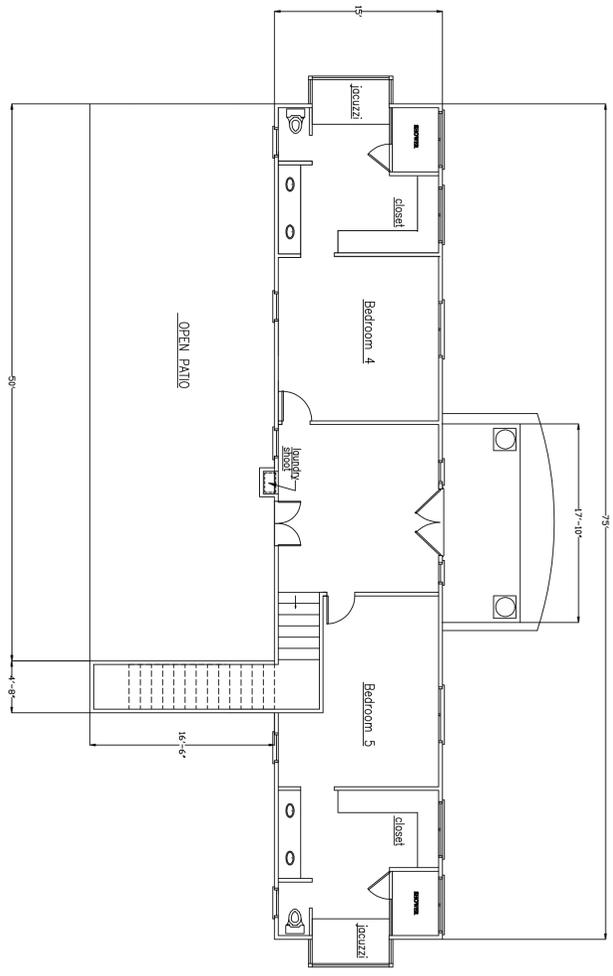
**ART DAVE RESIDENCE**  
 826 CALAVERAS RIDGE DR. MILPITAS, CA, 95035

