

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS,  
APPROVING A NEW HILLSIDE HOME LOCATED AT 826 CALAVERAS  
RIDGE DRIVE: "S" ZONE NO. SZ2007-3**

**WHEREAS**, on February 12, 2007 an application was submitted by Pete Vavaroutsos, 3441 Cedardale Drive, San Jose, CA 95748, to allow the construction of a new hillside home. The property is located within Planned Unit Development 23.5 (APN: 029-06-031); and

**WHEREAS**, on or about October 25, 2007, the Planning Division reviewed the application for compliance with the General Plan, Zoning Ordinance and other applicable requirements and found the application complete; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the City Council determine that this project is categorically exempt pursuant to Section 15303; and

**WHEREAS**, on November 14, 2007, the Planning Commission held a duly noticed public hearing on the subject application and considered evidence presented by City staff and the applicant and recommended approval subject to the Conditions of Approval.

**WHEREAS**, on December 11, 2007, the City Council reviewed the subject application and considered evidence presented by staff.

**NOW THEREFORE**, the City Council 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 CEQA Section 15303, a class 1 exemption for a single-family residence.

**Section 3:** The proposed home meets the Hillside Design Guidelines per the Zoning Ordinance in that the layout of the site and design of the proposed buildings and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development. The proposed home has been designed to preserve privacy and views, preserve natural landscape, minimize the perception of bulk and minimize grading.

**Section 4:** The proposed use is consistent with the Milpitas Zoning Ordinance in that the proposed home meets the development standards set forth for PUD 23.5 and the Zoning Ordinance.

**Section 5:** The proposed use is consistent with the Milpitas General Plan in that it meets General Plan Policy 2.a-1-18 and is not otherwise inconsistent with that plan.

**Section 6:** The City Council of the City of Milpitas hereby approves "S" Zone application SZ2007-3, a new hillside home located at 826 Calaveras Ridge Drive, subject to the Findings contained herein and Conditions of Approval attached hereto as Exhibit 1.

**BE IT FURTHER RESOLVED** that based on the entirety of the record, which includes without limitation, the Planning Commission public hearing, including staff report, project plans and minutes prepared in connection thereto, the City Council does hereby approve a new hillside home located at 826 Calaveras Ridge Drive.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of December 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**EXHIBIT 1**  
**CONDITIONS OF APPROVAL**  
**“S” ZONE NO. SZ2007-3**

**Planning Division**

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards reviewed by the Planning Commission on November 14, 2007, in accordance with these Conditions of Approval.
2. 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.
3. S-Zone SZ2007-3 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 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.
4. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of S-Zone SZ2007-3 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

**Engineering Division**

5. 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.
6. At the time of building permit plan check submittal the developer 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 developer shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance.
7. Prior to building permit issuance developer 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.

8. Prior to building permit issuance, developer 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.
9. 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.
10. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.
11. 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. This project must comply with those requirements. 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.
12. The design of this project shall include adequate Best Management Practices (BMPs) to eliminate pollutant from entering the offsite drainage systems.
13. The developer 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).
14. 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.
15. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division
16. Apply applicable Guidelines for New Developments and Hillside Landscaping Water Conservation Policy (Resolution # 6066).

17. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer 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.
18. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.
19. At the time of building plan check submittal, the developer shall incorporate the changes shown on Engineering Services Exhibit "S"(dated 8/6/2007) in the design plans.
20. It is the responsibility of the developer 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.
21. 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".

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

**Consultants**  
 STRUCTURAL ENGINEER  
 BEAR DESIGNS  
 4428 California Street  
 San Francisco, CA 94118  
 GEOTECHNICAL ENGINEER  
 EARTH MECHANICS  
 CONSULTING ENGINEERS  
 360 Grand Avenue  
 Oakland, CA 94610  
 510-839-0765  
 SURVEYORS  
 MISSION ENGINEERS INC.  
 2978 Scott Blvd.  
 Santa Clara, CA  
 TITLE 24 CONSULTANT  
 MONTEREY ENERGY GROUP  
 227 Forest Ave., Suite 5  
 Pacific Grove, CA 93950  
 831.372.8328

PUD 23.5

**GENERAL NOTES:**

- These notes apply to all drawings, and govern unless noted or specified elsewhere in the construction documents.
- All work shall conform to all applicable permits, regulations, codes and ordinances of public authorities, having jurisdiction, including but not limited to the City of Milpitas and the County of Santa Clara, CA.; the 2004 Uniform Building Code and 2004 California building Code
- Contractor shall visit site, and be fully aware of all field conditions prior to submitting bid. Any conflicts or discrepancies between the drawings and site conditions shall be immediately brought to the attention of the owner. Contractor acknowledges that he has thoroughly familiarized himself with the building site conditions, etc., with the drawings, with the delivery facilities, and all other matters and conditions which may affect the operation and completion of the work, and assumes all risk therefrom.
- Contractor shall verify all existing dimensions in the field. On drawings, only written dimensions shall be used. **DO NOT SCALE THE DRAWINGS!** Contractor shall verify, and be made completely responsible for all dimensions and conditions on the job. Owner must be notified of any proposed or required variations from the dimensions and conditions shown on the drawings, before any changes are made.
- By accepting and using these drawings, the Contractor agrees that he shall assume sole and complete responsibility for job site conditions during the course of construction of this project, including safety of all persons and property; that this requirement shall apply continuously and not limited to normal working hours.
- The drawings schematically indicate existing and new construction. Due to the nature of the work, adjustments will likely be required in the field to meet the design objectives. Such adjustments which could be reasonably expected, based on general experience in this type of construction, are part of the contract and shall be made by the contractor without additional cost to the owner.
- Contractor is responsible and must make every effort to minimize unnecessary soil erosion during grading and construction.
- Provide hay bales and other materials to minimize soil run-off if any excavation is done during the rainy season.
- Contractor must comply with all Planning and building requirements of the City of Milpitas.

**DIRECTORY**

A.1.01 PROJECT SUMMARY  
 A.1.02 SITE & CRESTLINE LOCATION  
 A.1.03 CRESTLINE SIGHT LINE PROJECTION  
 A.1.04 EXISTING TOPO  
 A.1.05 SITE PLAN  
 A.2.01 BASEMENT FLOOR PLAN  
 A.2.02 MAIN FLOOR PLAN  
 A.3.01 EXTERIOR ELEVATIONS  
 A.3.02 EXTERIOR ELEVATIONS  
 A.4.01 BUILDING SECTIONS  
 A.5.01 LANDSCAPE PLAN  
 A.6.01 STORM WATER CONTROL PLAN  
 A.7.01 GRADING PLAN

**CODES**

2001: CBC, CPC, CMC  
 2004: CEC  
 2005: California Energy Code  
 2001: CFC  
 2002: Milpitas Municipal Code

**PROJECT CONSULTANTS**

STRUCTURAL ENGINEER:  
 Bear Designs  
 4428 California St.  
 San Francisco, CA 94118  
 GEOTECHNICAL ENGINEER:  
 Earth Mechanics Consulting Engineers  
 360 Grand Avenue  
 Oakland, CA 94610  
 510-839-0765  
 SURVEYORS:  
 Mission Engineers Inc.  
 2978 Scott Blvd.  
 Santa Clara, CA  
 TITLE 24:  
 Monterey Energy Group  
 227 Forest Ave. Suite 5  
 Pacific Grove, CA  
 831-3728328

**PROJECT DATA**

Owners: Pete and Jamie Vavaroutsos

Site Address: 826 Calaveras Ridge Drive  
 Milpitas, California

Lot #: 10  
 APN: 029-06-031  
 Zoning: R1-H Single Family  
 Hillside Combining District

PUD: 23.5  
 General Plan Designation: Hillside Low Density

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Lot Area: 44,298 sq. ft.

Ground Floor 4,140 sq. ft.  
 Basement Stairs 78 sq. ft.  
 Garage 1,501 sq. ft.  
 Total Building Area: 5,719 sq. ft.

Maximum S.F. Allowed: 6,000 sq. ft.

Retaining Walls/Other: 648 sq. ft.  
 Total Building Area: 5,719 sq. ft.  
 Total Impervious Coverage: 6,367 sq.ft.  
 Max. Impervious Coverage Allowed: 8,000 sq. ft.

**PROJECT DESCRIPTION:**

These drawings and specifications express the intent of Pete and Jamie Vavaroutsos to construct a 5,641 square foot single family hillside residence on a 44,298 square foot vacant lot within the boundaries of PUD 23.5 in the Calaveras Ridge Estates. The project also includes a five car garage building of 1,501 square foot. The project site is outside, and to the east of a major Geologic Hazard Zone running through 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 gabled and hipped roof structures. The style will be a modern mix of French Colonial and Mediterranean influences.

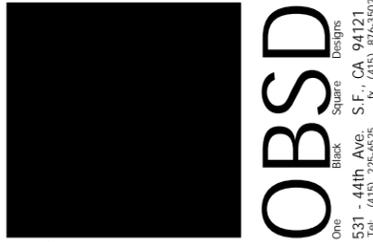
**AREA TABLE**

**BASEMENT:**  
 Mechanical Room: 156 sq. ft.  
 Electrical Room: 106 sq. ft.  
 Stairs: 78 sq. ft.  
 Storage #1: 557 sq. ft.  
 Storage #2: 730 sq. ft.  
 Storage #3: 1,609 sq. ft.  
 3,236 sq. ft.

**GARAGE:**  
 Garage #1: 629 sq. ft.  
 Garage #2: 872 sq. ft.  
 1,501 sq. ft.

**MAIN FLOOR PLAN:**  
 Entry: 238 sq. ft.  
 Dining: 285 sq. ft.  
 Kitchen: 410 sq. ft.  
 Library: 210 sq. ft.  
 Great Room: 790 sq. ft.  
 Master Suite: 395 sq. ft.  
 Master Bath: 135 sq. ft.  
 His/Hers Closet: 110 sq. ft.  
 Circulation #1: 544 sq. ft.  
 In-Law Suite #1: 237 sq. ft.  
 In-Law Bath: 65 sq. ft.  
 Suite #1 Closet: 24 sq. ft.  
 Closet #3: 21 sq. ft.  
 Bath #2: 61 sq. ft.  
 Laundry: 84 sq. ft.  
 Bed Room #1: 215 sq. ft.  
 Bath #1: 86 sq. ft.  
 Bed Room #2: 230 sq. ft.  
 4,140 sq. ft.

