



MILPITAS PLANNING COMMISSION STAFF REPORT

July 8, 2015

APPLICATION: **Pan Residence – SA14-0002 – 1000 Country Club Drive:** A request for a Site Development Permit Amendment for various site and building modifications to an existing hillside home currently under construction, lot line adjustment and reconfiguration of the existing open space easement.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 15-024 recommending approval to City Council for Site Development Permit Amendment No. SA14-0002 to allow for various site and building modifications, lot line adjustment and reconfigure an existing open space easement subject to the findings and conditions of approval.**

LOCATION:

Address/APN: 1000 Country Club Drive (APN 29-03-014)
Area of City: Hillside

PEOPLE:

Project Applicant: Theresa Pan, SAN Partners, LLC
Consultant(s): Peter Pfau, Pfau Long Architects
Property/Business Owner: Theresa Pan
Project Planner: Cindy Hom, Assistant Planner

LAND USE:

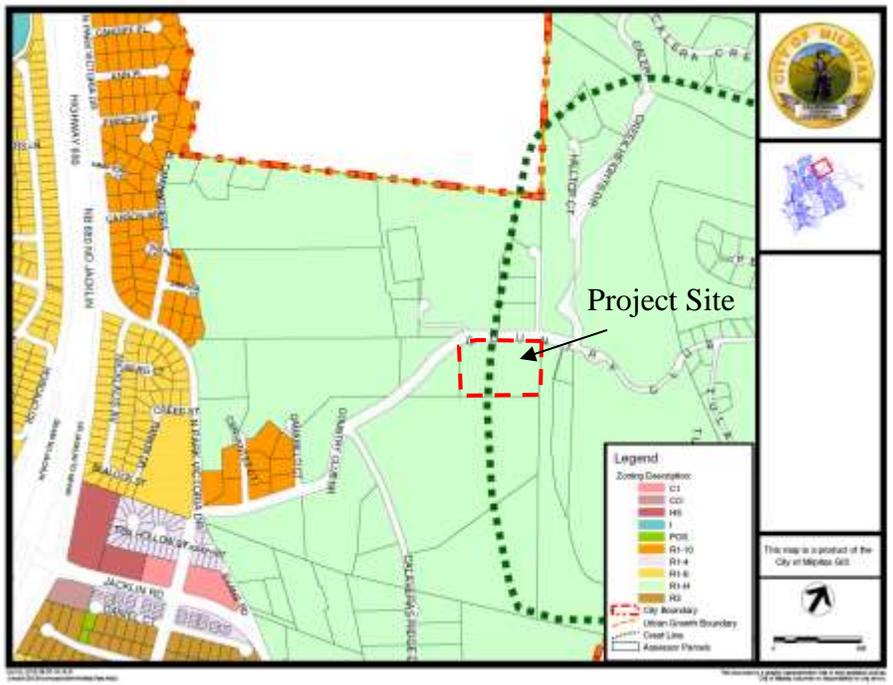
General Plan Designation: Hillside Medium Density (HMD)
Zoning District: Single Family Residential with Hillside Combining District (R1-H)
Overlay District: Site and Architectural Overlay (-S)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities), Section 15303 (New Construction of Small Structures) 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

A request for a Site Development Permit Amendment for minor various site and building modifications to an existing hillside home currently under construction. Currently there are active building permits that have been extended to complete the construction of the home. The purpose of the proposed modifications is to make the home compliant with the current building codes, improve the driveway approach condition, and provide for a more contemporary architecture and site design. The project includes a lot line adjustment and reconfiguration of an existing open space easement.

Map 1
Project Location



Map 2
Project Site



BACKGROUND

History

In 1973, a single story house was legally constructed in Santa Clara County on the property located at 1000 Country Club Drive prior to annexation to the City in 1975. The home's crestline location and a substandard setback on the south property line (25 feet instead of 40 feet) made it a legal, non-conforming building.

In 1989, the previous owner applied for a Variance (No. 459) to locate a detached two-car garage along the crestline approximately 10 feet from the house. That Variance and related Site Development Permit was approved with the condition that the garage be attached to the house.