| REVISIONS |
|-----------|
|           |
|           |
|           |
|           |
|           |

WALL LEGEND  
 ▭ NEW WALLS



PROPOSED LOWER FLOOR PLAN



PROPOSED UPPER FLOOR PLAN

MILPITAS, CA, 95035

ART DAVE RESIDENCE

826 CALAVERAS RIDGE DR.

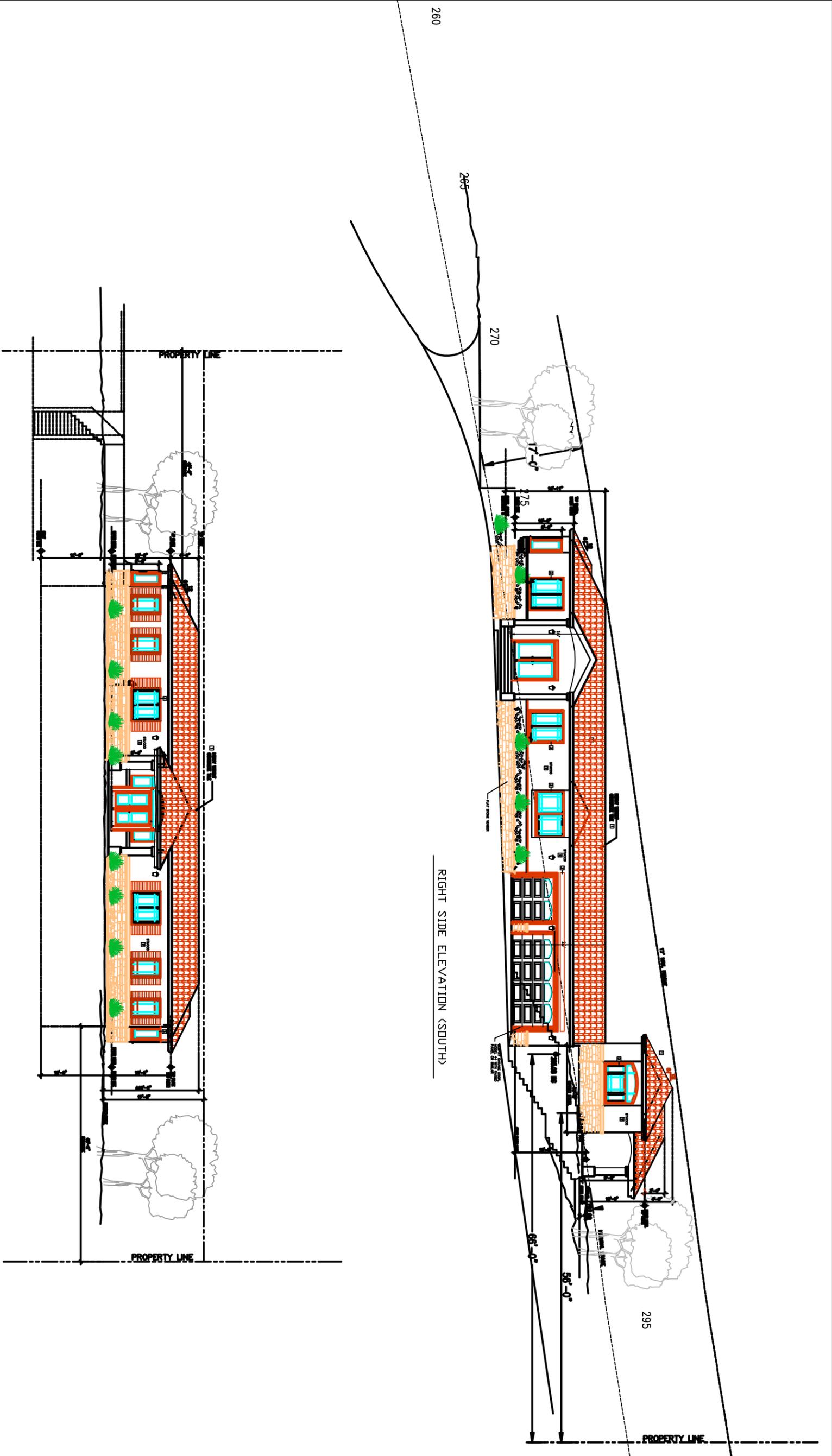
NADIA PICHKO  
 401 E Taylor St. #175  
 San Jose, CA, 95112  
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 (408) 646-2195

DATE 12/10/2012  
 SCALE 1/8"=1'-0"

SHEET

A2





REVISIONS

**ART DAVE RESIDENCE**

**826 CALAVERAS RIDGE DR.**

**MILPITAS, CA, 95035**

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REAR ELEVATION (EAST)