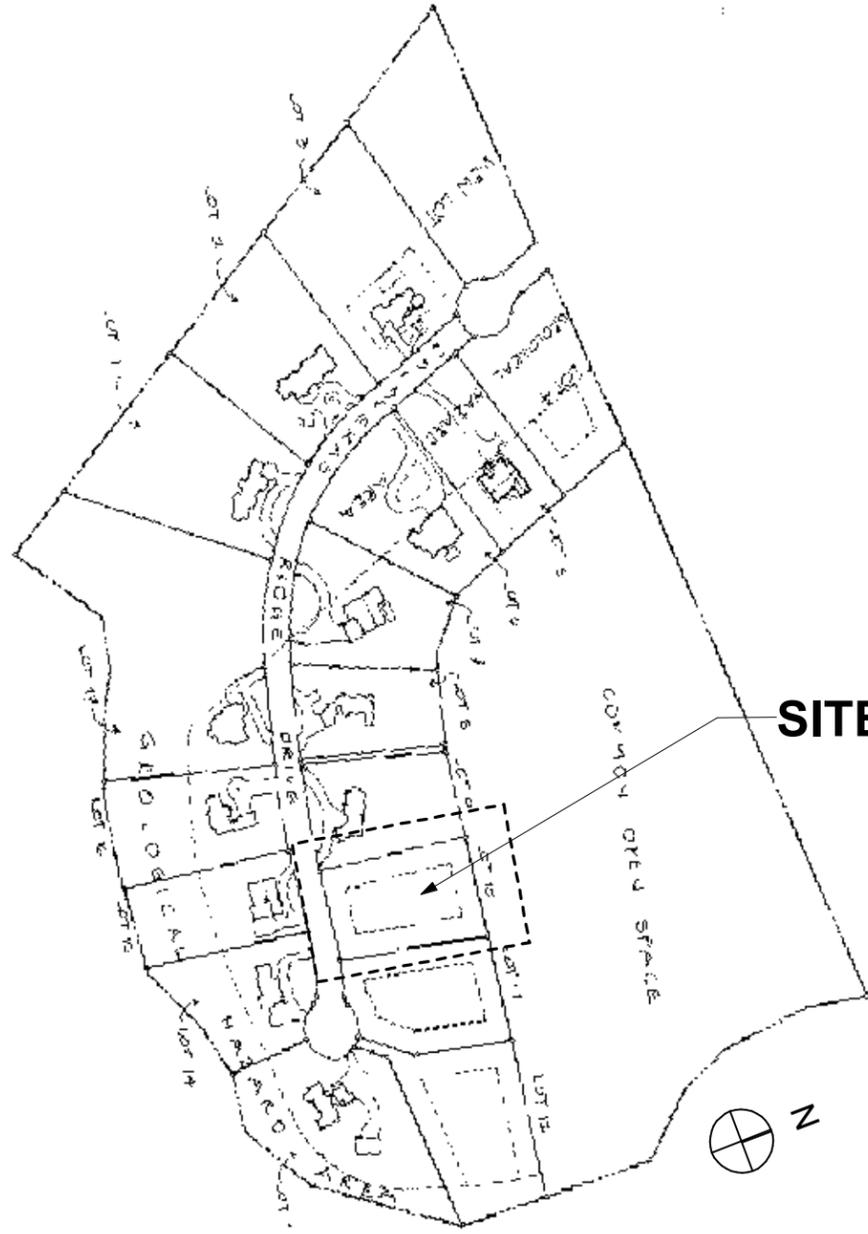
Project Address  
 826 Calaveras Ridge Drive  
 Milpitas, CA  
 New Residence for  
 Pete & Jamie Vavaroutsos



Drawing Title  
**PROJECT SUMMARY**

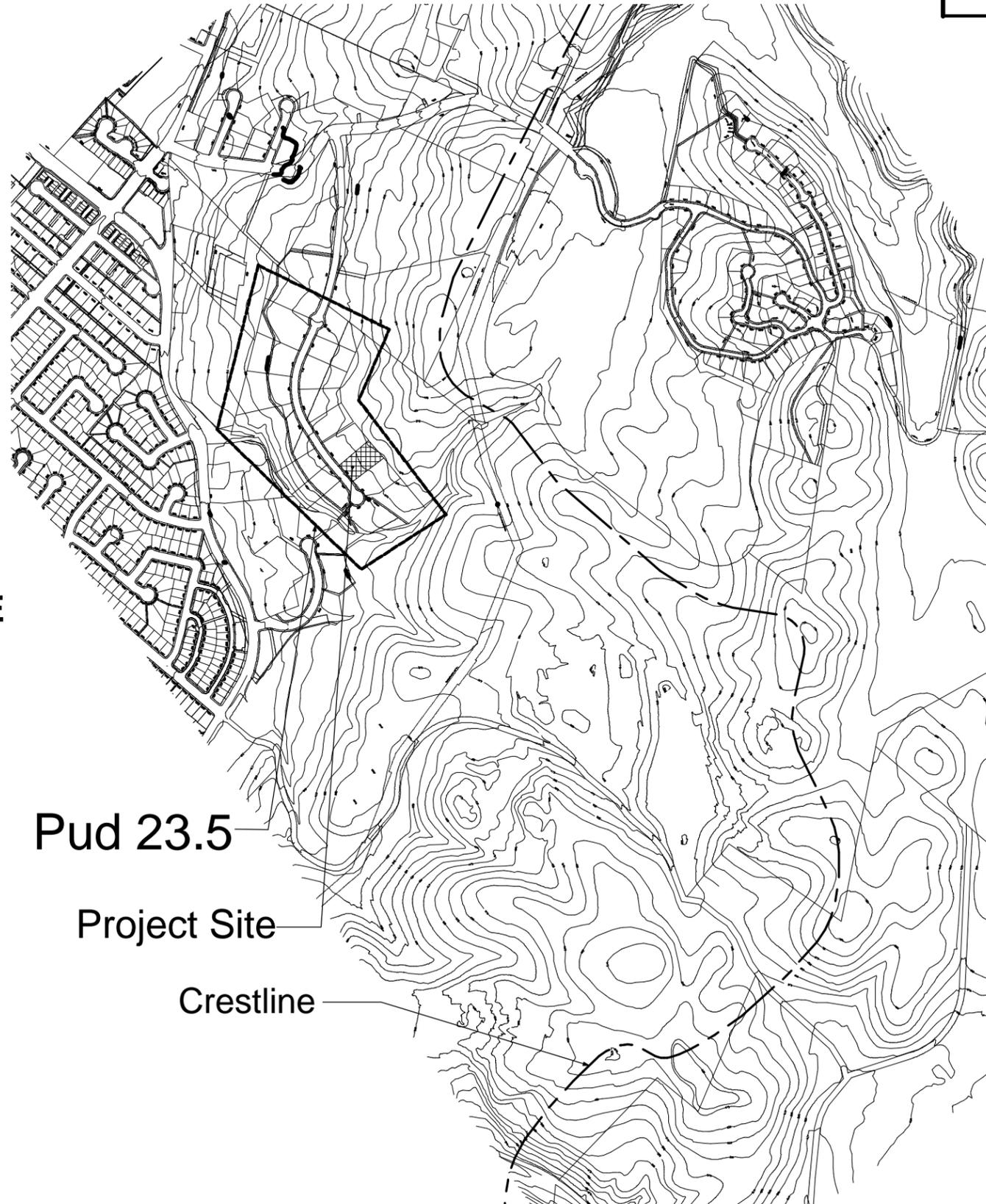
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 Drawn By: dii  
 Job No.: Vavaroutsos

OBSD



2 PUD MASTER PLAN

NTS



1 CRESTLINE LOCATION

NTS

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

**Consultants**  
 STRUCTURAL ENGINEER  
 BEAR DESIGNS  
 4428 California Street  
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 GEOTECHNICAL ENGINEER  
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 360 Grand Avenue  
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 SURVEYORS  
 MISSION ENGINEERS INC.  
 2978 Scott Blvd.  
 Santa Clara, CA  
 TITLE 24 CONSULTANT  
 MONTEREY ENERGY GROUP  
 227 Forest Ave., Suite 5  
 Pacific Grove, CA 93950  
 831.372.8328

PUD 23.5

Project Address  
 826 Calaveras Ridge Drive  
 Milpitas, CA  
 New Residence for  
 Pete & Jamie Vavaroutsos

Drawing Title

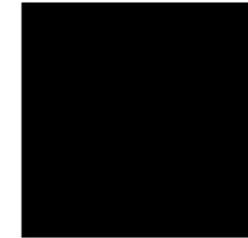
**SITE & CRESTLINE  
 LOCATION**

Scale 1/8" = 1'-0"

Drawn By dij

Job No. Vavaroutsos

Sheet # A-1.02



**OBSD**  
 One  
 Black  
 Square  
 Designs  
 531 - 44th Ave., S.F., CA 94121  
 Tel: (415) 225-6525; fx: (415) 876-3502

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

**Consultants**  
 STRUCTURAL ENGINEER  
 BEAR DESIGNS  
 4428 California Street  
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 GEOTECHNICAL ENGINEER  
 EARTH MECHANICS  
 CONSULTING ENGINEERS  
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 MONTEREY ENERGY GROUP  
 227 Forest Ave., Suite 5  
 Pacific Grove, CA 93950  
 831.372.8328

PUD 23.5

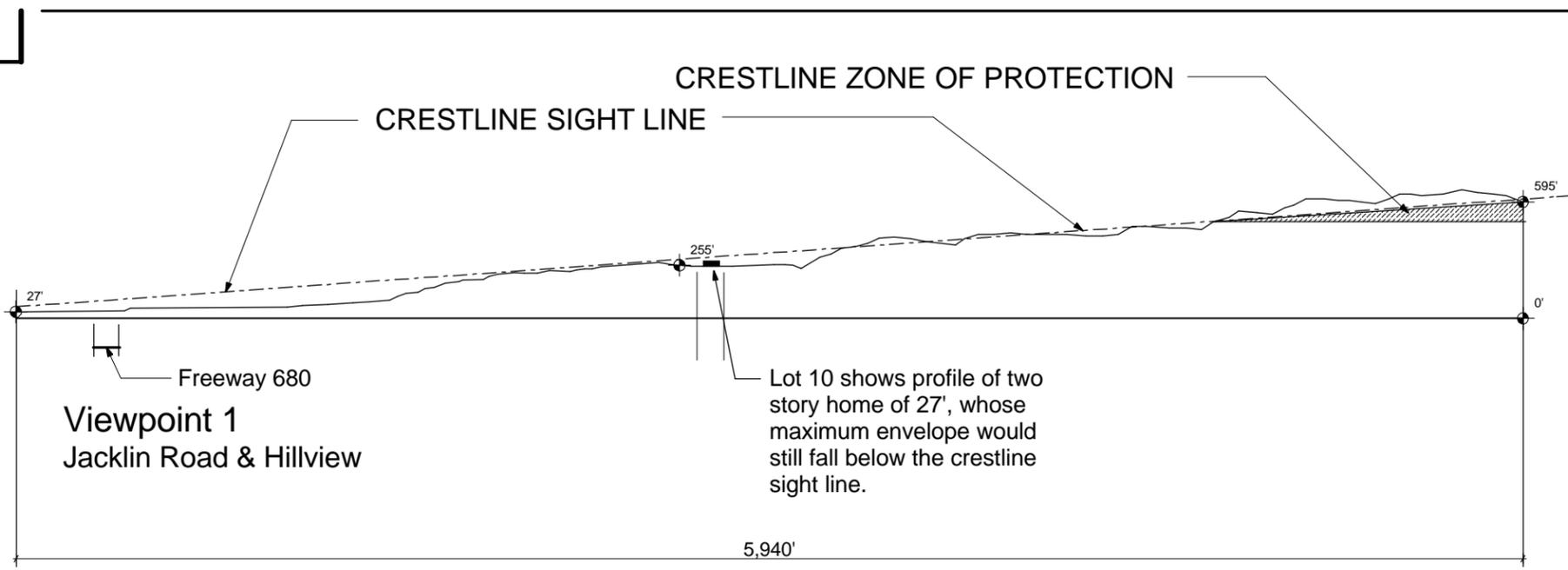


Project Address  
 826 Calaveras Ridge Drive  
 Milpitas, CA  
 New Residence for  
 Pete & Jamie Vavaroutsos

