RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING MINOR SITE DEVELOPMENT PERMIT AMENDMENT NO. MS08-0012, TO ALLOW THE CONSTRUCTION OF A NEW DECK LOCATED AT 1485 COUNTRY CLUB DRIVE

WHEREAS, on July 23, 2008 an application was submitted by Frank Houghton, 1485 Country Club Drive, to allow for the construction of a new 224 square foot deck located on the southwest portion of the property located at 1485 Pebble Beach (APN: 029-03-018) zoned Single Family Residential with the Hillside Combining District and Site and Architectural Overlaying District (R1-H-S); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on September 24, 2008 the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff, the applicant, and other interested parties, approved the project subject to conditions of approval, and recommended that it be forwarded to the City Council for further consideration as required by Section 10-45.09 of Title X of the Milpitas Municipal Code; and

WHEREAS, on October 21, 2008, the City Council reviewed the project proposal and considered evidence presented by City Staff, the applicant, and other interested parties.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

Section1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from further environmental review pursuant to Section 15030 (e) (Accessory Structures).

Section 3: The proposed accessory structure's size and materials are compatible with the surrounding area and the modification will not interfere with the privacy, quite enjoyment or view of the surrounding properties.

Section 4: The proposed use is consistent with the Milpitas General Plan because it is an accessory structure to a residence and the structure design, materials and colors blend with the natural surrounding environment. Grading is not necessary for this type of structure and therefore impacts are minimized in order to preserve the natural terrain quality of the hillside. (General Plan Implementation Policy 2.1-I-18)

Section 5: The proposed use is consistent with the Milpitas Zoning Ordinance pursuant to Title XI, Chapter 10, Section 45(Single Family Residential with Hillside Overlay and Site and Architectural Overlay) and Section 57 (Conditional Use Permitted by Commission) in that the proposed use is a conditionally permitted use with the approval of the Planning Commission.

BE IT FURTHER RESOLVED that the City Council hereby approves the project subject to Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED this ___ day of_____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT A

CONDITIONS OF APPROVAL
MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012

General Conditions

1. This permit is for the approval of a 224 square foot wood deck locating on the southwest portion of the property located at 1485 Country Club Drive.

2. The owner or designee shall develop the approved project in conformance with the approved plans, color and materials approved by the Planning Commission on September 24, 2008, in accordance with these Conditions of Approval.

   Any deviation from the approved site plan, materials, colors, 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 his or her 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. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012 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.

   Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of MS08-0012 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

AGENDA ITEM: *2

MILPITAS PLANNING COMMISSION
AGENDA REPORT

PUBLIC HEARING

Meeting Date: September 24, 2008

APPLICATION:	**MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012**
APPLICATION SUMMARY:	A request to construct a new 224 square foot deck located on the southwest portion of the property
LOCATION:	1485 Country Club Drive (APN: 029-03-018)
APPLICANT:	Frank Houghton, 1485 Country Club Drive, Milpitas, CA 95035
OWNER:	Frank Houghton, 1485 Country Club Drive, Milpitas, CA 95035
RECOMMENDATION:	**Staff recommends that the Planning Commission:** **1. Close the public hearing; and** **2. Adopt Resolution No. 08-049 recommending the City Council approve the project subject to conditions of approval.**
PROJECT DATA:	
General Plan/ Zoning Designation:	Hillside Low Density / Single Family Residential with Hillside Combining District (R1-H)
Overlay District:	Site and architectural Review ("S")
Site Area:	Property is 2.76 acres with an existing 2,755 square foot home
Any other pertinent info:	Current Impervious Surface 10,903 square feet; Maximum allowable Impervious Surface 12,02.26 square feet.
CEQA Determination:	Categorically exempt pursuant to Section 15303(e); Accessory Structures, of the California Environmental Quality Act.
PLANNER:	Tiffany Kunsman, Junior Planner
PJ:	N/A

ATTACHMENTS:

A. Resolution No. 08-049
B. Site Plan with Photos

LOCATION MAP

BACKGROUND

In January 2000, the City Council and Planning Commission approved a Site and Architectural Review Permit to allow for the construction of a new 2,775 square foot residence located along the Milpitas Hillside at 1485 Country Club Drive.