In October 2003 the Planning Commission recommended approval to the City Council for a Planned Unit Development Permit (PD2002-2) and Environmental Impact Assessment (EA2002-10) for the removal and replacement of the existing one-story house with a new 12,571 square feet house on two levels:

- An 8,278 square feet upper entry level
- A lower level with 4,293 square feet of living space (*2,809 of which is below grade*) and 1,858 square feet of unconditioned area—of which approximately two-thirds is an indoor pool and one-third is a below grade storage area. Only conditioned living space was counted in determining the maximum size of a residence. Beneath the lower living level, there is a 2,949 square feet below-grade 6-car garage/shop and a covered motor court; an elevator links all three levels.

The architecture of the house is characterized by a concrete tile roof with stucco and limestone-veneer covered walls. The building height ranged from 17 feet to 27 feet above finished grade. The permit was approved by the City Council on November 5, 2002.

In June 2003, the Planning Commission Subcommittee approved a Site Development Permit Amendment (SA2003-79) to allow for an exterior color change and comply with Special Conditions in regards to a revised building setback of 40 feet, extension of stone veneer along the south elevation and location of the building envelope for a hillside residence.

In November 2003, the City Council approved a Certificate of Compliance to create a legal lot of record as required by the conditions of approval for the Planned Unit Development permit.

In May 2004, the Planning Commission granted a one-time eighteen month time extension of the permit approvals for the hillside home and associated site improvements.

The house began construction in 2005 but remains uncompleted.

The Application

On August 7, 2014, Theresa Pan with San Partners LLC submitted a Site Development Permit Amendment to allow for minor building and site modifications to a hillside home that is currently under construction. The request also includes a lot line adjustment and reconfiguration of an existing open space and landscape easement. The project is submitted pursuant to Milpitas Municipal Code XI-10-57.03-1 (J) (Modifications of or Amendment) and XI-10-45.09 (Site and

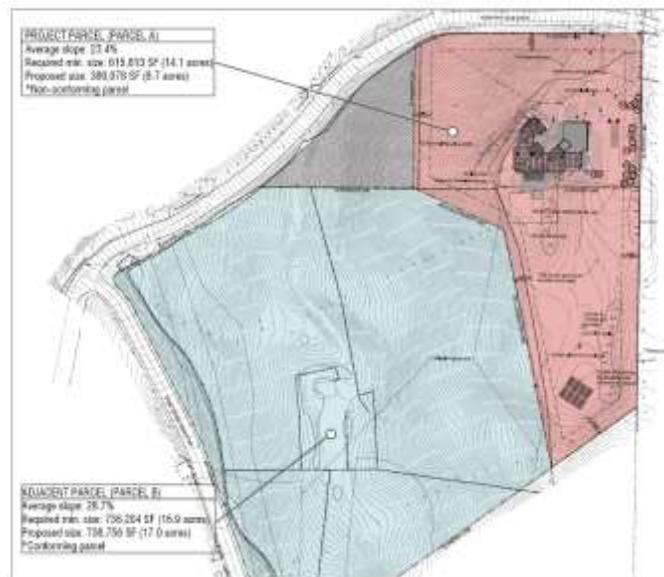
Architectural Review) of the Milpitas Zoning Ordinance for Planning Commission and City Council review and approval.