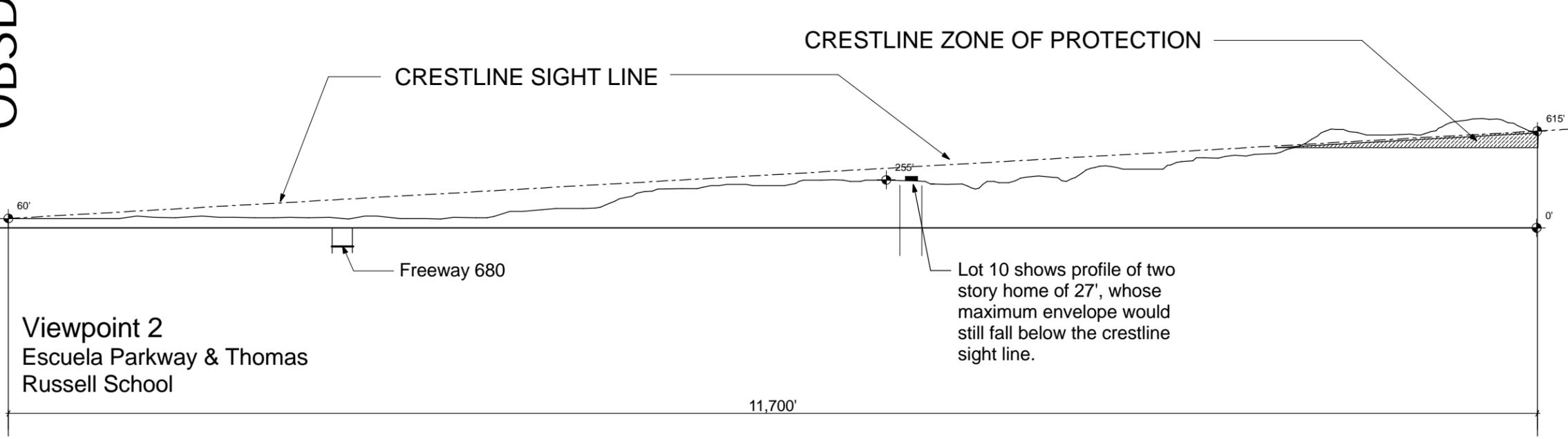
Drawing Title  
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 LINE PROJECTION  
 PLAN**

Scale: Not to Scale  
 Drawn By: dii  
 Job No.: Vavaroutsos

Sheet # A-1.03



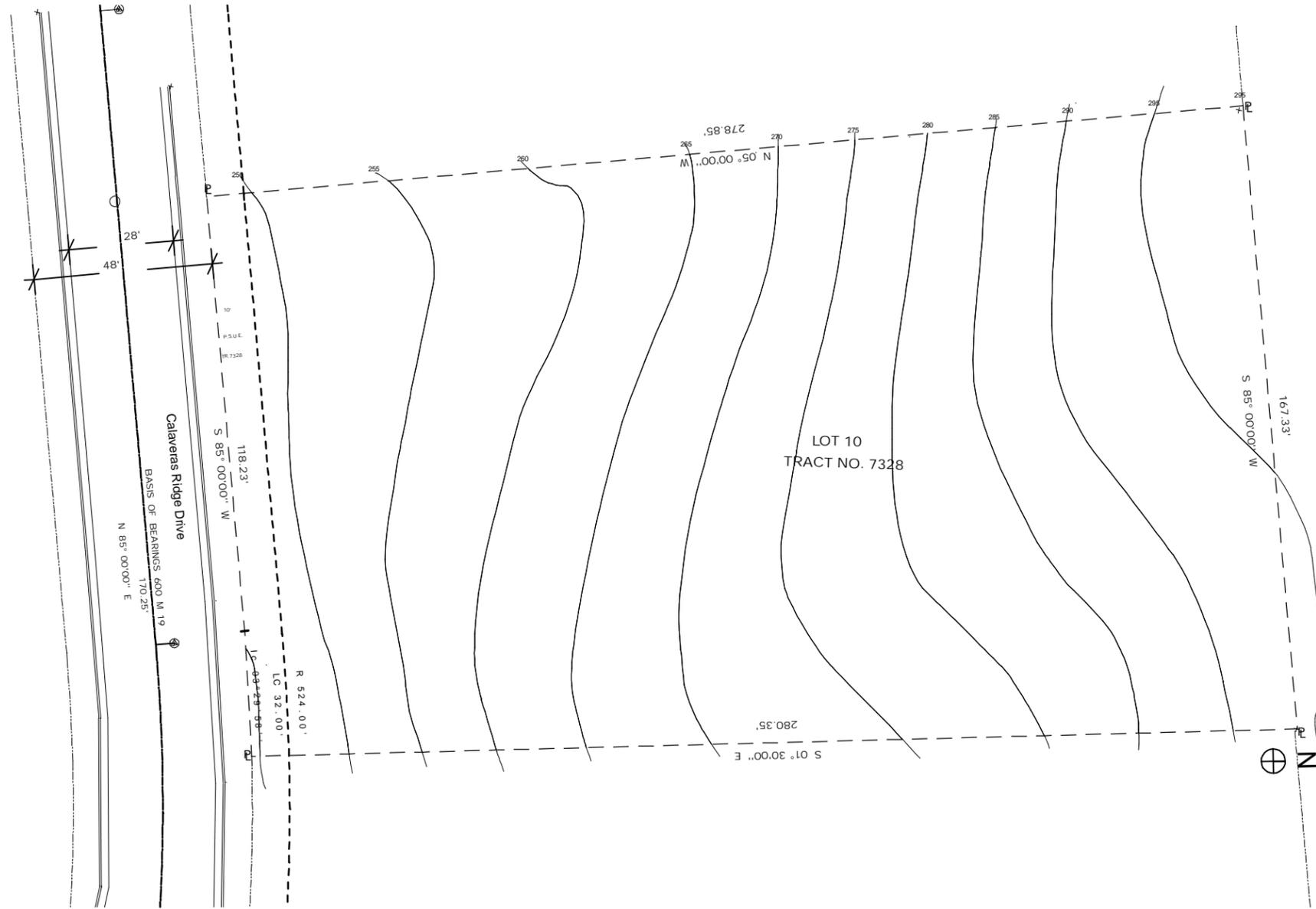
② SECTION @ VIEWPOINT 1  
N.T.S.



① SECTION @ VIEWPOINT 2  
N.T.S.

OBSD

OBSD



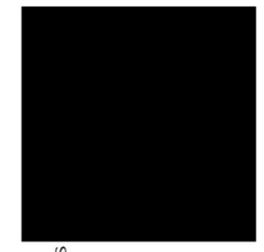
1 EXISTING TOPO 1/16" = 1'-0"

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

**Consultants**  
 STRUCTURAL ENGINEER  
 BEAR DESIGNS  
 4428 California Street  
 San Francisco, CA 94118  
 GEOTECHNICAL ENGINEER  
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PUD 23.5



**OBSD**  
 One Black Square Designs  
 531 - 44th Ave., S.F., CA 94121  
 Tel: (415) 225-6525, fx: (415) 876-3502

Project Address  
 826 Calaveras Ridge Drive  
 Milpitas, CA  
 New Residence for  
 Pete & Jamie Vavaroutsos

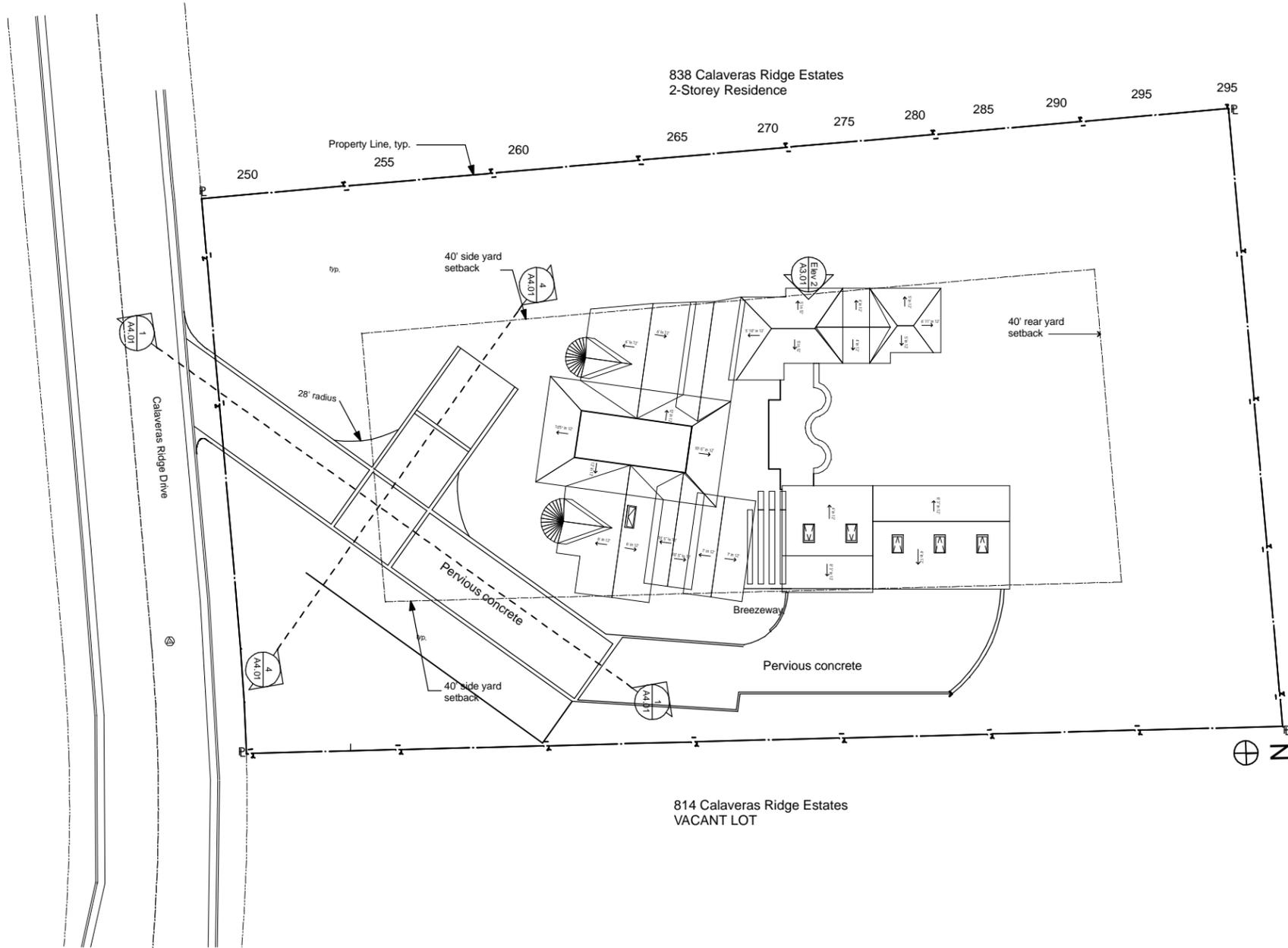
Drawing Title

**EXISTING TOPO**

Scale 1/16" = 1'-0"  
 Drawn By dii  
 Job No. Vavaroutsos

Sheet # A-1.04

OBSD



1 SITE PLAN

1/16" = 1'-0"

Date:  
25 October 2006

Revisions	By
1	20 July 2007
2	12 Sept. 2007

**Consultants**

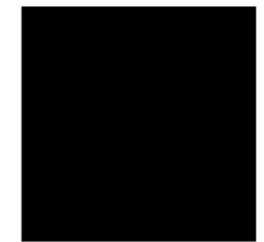
STRUCTURAL ENGINEER  
BEAR DESIGNS  
4428 California Street  
San Francisco, CA 94118

GEOTECHNICAL ENGINEER  
EARTH MECHANICS  
CONSULTING ENGINEERS  
360 Grand Avenue  
Oakland, CA 94610  
510-839-0765