On July 23, 2008, home owner Frank Houghton submitted an application requesting to locate a new deck located off the south corner of the main driveway. According to the Hillside Overlay district Section 45.09-2, the accessory deck requires approval by the Planning Commission and City Council.

PROJECT DESCRIPTION

The project site is a 2.76 acre parcel located on the east hills of Milpitas. Located on the property is a 2,775 square foot single family home that was approved in the year of 2000. The property and its surroundings are zoned Single Family Residential with a Hillside and Site and Architectural Overlaying districts.

Hillside Overlay Development Standards

The Hillside overlay district allows for properties less than three acres to have an impervious surface maximum of 10% of the entire site *(Section 45.17-2).* Impervious Surfaces is defined as:

> "…surfaces that will not allow or will greatly reduce the penetration of water into the ground…(i.e.) concrete, asphalt, bricks, paving stones … and any accessory structures located on a specific site."

The project is a request to construct a new 224 square foot deck on the south corner of the property. *(See aerial photo, page 2).* A deck is considered an accessory structure *(Section 2.03)* and therefore must meet the maximum allowed impervious requirement. The property currently has a total of 10,903 square feet of impervious surface. The property is allowed a maximum of 12,023 square feet of impervious surfaces. The proposed project will add 224 square feet of impervious surface, giving the property a total of 11,127 square feet of impervious surface. The proposed project conforms to the impervious surface standard. Table 1 below demonstrates the project's compliance with the applicable Hillside Overlay Development standards.

Table 1
Development Standards

Zoning Ordinance	*Project Proposal*	*Complies?*
Minimum front, side and rear setbacks: 40 feet	The deck is 75 feet away form the southwest corner of the property (closest corner to property line)	Yes
Maximum accessory structure height: 17 feet	The deck railing is 4 feet in height	Yes
Maximum size of an accessory structure : 1,200 square feet	224 square feet	Yes
Maximum underfloor clearance: 5 feet	The deck varies from 1 foot clearance to a 5 foot clearance	Yes

Site and Architectural Review

The proposed deck is an accessory structure to the main dwelling. The materials being utilized is wood and is of natural earthtone color. The deck's size and materials are compatible with the existing structure and surrounding area and the modification will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

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

Table 2
General Plan Consistency

Policy	Consistency Finding
2.a-I-18: *To ensure that development in the foothills is in keeping with the natural character of the hillside, and that views are protected, require city review and approval of all proposed development or major alterations to existing development in the hillside. As a part of the review, ensure that:* • *Landscaping is of a type indigenous to the area;* • *That building designs, materials and colors blend with the environment; and* • *Grading is minimized and contoured to preserve the natural terrain quality.*	Consistent.

The project is consistent with General Plan Policy 2.a-I-18 in that the structure design, materials and colors blend with the natural surrounding environment. Grading is not necessary for this type of structure and there for is minimized and preserves the natural terrain quality of the hillside.

Zoning Ordinance

The project is consistent with the Zoning Ordinance in that a deck is an accessory structure to a residence and the deck meets the development standards for a Hillside Residence and conforms to the impervious surface standard. *(See Table 1, Development Standards)*

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 except pursuant to Section 15303(e); Accessory Structures, of the California Environmental Quality Act.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

The proposed deck is consistent with the General Plan and Zoning ordinance and utilizes materials of natural tones that are aesthetically pleasing and compatible with the existing home and surrounding area. The modification to add a deck will not interfere with the privacy, quiet enjoyment or views from surrounding properties.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 08-049 recommending approval of the project to the City Council subject to the attached Conditions of Approval.