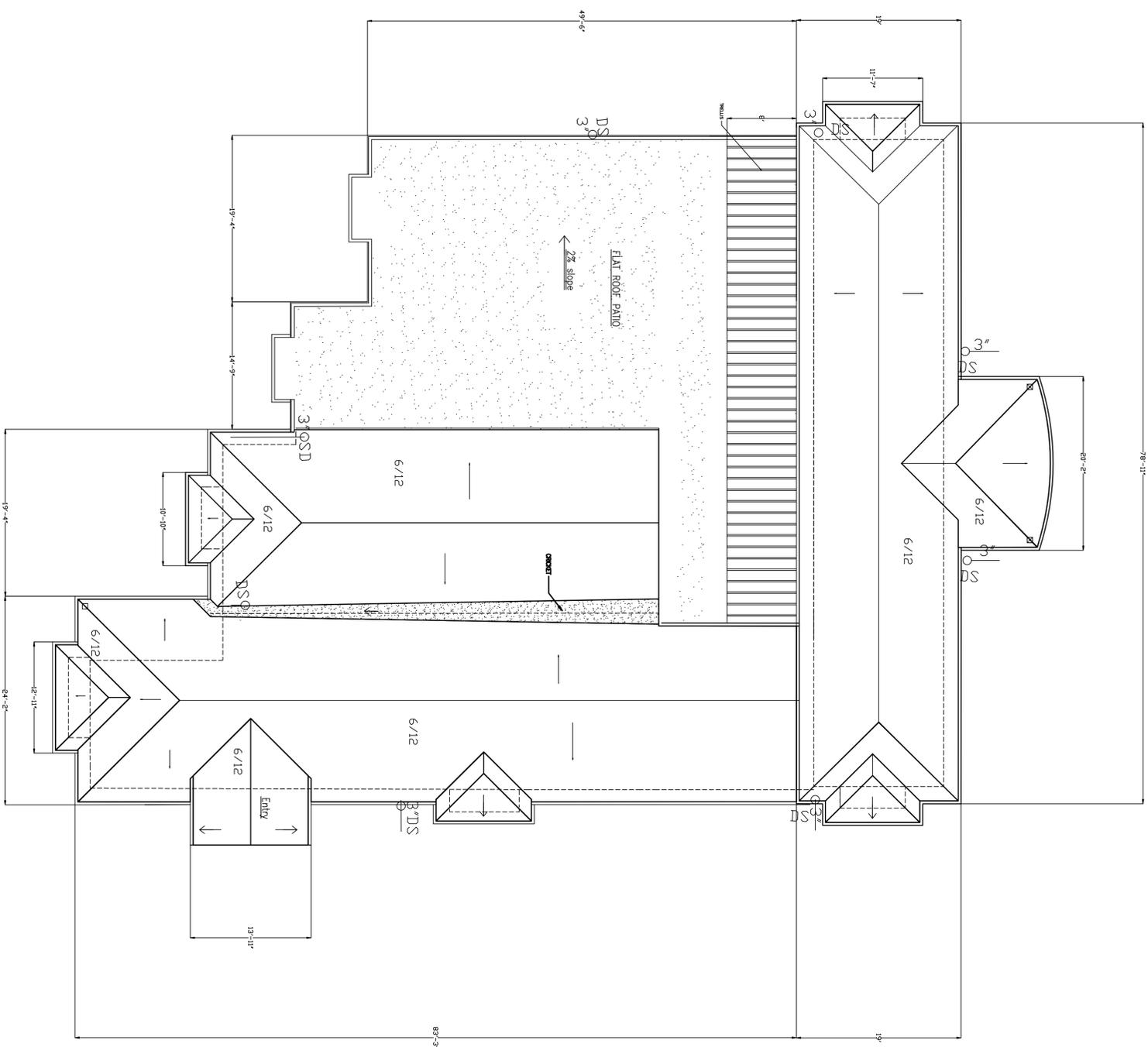
RIGHT SIDE ELEVATION (SOUTH)

DATE 12/10/2012  
 SCALE 1/8"=1'-0"

SHEET  
**A3.2**

NOTES:

1. PREFABRICATED ROOF TRUSSES, MIN (15 lbs PER SQFT). TILE
2. ALL NEW CONSTRUCTION TO INCLUDE ATTIC VENTING UTILIZING ROOF VENTS EQUIVALENT TO 1/ 150 RATIO PER CBC 1203.2



ROOF PLAN

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ART DAVE RESIDENCE  
 826 CALAVERAS RIDGE DR.

MILPITAS, CA, 95035

DATE 12/10/2012

SCALE 1/8"=1'-0"

SHEET

A4





FRONT ELEVATION (WEST)



LEFT SIDE ELEVATION (NORTH)



REAR ELEVATION (EAST)



RIGHT SIDE ELEVATION (SOUTH)

REVISIONS

MILPITAS, CA, 95035

# ART DAVE RESIDENCE

826 CALAVERAS RIDGE DR.

NADIA PICHKO  
1953 O'toole Way  
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(408) 646-2195

DATE 12/10/2012

SCALE 1/8"=1'-0"

SHEET

# A6