SURVEYORS  
MISSION ENGINEERS INC.  
2978 Scott Blvd.  
Santa Clara, CA

TITLE 24 CONSULTANT  
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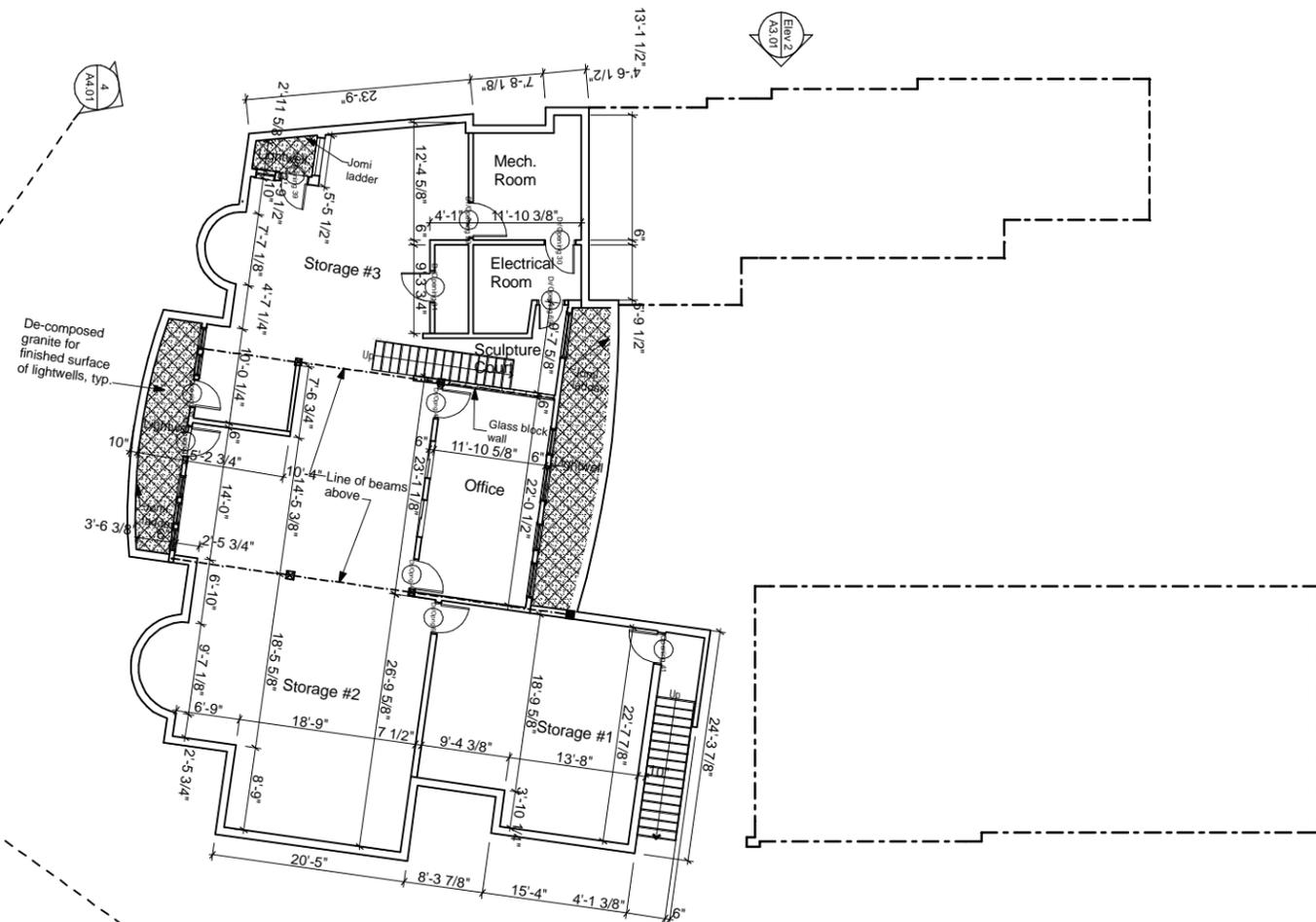
Project Address  
826 Calaveras Ridge Drive  
Milpitas, CA

New Residence for  
Pete & Jamie Vavaroutsos

Drawing Title	SITE PLAN
Scale	1/16" = 1'-0"
Drawn By	dii
Job No.	Vavaroutsos

Sheet # A-1.05

OBSD



S 01°30'00" E 280.35'

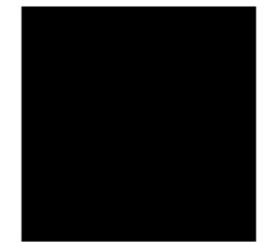
1 BASEMENT FLOOR PLAN  
1/8" = 1'-0"

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

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Drawing Title

**BASEMENT  
 FLOOR PLAN**

Scale 1/8" = 1'-0"  
 Drawn By dii  
 Job No. Vavaroutsos

Sheet # A-2.01

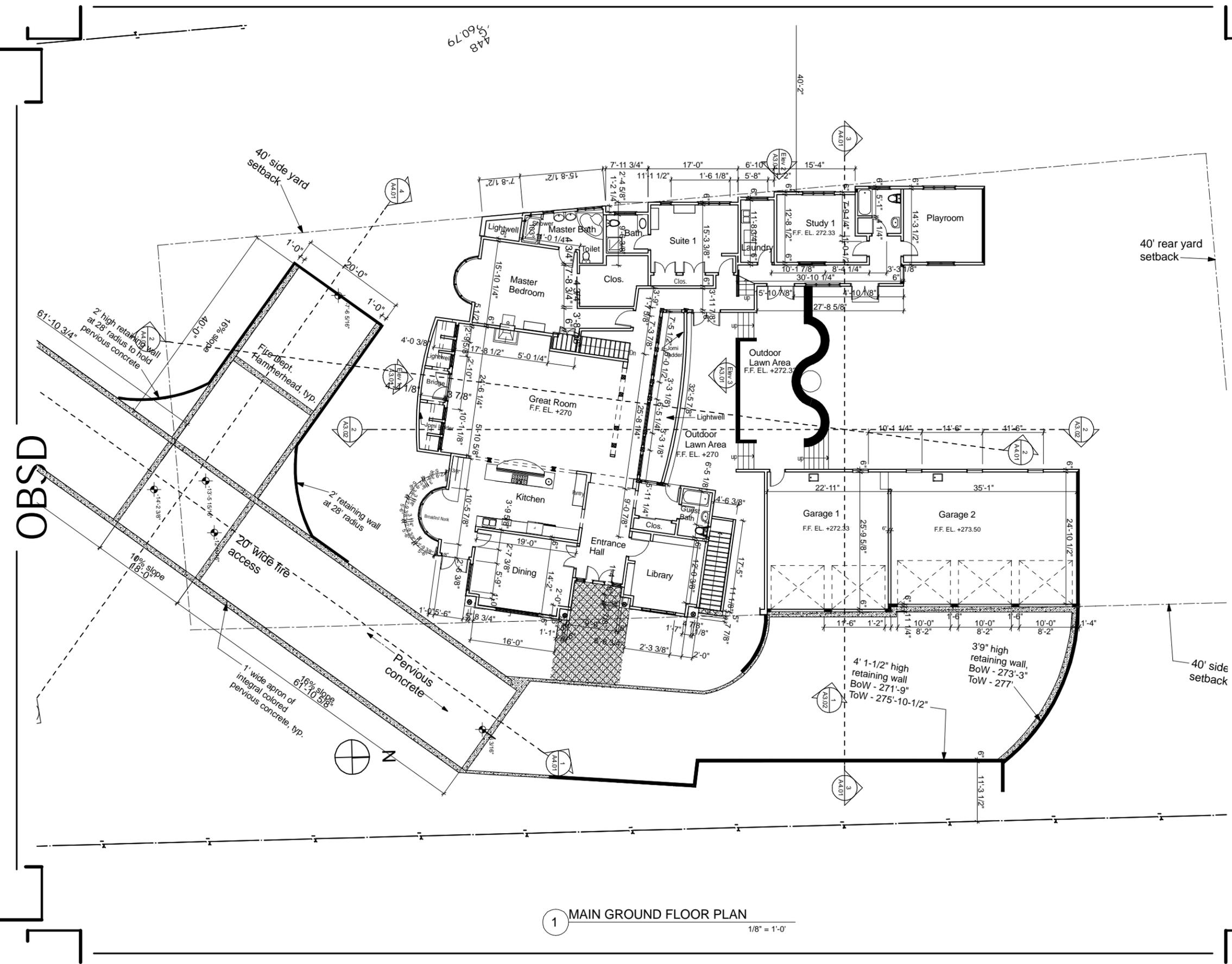
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Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

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 STRUCTURAL ENGINEER  
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PUD 23.5



OBSD

**OBSD**  
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 531 - 44th Ave., S.F., CA 94121  
 Tel: (415) 225-6525; fx: (415) 876-3902

Project Address  
 826 Calaveras Ridge Drive  
 Milpitas, CA  
 New Residence for  
 Pete & Jamie Vavaroutsos

Drawing Title

**MAIN FLOOR  
 PLAN**

Scale 1/8" = 1'-0"

Drawn By dii

Job No. Vavaroutsos

1 MAIN GROUND FLOOR PLAN  
 1/8" = 1'-0"

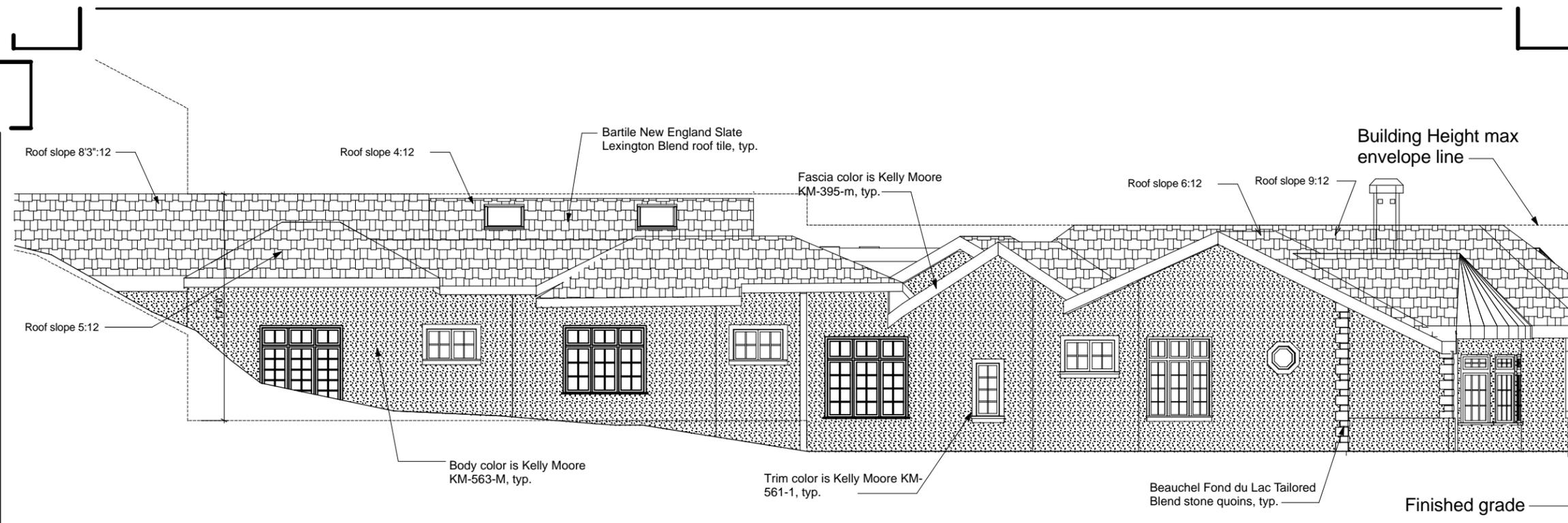
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Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