PROJECT DESCRIPTION

Overview

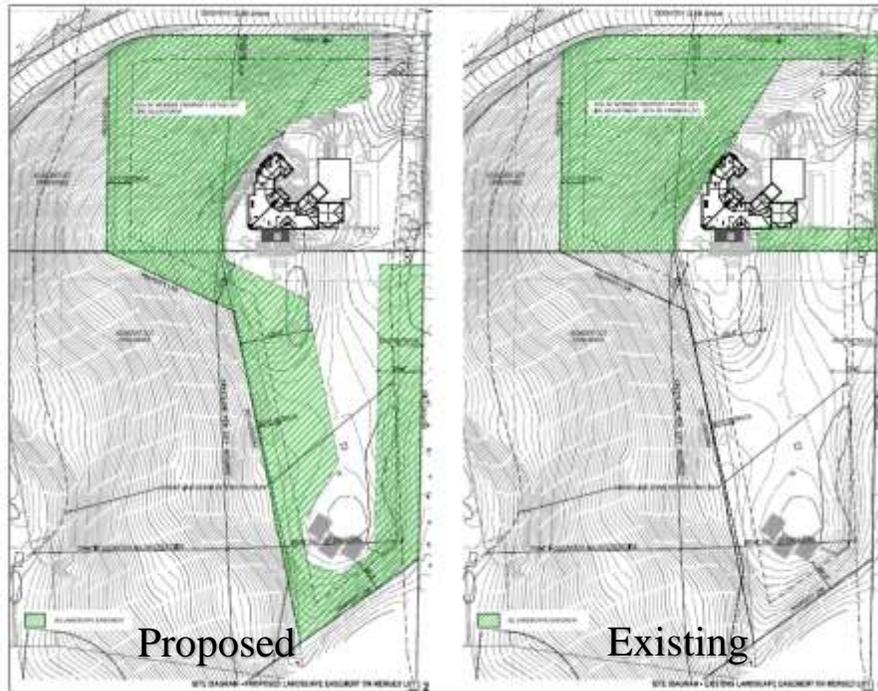
The project proposes various site and building modifications that are described in further detail below. The project also includes a lot line adjustment and reconfiguration of the existing open space easement. The same property owner also owns the adjacent lot (approximately 21-acres) to the south and submitted a lot line adjustment concurrent with this application. The lot line adjustment would increase the existing 4.62-acre parcel to 8.7 acres. As demonstrated in the Map Exhibit below, the adjacent parcel remains conforming. The project site is currently non-conforming and remains non-conforming even with the lot line adjustment. The lot line adjustment reduces the non-conformity and therefore can be supported by staff.

**Map 3:
Lot Line Adjustment**



The existing open space and landscaping easement currently covers 61% of the existing lot. With the lot line adjustment, the open space easement would be reconfigured to encompass the added area and encumber 60% of the lot as open space to comply with the provision for open space easements for hillside developments, which require a minimum of 50% of the gross area to be encumbered with an open space easement in favor of the City. The map exhibit below depicts the existing and proposed reconfiguration of the open space easement. Per Milpitas Municipal Code (MMC) XI-10-45-.08-2, reconfiguration of the open space easement may be granted, at a public hearing by the City Council provided that the net acreage is not decreased.

Map 4: Open Space Easement Exhibit



Site Improvements

Driveway

The project proposes to widen the driveway apron on Country Club Drive to improve the site distance for the approach onto and off the project site and adjust the existing driveway approach to achieve the required slope to meet Fire Department requirements for emergency vehicle ingress and egress. The modifications require grading and installation of stepped retaining walls approximately 2 to 4-feet in height along the west side of the driveway and a 2 to 4-foot retaining wall on the east side of the driveway. A new trash and recycling pad would be constructed at the lower level of the driveway. Trash and recycling bins would be placed on this pad on the trash collection days only.

Paving

The project proposes a new gravel area adjacent to the porte-cochere shown on the east elevation. The gravel area is intended to keep guest parking on a relatively flat area, closest to the main residence. New grass pavers will be installed for the fire turnaround area. The project would add a combination of crushed stone and concrete paths and stairs that connect outdoor patio space to the main residence on the southeast and northeast elevation.

Accessory Structures

The project includes installation of the following structures:

- Landscaping Walls - New concrete landscaping walls with stone coping and cladding are proposed to enhance the main front entrance. A series of three (3) dry-stack rock walls

that are approximately 2-feet in height are proposed along the southeast corner of the building. The purpose of the stepped walls is to transition the grade difference between the building and finished grade, as well as screen the mechanical equipment.