Attachments:

A. Resolution No. 08-049
B. Site Plan with Photos

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RESOLUTION NO. 08-049

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012, TO ALLOW THE CONSTRUCTION OF A NEW 224 SQUARE FOOT DECK, LOCATED AT 1485 COUNTRY CLUB DRIVE

WHEREAS, on July 23, 2008, an application was submitted by Frank Houghton, 1485 Country Club Drive, to allow the construction of a new 244 square foot deck located on the southwest portion of the property at 1485 Country Club Drive. The property is located within the Single Family Residential with Hillside and Site and Architectural Overlaying Districts (R1-H-S) (APN: 029-03-018); and

WHEREAS, such application requires site and architectural review approval by both the Milpitas Planning Commission and the Milpitas City Council pursuant to Title XI, Chapter 10, Section 45.09 of the Milpitas Municipal Code; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt pursuant to Section 15030(e); Accessory Structures.

WHEREAS, on September 24, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from further environmental review pursuant to Section 15030(e); Accessory Structures.

Section 3: The proposed accessory structure's size and materials are compatible with the surrounding area and the modification will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.

Section 4: The proposed use is consistent with the Milpitas General Plan because it is an accessory structure to a residence and the structure design, materials and colors blend with the natural surrounding environment. Grading is not necessary for this type of structure and therefore impacts are minimized in order to preserve the natural terrain quality of the hillside. (General Plan Implementation Policy 2.a-I-18)

Section 5: The proposed use is consistent with the Milpitas Zoning Ordinance pursuant to Title XI, Chapter 10, Section 45(Single Family Residential with Hillside Overlay and Site and Architectural Overlay) and Section 57 (Conditional Use Permitted by Commission) in that the proposed use is a conditionally permitted use with the approval of the Planning Commission.

Section 6: The Planning Commission of the City of Milpitas hereby approves Minor Site Development Permit No. MS08-0012, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1, and recommends the furtherance of the application to the Milpitas City Council for concurrent site and architectural review approval pursuant to Milpitas Municipal Code XI-10.45.09.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on September 24, 2008.

_____
Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on September 24, 2008, and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**OTHER**
Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			
Noella Tabladillo			
Aslam Ali			