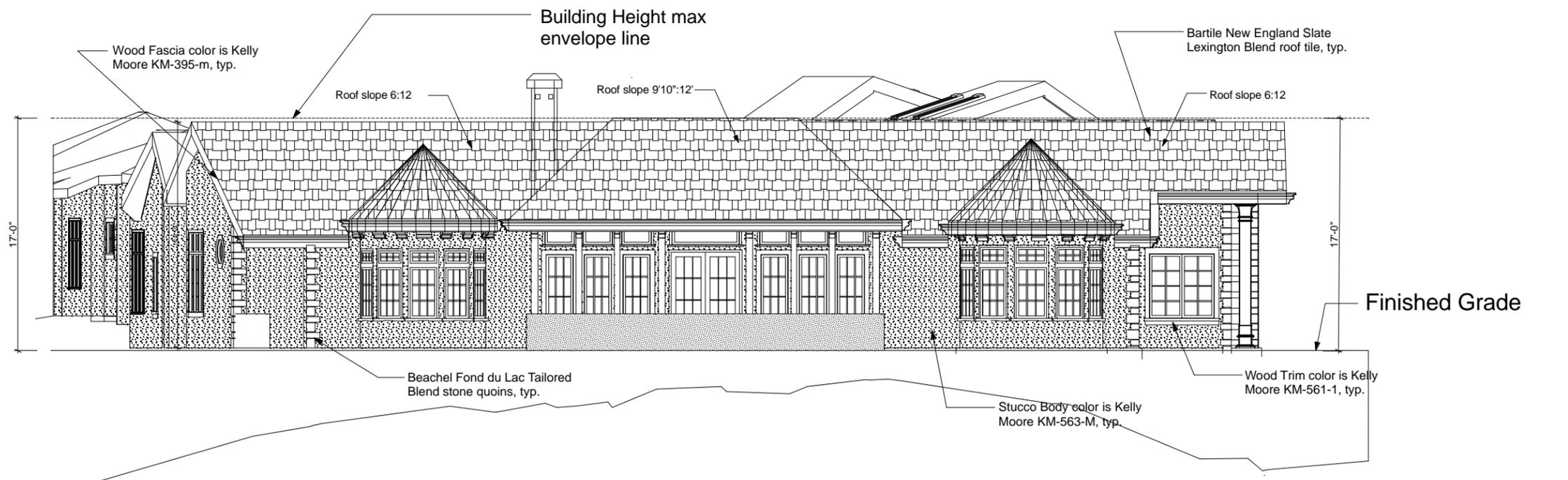
**Consultants**  
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PUD 23.5



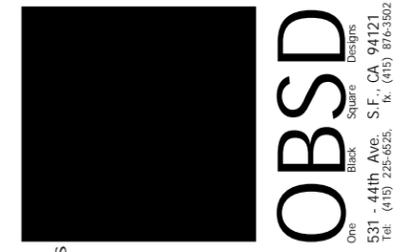
② SIDE/ North Facing  
1/4" = 1'-0"

OBSD



① FRONT/ West Facing  
1/4" = 1'-0"

Project Address  
New Residence for  
Pete & Jamie Vavaroutsos  
826 Calaveras Ridge Drive  
Milpitas, CA



Drawing Title  
**EXTERIOR  
ELEVATIONS**

Scale 1/8" = 1'-0"  
 Drawn By dii  
 Job No. Vavaroutsos

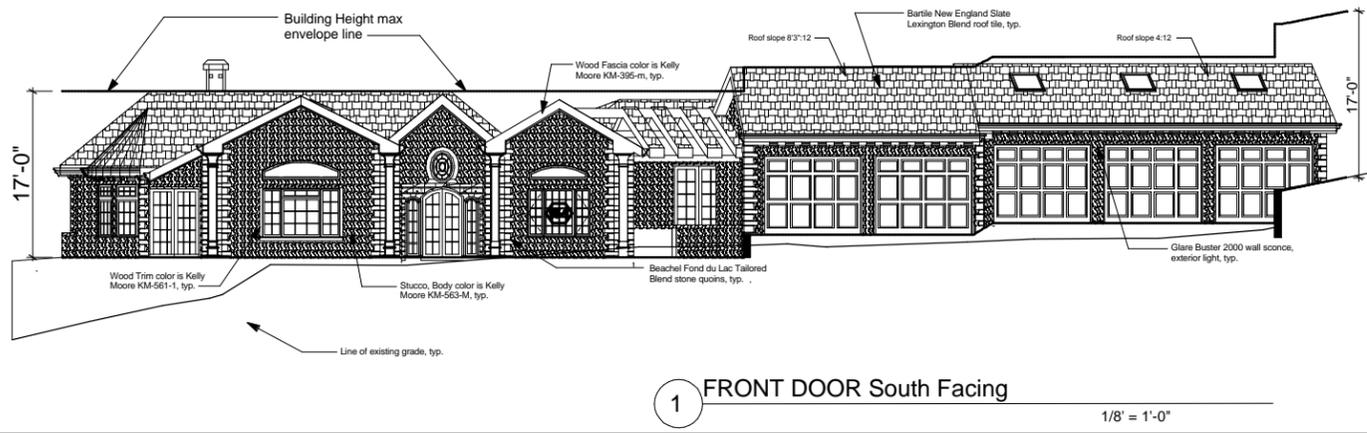
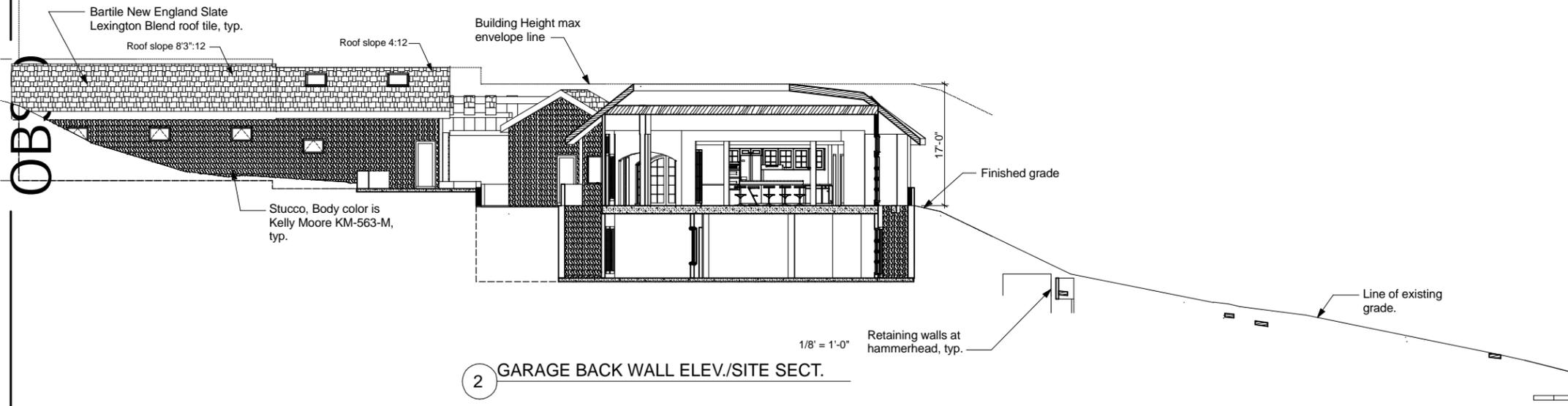
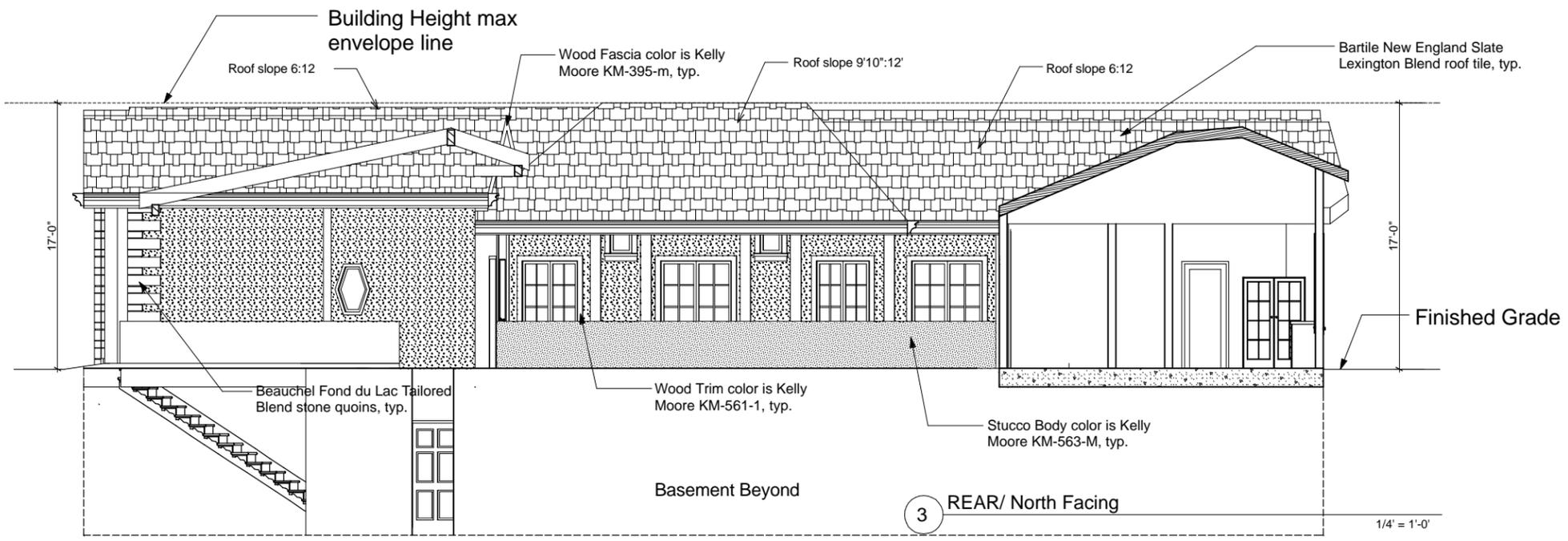
Sheet # A-3.01

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

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 227 Forest Ave., Suite 5  
 Pacific Grove, CA 93950  
 831.372.8328

PUD 23.5



Project Address  
 826 Calaveras Ridge Drive  
 Milpitas, CA  
 New Residence for  
 Pete & Jamie Vavaroutsos

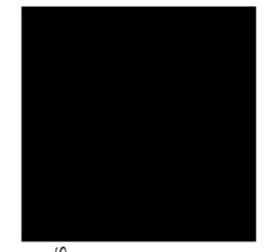
Drawing Title

Scale 1/8" = 1'-0"