- **Balcony Railing and Fencing** – The project proposes a new balcony railing consisting of steel and wood guardrails for the new patio deck along the north and southwest elevation and on the guest deck level of the main residence. A new six-foot deer (comprised of wood and wire) fence would be installed to encompass a portion of the rear yard where the proposed outdoor entertainment patio and vegetable garden areas are located.
- **Solar Panels** – The applicant proposes a ground mounted three solar panel array on the southern portion of the property to serve most of the electrical needs of the main residence. This array would be raised slightly above the natural grade to allow the penetration of water into the ground.
- **Above Ground Tanks** – Although the project is already connected to city services, the project proposes to remove an existing water tank and install a new well and two 5,000 gallon plastic water tanks that are partially below grade and screened with landscaping. The proposed well and water tanks are located near the eastern property boundary. The tanks will be used for landscape irrigation.
- **Outdoor Patios** – Two new outdoor patio areas are proposed on the northeast and southeast elevation. The southeast outdoor patio is designed as an outdoor entertainment space consisting of a stone patio with a wood and metal trellis. The second patio is located on the east side of the building. The previous approval had a fountain feature in this location. The project would demolish the fountain feature and convert it to patio space. The patio would consist of stone pavers and a decorative balcony railing.

Architectural Changes

The project proposes minor architectural modifications to the roof and exterior façade. The proposed modifications include lowering the roof pitch on certain areas of the roof and removing awkward roof protrusions and non-functional Juliette balconies. The applicant also proposes to replace the lightweight slate tile roof with a standing seam metal copper roof that will be painted a brown color to match and blend with the natural landscape. The project is subject to high winds and the existing lightweight slate tiles have not held up to the considerable winds. Other changes to the body of the building include:

- Removing the existing window frames to achieve square openings as well as installation of additional windows, light wells, and operable skylights.
- Removing stone cladding that was approved on the front elevation. As mentioned above, this area will include a new landscaping wall that include a stone coping and cladding that would match the existing cladding and provide a visually solid base similar to what was previously approved.

Floor Plan Changes

The applicant proposes minor floor plan changes that consist of the following:

- Remodel stairs at foyer.

- Reconfigure existing interior walls.
- Remove and replace an indoor pool, sauna and steam room, and exercise/massage room located on the lower level with a new great room and three new bedrooms.
- Remodel existing catering pantry, and
- Replace home theatre room with a hobby/sewing room.

Location and Context

The project site is on a 4.62-acre lot that is developed with an unfinished hillside home currently under construction and existing vegetation. The rectangular shaped lot is located near the Country Club Drive cul-de-sac. The project site is bounded by Country Club Drive to the north, Summitpointe Golf Course and residential community to the east, and single family residences to the south and west.

The General Plan designation is Hillside Very Low Density and the Zoning designation is Single Family Residential with the Hillside Combining District and Site and Architectural overlay. The subject site straddles the crestline that separates the Western Face and Eastern Hills portions of the Milpitas Hillside Planning Area. The project site is located within the Urban Growth Boundary and Urban Service Area. Surrounding uses include vacant, undeveloped parcels to the north, a golf course and a gated residential community to the east and northeast, and hillside homes to the west and south. The site also falls within the Alquist-Priolo Special Study Zone for seismic hazards. Vicinity and location maps of the subject site location are provided on Page 2.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The proposed project is consistent with the Milpitas General Plan in terms of land use and density. The project entails site and building modifications to a previously approved hillside home. The General Plan designation is Hillside Low Density which allows one unit per one gross acre. The project is also consistent with the following General Plan policies and principles:

- 2.a-G-3, which encourages a variety of housing types and densities that met the needs of individuals and families.
- 2.a-l-18: retains the natural character of the hillside by utilizing designs, colors, and materials that blends with the environment and terrain.
- 5.a-1-2: minimizes the threat to life and property through identification of active fault traces and geologic hazard zones.

The project conformance with the Zoning Ordinance and Hillside Development standards are discussed in the sections below:

Development Standards

The table below demonstrates how the project is consistent with the development standards of the Hillside Combining District set aside in the Zoning Ordinance.