EXHIBIT 1

CONDITIONS OF APPROVAL
MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012

General Conditions

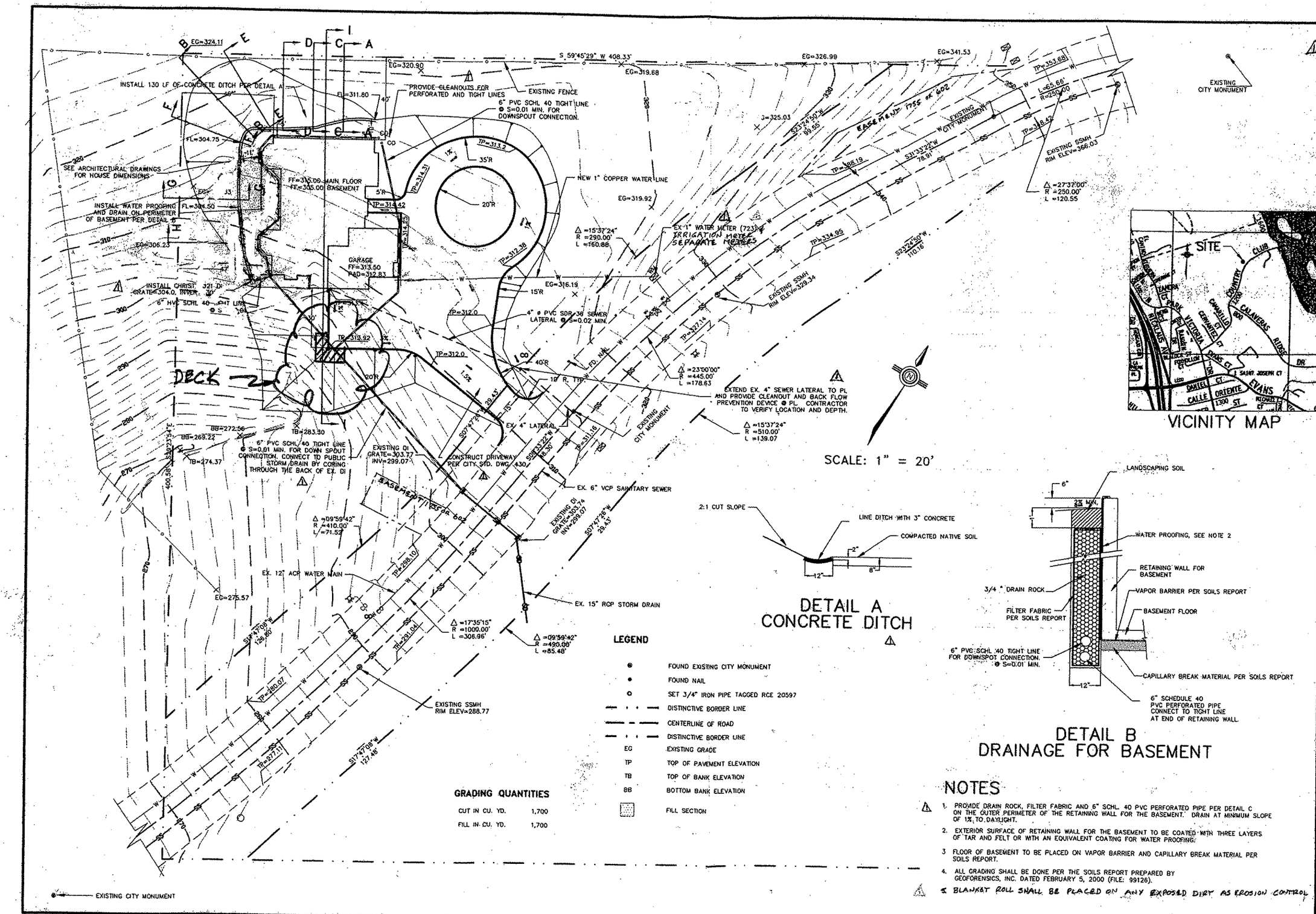
1. This permit is for the approval of a 224 square foot wood deck locating on the southwest portion of the property located at 1485 Country Club Drive.

2. The owner or designee shall develop the approved project in conformance with the approved plans, color and materials approved by the Planning Commission on September 24, 2008, in accordance with these Conditions of Approval.

   Any deviation from the approved site plan, materials, colors, 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 his or her 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. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012 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.

   Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of MS08-0012 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.



NOTES

1. PROVIDE DRAIN ROCK, FILTER FABRIC AND 6" SCHL. 40 PVC PERFORATED PIPE PER DETAIL C ON THE OUTER PERIMETER OF THE RETAINING WALL FOR THE BASEMENT. DRAIN AT MINIMUM SLOPE OF 1% TO DAYLIGHT.
2. EXTERIOR SURFACE OF RETAINING WALL FOR THE BASEMENT TO BE COATED WITH THREE LAYERS OF TAR AND FELT OR WITH AN EQUIVALENT COATING FOR WATER PROOFING.
3. FLOOR OF BASEMENT TO BE PLACED ON VAPOR BARRIER AND CAPILLARY BREAK MATERIAL PER SOILS REPORT.
4. ALL GRADING SHALL BE DONE PER THE SOILS REPORT PREPARED BY GEOFORENSICS, INC. DATED FEBRUARY 5, 2000 (FILE: 99126).
5. BLANKET ROLL SHALL BE PLACED ON ANY EXPOSED DIRT AS EROSION CONTROL

JOBS\HOUGHTON-HOUGH-GRD.

REVISIONS	BY
11-17-00	

CIVIL ENGINEERING
SURVEYING
CONSTRUCTION
(408) 257-6452
NELSEN ENGINEERING
CUPERTINO, CA.