Drawn By dii

Job No. Vavaroutsos

Sheet # A-3.02



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**EXTERIOR ELEVATIONS**

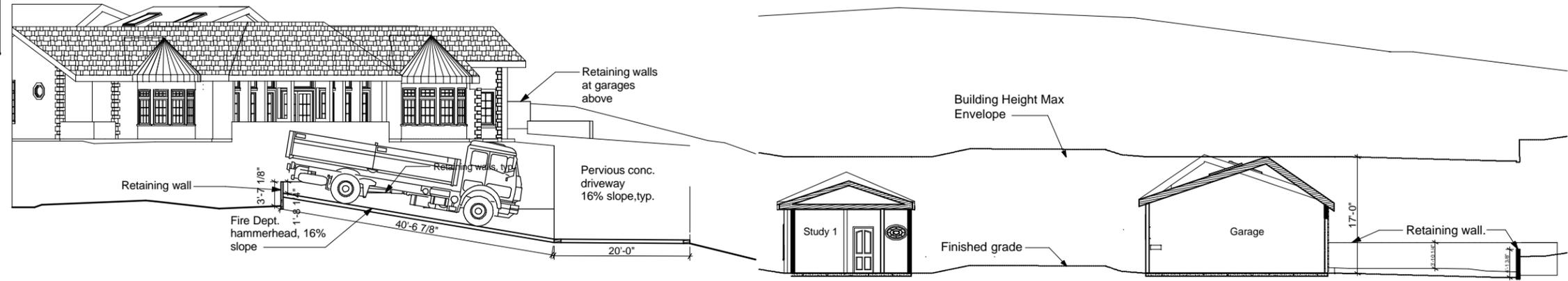
OBSD

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

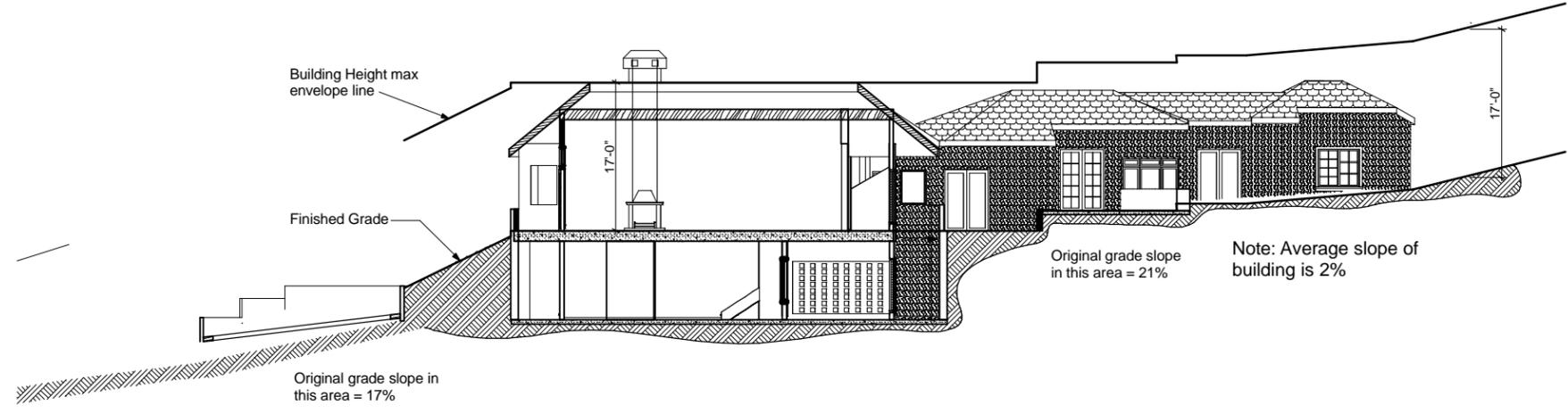
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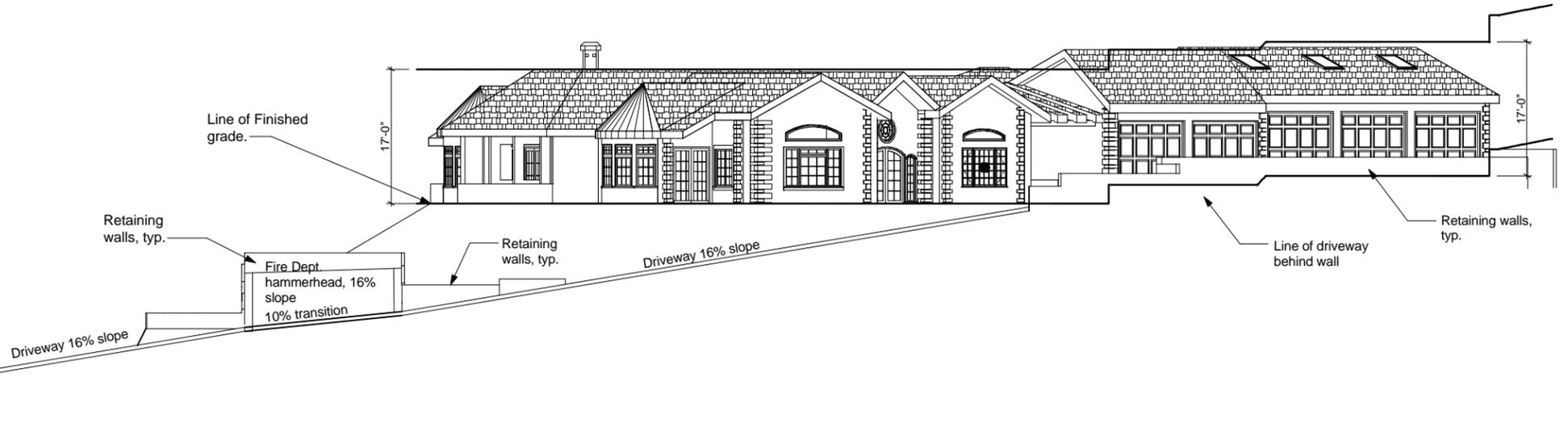


④ HAMMERHEAD SECTION - BUILDING ELEVATION  
1/8" = 1'-0"

③ SECTION THROUGH GARAGE & STUDY  
1/8" = 1'-0"



② BUILDING SECTION/ELEVATION Looking at Study and Bedroom Wing  
1/8" = 1'-0"



① DRIVEWAY SECTION BUILDING ELEVATION  
1/8" = 1'-0"

Project Address  
 New Residence for  
 Pete & Jamie Vavaroutsos  
 826 Calaveras Ridge Drive  
 Milpitas, CA