Table 1:
Summary of Development Standards in the Hillside Combining District

Development Standards	Required	Existing/ Previously Approved	PUD	Proposed	Complies
Lot Area (Acres)*	14.1	4.6		8.7 (with lot line adjustment)	No
Setbacks					
Front	40	210'			Yes
Side	40	245' and 127'		245' and 127'	Yes
Rear	40	20	E1**	670' (with lot line adjustment)	Yes
Size of Main Dwelling	10,000 sq. ft.	12,571 sq. ft.	E2***	11,658 sq. ft.	Yes
Impervious Surface Coverage	10% of lot, not to exceed 30,000 sq. ft.	19,347 s. f.		27,811 s. f.	Yes
Height	One-story, max. ht. 17' on westside of crestline, Two-story max. ht. 27 on eastside of crestline		E3****		Yes
Parking	7 (for 8 bdrms)	6		6 covered, 10 uncovered	Yes

* Exempted Lot Status per MMC 45.03-7. Lot created prior to adoption of Hillside Ordinance.

**E1 – PUD exception to allow deviation on setback requirement

***E2 – PUD exception to combine main dwelling and guest house square footage and exempting 1,858 square foot basement area (garage, covered pool and unconditioned basement).

****E3 – PUD exception to allow structure to be built in the crest zone of protection.

Site Layout, Access & Circulation

Main access to the project site is an existing 300+ foot driveway at the property's northeast corner and terminates in a circular turn-around in front of the existing garage.

Where it currently begins the loop for the turn-around, the proposed driveway will split with the east fork accessing the lower covered motor court and the below-grade garage. The west fork ascends to a circular turn around at the entry level of the new house that is directly above the motor court and garage.

The proposed house has a rough “L” shaped footprint, with one wing aligned approximately in the north-south direction along the crestline right over the existing home’s footprint, and the other aligned in the east-west direction from the south property line. The upper driveway turn-around and an intensively landscaped front entry area are located between the wings.

Site & Architectural Design

The proposed architectural modifications are intended to “quiet” the massing of the building by removing some of the Provincial style architectural elements and ornamentation to provide a more contemporary California ranch style architecture, which incorporates typical architectural design elements such as L-shaped building footprint; simple, open floor plan, large windows; high ceilings; and exterior finishes consisting of stucco, wood, stone cladding and glass.

The Hillside Ordinance includes the following architectural guidelines. Based on the review of the application, the project complies with these standards as demonstrated in the Table 2 below:

**Table 2:
Compliance with Architectural Guidelines**

Site & Architectural Guidelines	Comments Regarding Subject Proposal
(a) Avoid Unreasonable Interference with Views and Privacy	The main residence was approved on the crestline with a PUD approval. The project does not change the location or height of the building. Project compliance with specified height limits and line of sight analysis determine the architectural modifications will not create an unreasonable interference with the views and privacy of nearby Hillside homes beyond what was previously approved. The building is proposed to be painted with earth tones to blend with the natural landscape.
(b) Preserve Natural Landscape	Site is already developed. The application will increase impervious surface areas within the 30,000 square foot limitation for lots more than 3 acres in size. Disturbance of existing contours (<i>natural & man-made</i>) will not be significant and limited developed portions of the site. Existing trees are to remain and protected in place.
(c) Minimize Perception of Excessive Bulk	The existing building form remains unchanged, however, the exterior façade has been simplified to reflect a more contemporary California Ranch style architecture. The squared window openings also help with the massing of the building. The landscaping treatment and stone cladding on the building and landscaped walls provide a visually solid base and helps “ground” the building and blend with the natural hillside setting.

(d) Impairment of Light & Air	The proposed building is over 600 ft. from the nearest home site and therefore, no impairment of light and air should occur.
(e) Grading	Minimal amount of earth will be disturbed on the site for the proposed site modifications. The impact on the natural contours will be minimal since most of the grading is in or around already developed portions of the site (<i>i.e. the driveway and existing home site</i>) and much of the earth movement is due to decreasing the slope of the driveway.