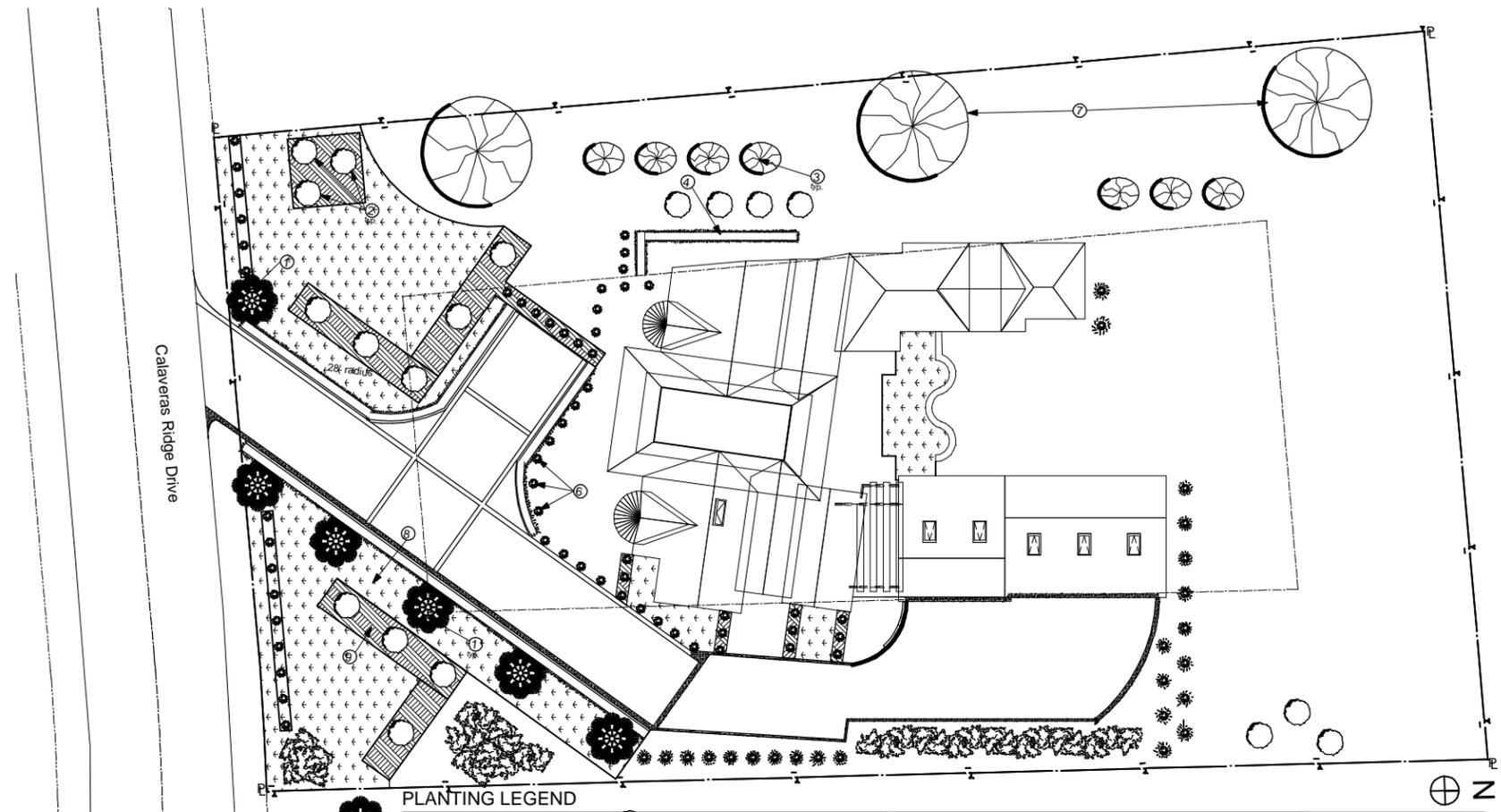
**BUILDING SECTIONS**

Drawing Title  
 Scale 1/8" = 1'-0"  
 Drawn By dii  
 Job No. Vavaroutsos

Sheet # A-4.01

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**PLANTING LEGEND**

<p>① <b>Pindo Palm</b>  <b>Category:</b> Tropicals/Tender Perennials  <b>Height:</b> 12-15 ft. (3.6-4.7 m)  <b>Spacing:</b> 8-10 ft. (2.4-3 m)  <b>Hardiness:</b> USDA Zone 8a: to -12.2 °C (10 °F)                  USDA Zone 8b: to -9.4 °C (15 °F)                  USDA Zone 9a: to -6.6 °C (20 °F)                  USDA Zone 9b: to -3.8 °C (25 °F)  <b>Sun Exposure:</b> Full Sun                  Sun to Partial Shade</p>	<p>② <b>Blue Puya</b>  <b>Category:</b> Perennials                  Tropicals/Tender Perennials                  Cactus and Succulents  <b>Height:</b> 10-12 ft. (3-3.6 m)                  12-15 ft. (3.6-4.7 m)  <b>Spacing:</b> 4-6 ft. (1.2-1.8 m)  <b>Hardiness:</b> USDA Zone 9a: to -6.6 °C (20 °F)                  USDA Zone 9b: to -3.8 °C (25 °F)                  USDA Zone 10a: to -1.1 °C (30 °F)                  USDA Zone 10b: to 1.7 °C (35 °F)                  USDA Zone 11: above 4.5 °C (40 °F)  <b>Sun Exposure:</b> Full Sun</p>	<p>③ <b>Indian Hawthorn</b>  <b>Category:</b> Perennials                  Shrubs  <b>Height:</b> 4-6 ft. (1.2-1.8 m), <b>Spacing:</b> 4-6 ft. (1.2-1.8 m)  <b>Hardiness:</b> USDA Zone 7a: to -17.7 °C (0 °F)                  USDA Zone 7b: to -14.9 °C (5 °F)                  USDA Zone 8a: to -12.2 °C (10 °F)                  USDA Zone 8b: to -9.4 °C (15 °F)                  USDA Zone 9a: to -6.6 °C (20 °F)                  USDA Zone 9b: to -3.8 °C (25 °F)                  USDA Zone 10a: to -1.1 °C (30 °F)                  USDA Zone 10b: to 1.7 °C (35 °F)                  USDA Zone 11: above 4.5 °C (40 °F)  <b>Sun Exposure:</b> Sun to Partial Shade</p>	<p>④ <b>Pink Princess Escallonia</b>  <b>Category:</b> Shrubs  <b>Height:</b> 6-8 ft. (1.8-2.4 m), <b>Spacing:</b> 18-24 in. (45-60 cm)  <b>Hardiness:</b> USDA Zone 8a: to -12.2 °C (10 °F)                  USDA Zone 8b: to -9.4 °C (15 °F)                  USDA Zone 9a: to -6.6 °C (20 °F)                  USDA Zone 9b: to -3.8 °C (25 °F)  <b>Sun Exposure:</b> Sun to Partial Shade</p>
<p>⑤ <b>Japanese Mock Orange</b>  <b>Category:</b> Shrubs  <b>Height:</b> 36-48 in. (90-120 cm)                  4-6 ft. (1.2-1.8 m)  <b>Spacing:</b> 24-36 in. (60-90 cm)  <b>Hardiness:</b> USDA Zone 8a: to -12.2 °C (10 °F)                  USDA Zone 8b: to -9.4 °C (15 °F)                  USDA Zone 9a: to -6.6 °C (20 °F)                  USDA Zone 9b: to -3.8 °C (25 °F)                  USDA Zone 10a: to -1.1 °C (30 °F)                  USDA Zone 10b: to 1.7 °C (35 °F)  <b>Sun Exposure:</b> Sun to Partial Shade</p>	<p>⑥ <b>"L.J. Bobbink" Azalea</b>  <b>Category:</b> Unknown  <b>Height:</b> 36-48 in. (90-120 cm)  <b>Spacing:</b> 36-48 in. (90-120 cm)  <b>Hardiness:</b> USDA Zone 8b: to -9.4 °C (15 °F)                  USDA Zone 9a: to -6.6 °C (20 °F)  <b>Sun Exposure:</b> Partial to Full Shade</p>	<p>⑦ <b>Gobbler Sawtooth Oak</b>  <b>Plant Facts</b>  <b>Mature Height :</b> 30-45 feet  <b>Mature Spread :</b> Broad to round  <b>Mature Form :</b> Broad to round  <b>Growth Rate :</b> Moderate to rapid  <b>Sun Exposure :</b> Full Sun  <b>Soil Moisture :</b> Drought, heat tolerant  <b>Soil Type :</b> Widely adaptable  <b>Flower Color :</b> Golden male catkins  <b>Foliage Color :</b> Green  <b>Fall Color :</b> Yellow to golden  <b>Zones :</b> 5 - 8</p>	<p>⑧ <b>Bermuda Grass</b>  <b>Plant Facts</b>  <b>Mature Height :</b> 3/4"-1-1/2 inch  <b>Mature Spread :</b> Build border to prevent unwanted growth  <b>Mature Form :</b> Broad to round  <b>Growth Rate :</b> Moderate to rapid  <b>Sun Exposure :</b> Full Sun  <b>Soil Moisture :</b> Drought, heat tolerant  <b>Soil Type :</b> Sandy loam  <b>Flower Color :</b> None  <b>Foliage Color :</b> Grey-Green  <b>Fall Color :</b> NA  <b>Zones :</b> 8 - 11</p>

1 LANDSCAPE PLAN 1/16" = 1'-0"

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

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PUD 23.5

Project Address  
826 Calaveras Ridge Drive  
Milpitas, CA  
New Residence for  
Pete & Jamie Vavaroutsos



OBSD  
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LANDSCAPE PLAN

Drawing Title

Scale 1/16" = 1'-0"

Drawn By dii

Job No. Vavaroutsos

Sheet # A-5.01

OBSD

New 14" area drain/catch basin for storm water control, typ. Connect to City storm water system.

Connect to City sewer system, typ.

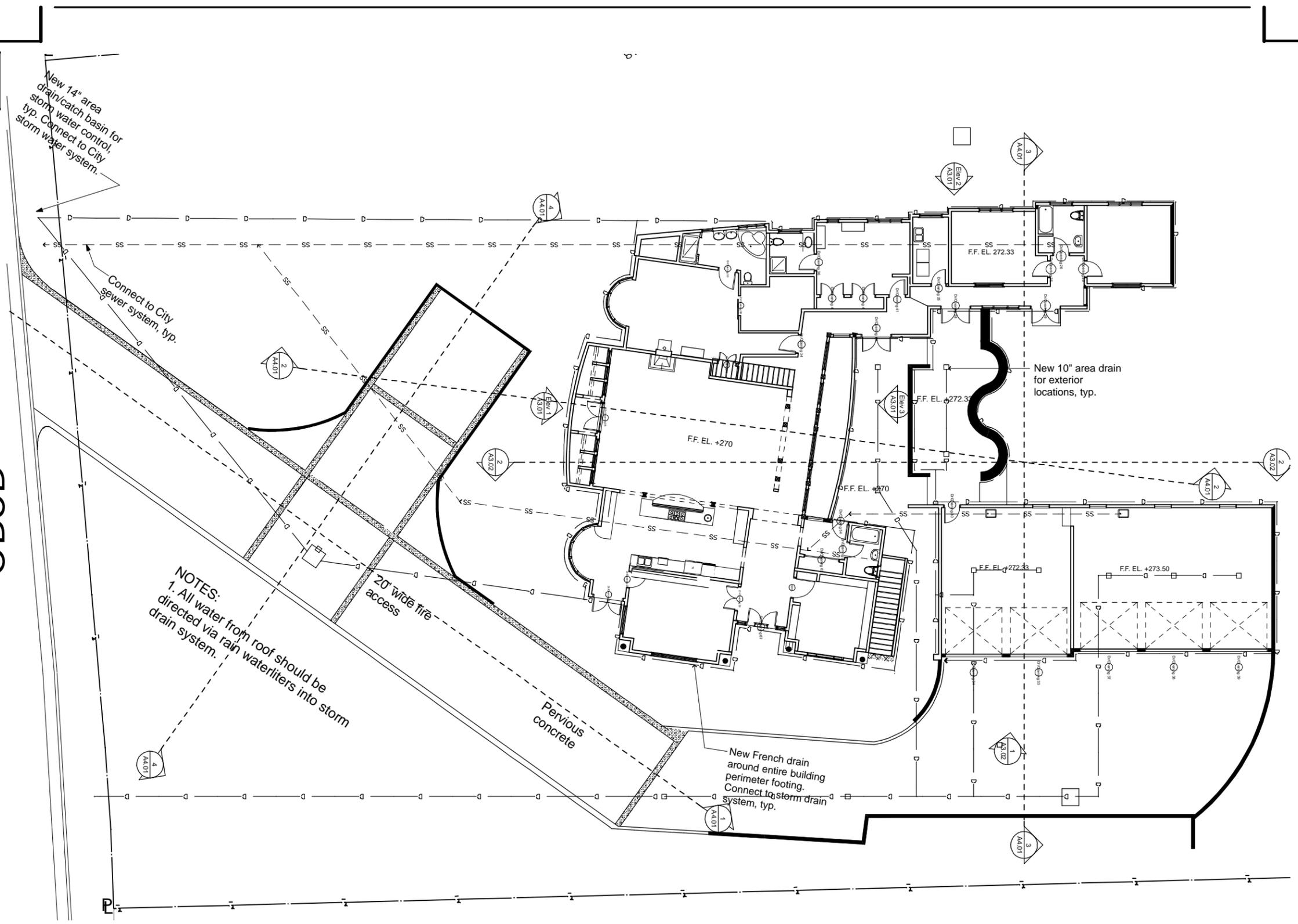
NOTES:  
1. All water from roof should be directed via rain waterliters into storm drain system.

20' wide fire access

Pervious concrete

New French drain around entire building perimeter footing. Connect to storm drain system, typ.

New 10" area drain for exterior locations, typ.



1 STORM WATER CONTROL PLAN  
1/8" = 1'-0"

Date:  
25 October 2006

Revisions	By
1	20 July 2007
2	12 Sept. 2007

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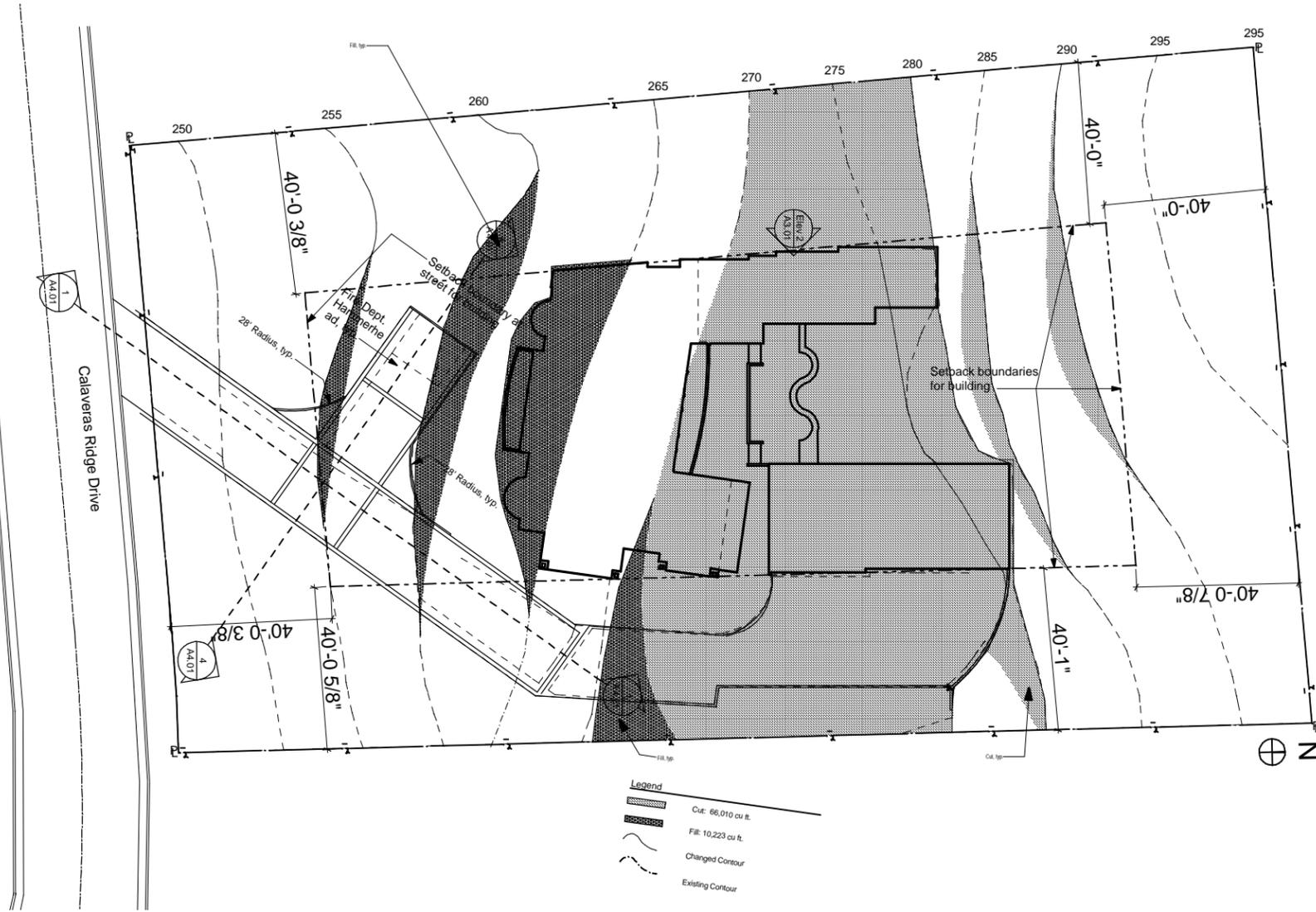
Project Address  
826 Calaveras Ridge Drive  
Milpitas, CA  
New Residence for  
Pete & Jamie Vavaroutsos

Drawing Title  
**STORM WATER CONTROL PLAN**

Scale 1/8" = 1'-0"  
Drawn By dii  
Job No. Vavaroutsos

Sheet # A-6.01

OBSD



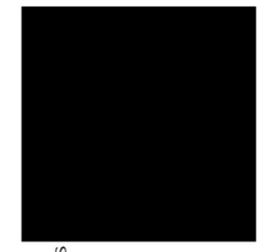
1 GRADING PLAN with BUILDING OUTLINE  
1/16" = 1'-0"

Date:  
25 October 2006

Revisions	By
① 20 July 2007	
② 12 Sept. 2007	

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 Pete & Jamie Vavaroutsos

Drawing Title  
**GRADING PLAN  
 with BUILDING  
 OUTLINE**

Scale 1/16" = 1'-0"  
 Drawn By dji  
 Job No. Vavaroutsos

Sheet # A-7.01

**MILPITAS PLANNING COMMISSION AGENDA REPORT**

Category: Public Hearing

Report Prepared by: Judie Gilli

Public Hearing: Yes:  X  No: \_\_\_\_\_

Notices Mailed On:

Published On:

Posted On:

**TITLE:** "S" ZONE NO. (SZ2007-3)

**Proposal:** **A request for approval of a new one-story (4,140 s.f.) hillside home**

Location: 826 Calaveras Ridge Drive

APN: 029-06-031

RECOMMENDATION: Approve with conditions.