Landscaping & Open Space Design

The landscaping proposal maintains existing mature on-site trees and utilizing plant materials that are native and drought resistant. The plant selections and planting design are consistent with City Council Resolution No. 6066 (Hillside Landscaping and Water Conservation Policy and Fire Hazard Mitigation Measures) in that the planting consists of drought tolerant species, planted in areas to screen the home and preserve view sheds. This project removes water features such as the indoor pool and fountain features that were previously approved.

Grading

The project proposes to excavate approximately 3,626 cubic yards of soil and install 115 cubic yards of fill. Approximately 3,510 cubic yards of soil will be exported. Disturbance of existing contours (*natural & man-made*) will not be significant and limited to developed portions of the site such as the driveway, fire turn around, and motor court area. The grading activities relate to the driveway improvements to meet Fire Department requirements and improve the driveway approach.

Geologic

According to the General Plan Seismic and Geotechnical Map (Figure 5-2) and United States Geological Survey (USGS) Special Studies Zone Map, the project site is located within the Alquist-Priolo Special Study Zone and is located in areas with known expansive and unstable soils. Therefore, Geologic and Soils Studies are required to identify any significant seismic fault and/or slope instability hazards on the site that would threaten the proposed residence and to provide mitigation measures. A Geologic and Geotechnical Investigation and report were provided for the original approval (PD2002-2). A supplemental report was provided with this application to update geotechnical report and present supplemental recommendations for the proposed modifications. Based on the findings from site investigation and review of the previous reports, it was determined the previous conclusions and recommendation may be used for the completion of the residence construction and proposed site improvements as modified and updated with Supplement letter dated December 2, 2014.

FINDINGS FOR APPROVAL

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

Site Development Permit (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.*

The project will provide for a compatible and aesthetic development in that site layout and design of the proposed home provides an appropriate scale, massing and blends the natural setting. The proposed modifications such as the squared window openings, stone cladding and landscaping treatments minimizes the appearance of bulk, provides for a visually solid base that grounds the building, and provides architectural interest. The proposed colors and material are in keeping with natural earth tones and would complement the natural hillside setting.

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

The project is consistent with the Milpitas Zoning Ordinance as demonstrated in the sections above. The project complies with the hillside development standards and comply with the setback, height, maximum square footage, and impervious surface coverage regulations. In terms of the architectural guidelines, the proposed modifications improves the bulk and massing of the building with the proposed window openings, stone cladding and landscaping treatments. The proposed colors and material are in keeping with natural earth tones and would complement the natural hillside setting.

The project will not create unreasonable views or obstructions in that the project proposes minor exterior façade changes to the existing unfinished residence. The existing building form, location and height of the building remain unchanged from the previous approval. However, the roof lines would be lower on certain portions of the roof. Furthermore, the project will not impair light or air considering the home is located approximately 600-feet from the nearest adjacent home.

Grading and disturbance of existing contours (*natural & man-made*) will not be significant and limited developed portions of the site. Existing trees are to remain and protected in place.

3. *The project is consistent with the Milpitas General Plan.*

The project is consistent with the General Plan in terms of land use and density. The project is entails site and building modifications to a previously approved hillside residence that is under construction. The project is also consistent with the following General Plan policies and principles:

- 2.a-G-3, which encourages a variety of housing types and densities that met the needs of individuals and families.
- 2.a-l-18: retains the natural character of the hillside by utilizing designs, colors, and materials that blends with the environment and terrain.
- 5.a-1-2: minimizes the threat to life and property through identification of active fault traces and geologic hazard zones.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301, Section 15303 (New Construction of Small Structures) 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA). The project entails minor site and building modifications such as façade changes to an existing home, installation of minor structures include outdoor patio and trellis, and minor grading to site to adjust the slope of an existing driveway.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on 6/26/15. In addition, 17 notices were sent to owners and occupants within 500 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the August 4, 2015 Council agenda.

CONCLUSION

The project enables the completion of a hillside home currently under construction by modifying the site to improve the access condition and to implement architectural changes that are consistent with the design guidelines and comply with the zoning requirements for hillside developments

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution No 15-024

ATTACHMENTS

- A. Resolution No.15-024
- B. Project Plans
- C. Project Description
- D. Geologic/Geotechnical Assessment