Applicant: Pete Vararoutsos, 3441 Cedardale Dr., San Jose, CA 95748

Property Owner(s): Pete Vararoutsos

Previous Action(s): Planned Unit Development, Tentative Map

Environmental Info: Categorically exempt from CEQA pursuant to Section 15303

General Plan Designation: Hillside – Very Low Density

Zoning: PUD 23.5

Existing Land Use: Unimproved

Agenda Sent To: Applicant and Owners (as noted above)

Attachments: Project Plans

**BACKGROUND**

On August 21, 1979, The City Council approved an Environmental Impact Assessment (No. 239) for a hillside subdivision, located on 35 acres east of Evans Road and south of Country Club Drive (Tract 7328). On September 1, 1981, the City Council approved a Tentative Map and Planned Unit Development (No.23.5) for the 18-lot Calaveras Ridge Estates subdivision. Subsequently, on January 5, 1988, the City Council approved an amended Tentative Map the removal of the previously approved building footprints.

**SITE DESCRIPTION**

The project site is located in the north east end of the Calaveras Country Estates subdivision, PUD 23.5. The vacant lot is 44,298 square feet and is the second to the last parcel to be developed within PUD 23.5, an eighteen parcel planned unit development. The rectangular shaped lot is located on the north side of Calaveras Ridge and is bounded by common open space

to the north, hillside home to the south and west and a vacant lot to the east. The project site sits below the crest line to the east and has a view of the City of Milpitas and the South Bay area.

## **THE APPLICATION**

The application is submitted pursuant to Title XI, Section 45 (Hillside Combining District) of the Milpitas Zoning Ordinance. The applicant is requesting approval to construct a new single family residence with an attached garage, landscaping and grading quantities greater than 1,500 cubic yards, located in the Hillside zoning district.

## **PROJECT DESCRIPTION**

The applicant is seeking approval for a 4,140 square foot (one-story) house with a basement (3,236 s.f.) and attached garage (1,501 s.f.). The height of the home is 17 feet in height. The main floor plan includes three bedrooms, one master bedroom, a library, dining room, kitchen and a great room. The basement has an office, storage rooms and utility rooms. Vehicular access is achieved through the new driveway from Calaveras Ridge Drive. Proposed driveway materials consist of permeable concrete, which is a pervious surface material. Additional site improvements include landscaping and grading necessary to locate the proposed home.

## **SITE DESIGN AND ARCHITECTURE**

The proposed footprint is “U” shaped and located in the middle of the parcel. The building footprint is 40’ set back from the front and side property lines. The rear setback is approximately 70 feet set back. The proposed design of the house is eclectic and is compatible with the surrounding homes. Building elements include stucco finish with stone quoins with wood trim and a slate roof. The main entry of the home and the garage entry is located on the east side of the home, not visible from the street. The French doors and windows of the great room and the rounded elements of the breakfast nook and master bedroom can be seen from the street view.

## **LANDSCAPING**

The landscape plan includes Pindo Palm, Blue Puya, Indian Hawthorn, Pink Princess Escallonia, Japanese Mock Orange, L.J Bobbink Azalea, Gobbler Sawtooth Oak and Bermuda Grass. The proposed plants are in conformance with the Hillside Landscaping Policy. The intent of the Hillside Ordinance, in regards to landscaping, is that coverage be selected and designed to be compatible with surrounding vegetation.

## **IMPERVIOUS COVERAGE**

According to the Hillside Ordinance, the maximum impervious surface coverage allowed on less than three acres is 10% of the total lot area or 8,000 square feet, which ever is greater. The proposed impervious coverage is 6,367 square feet which includes building footprint, retaining

walls and all other impervious landscaped areas. The driveway is constructed of permeable concrete. Section 45.17-2 of the Hillside Ordinance defines impervious surfaces as “...surfaces that will not allow or greatly reduce the penetration of water into the ground...” such as concrete asphalt, bricks, swimming pools, turf stones and plastic sheeting. The adopted storm water C.3 guidebook includes pervious concrete pavers as acceptable permeable pavement materials. Therefore, the driveway is not included in the calculation of permeable area.

**SITE AND ARCHITECTURE GUIDELINES**

Section 45.09-7 of the City’s Hillside Ordinance sets forth guidelines for the Commission and Council to consider in their review of Hillside homes. These guidelines are summarized below long with the how the project conforms to each guideline.

GUIDELINE	PROJECT CONFORMANCE
(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.	Complies with the 17’ height limit Complies with all set back requirements Proposing one story rather than two
(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.	As proposed, the home is designed to blend with the existing contours. No trees are proposed to be removed.
(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.	The proposed one story home has a low profile. The basement square footage is “hidden” square footage.
(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.	Since the proposed project meets all setbacks, the home will be at least 80 feet away from any other home.

(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.	Much of the cutting is a result of the volume in the basement.
---	--

**GENERAL PLAN CONFORMANCE**

The project conforms with the City’s General Plan in terms of land use and is consistent with the Guiding Principle 2.a-g-3, which encourages a variety of housing types and densities that meet the needs of individuals and families. The proposed development does not conflict with any General Plan Principles and Policies and the proposed project is also consistent with the following implementing Policy:

2.a-1-18 Retains the natural character of the hillside by utilizing designs, colors and materials that blends with the environment and terrain.

**CONFORMANCE WITH THE ZONING ORDINANCE**

The project was reviewed for compliance with the Single Family (R1-H) Zoning Ordinance development standards and is described below:

Required	Proposed	Complies?
Building Height – 17’	17’	YES
Setbacks – Front: 40’ Sides: 40’ Rear: 40’	40’ 40’ 70’	YES
Max. S.F. of Main Residence – 6,000 s.f.	4,140 s.f.	YES
Impervious Coverage – 8,000 s.f.	6,367 s.f.	YES
Crestline Zone of Protection (CZP) – No structure shall visually intrude into the CZP	Structure does not intrude on the CZP	YES

In addition, development standards for the Calaveras Ridge Estates Planned Unit Development (PUD 23.5) require a 40’ front, side and rear setbacks, as well as a three car garage, with all other development standards in conformance with the Hillside Ordinance. As proposed, the project is in conformance with PUD 23.5 development standards.

## **VISUAL IMPACTS**

The proposed project is not within a major visual gateway or corridor as shown on the Scenic Resources and Routes General Plan Map (Figure 4-6). However, as part of this application, the applicant has demonstrated the visual impact from the Valley Floor. Cross sections from two designated viewpoints (VP): Viewpoint 1-Jacklin Road and Hillview and Viewpoint 2-Escuela Parkway and Thomas demonstrate that the proposed structure will not visually intrude into the crest line zone of protection or impact the natural quality of the crest line and the slope immediately below.

## **CONFORMANCE WITH CEQA**

Staff conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA) and determined that this Project is categorically exempt from further environmental review pursuant to Class 1, Section 15303 (“One single-family residence.....in a residential zone”).

## **RECOMMENDATION**

1. Close the Public Hearing.
2. Recommend approval of “S” ZONE NO. (SZ2007-3) to the City Council, a request for approval of a new one-story (4,140 s.f.) hillside home, subject to the Findings and Special Conditions below.

## **FINDINGS FOR “S” ZONE**

- A.** 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 it meets design guidelines per the Zoning Ordinance.
- B.** The proposed use is consistent with the Milpitas Zoning Ordinance in that the proposed home meets the development standards set forth for PUD 23.5 and the Zoning Ordinance.
- C.** The proposed use is consistent with the Milpitas General Plan in that it meets General Plan Policy 2.a-1-18.

## **SPECIAL CONDITIONS**

1. Subject to Project Plans (Attachment A).
2. 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 14, 2007, in accordance with these Conditions of Approval. (P)
3. 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)

4. S-Zone SZ2007-3 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 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. (P)
5. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of S-Zone SZ2007-3 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)
6. 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)
7. At the time of building permit plan check submittal the developer 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 developer shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. (E)
8. Prior to building permit issuance developer 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)
9. Prior to building permit issuance, developer 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)
10. 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)
11. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)

12. 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)
13. The design of this project shall include adequate Best Management Practices (BMPs) to eliminate pollutant from entering the offsite drainage systems. (E)
14. The developer 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. wContact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)
15. 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)
16. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
17. Apply applicable Guidelines for New Developments and Hillside Landscaping Water Conservation Policy (Resolution # 6066). (E)
18. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer 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)
19. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
20. At the time of building plan check submittal, the developer shall incorporate the changes shown on Engineering Services Exhibit "S"(dated 8/6/2007) in the design plans. (E)
21. It is the responsibility of the developer 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)
22. 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)

2. "S"  
AMENDMENT  
(SA2007-3)

ZONE  
NO.

Judie Gilli, Project Planner, presented a request for approval of a new one-story (4,140 s. f.) hillside home located at 826 Calaveras Ridge Drive. Ms. Gilli recommended approval subject to findings and conditions of approval.

Chair Williams asked if the applicant would be expanding their exterior amenities? Ms. Gilli deferred the question to the applicant.

Vice Chair Mandal asked how will the outside lights be mitigated? Ms. Gilli said staff would check to make sure that the lights are not too excessive when the applicant applies for permits.

Commissioner Ciardella pointed out the storage room in the basement floor plan and asked what is it going to be used for? Ms. Gilli deferred the question to the applicant.

Commissioner Ciardella said he wants to make sure that the storage room is not used as a retail office. Ms. Gilli said that retail space would not be allowed by right and if the applicant were to submit an application, it would have to come back to the Commission.

Chair Williams introduced the applicant.

**Pete Vararoutsos, 3441 Cedardale Dr., San Jose, CA**, said the storage room would be used for extra storage space and possible space for family members. He also plans on installing low glare lighting and using impervious materials wherever he can.

Chair Williams asked if Mr. Vararoutsos is aware that he is near the limits of impervious surface area? Mr. Vararoutsos said he is actually 2,000 sq. ft. under the limit and all the decking is impervious surface.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Sandhu/Mandal

AYES: 5

NOES: 0

**Motion** to approve "S" Zone Amendment No. (SA2007-3) approval subject to findings and conditions of approval.

M/S: Ciardella/Mandal

AYES: 5

NOES: 0