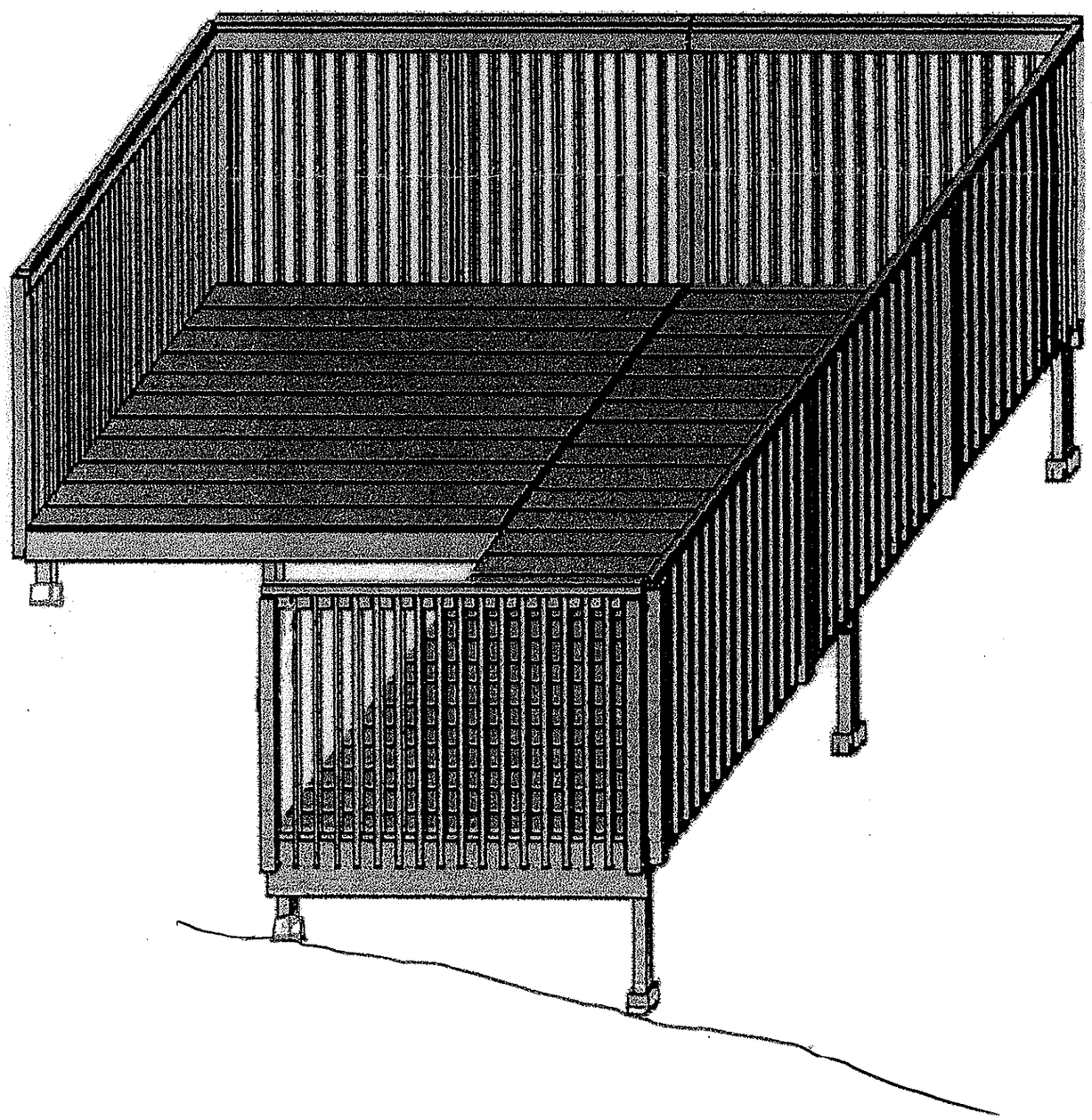
REGISTERED PROFESSIONAL ENGINEER
DANIEL E. NELSEN
No. 20597
CIVIL
STATE OF CALIFORNIA

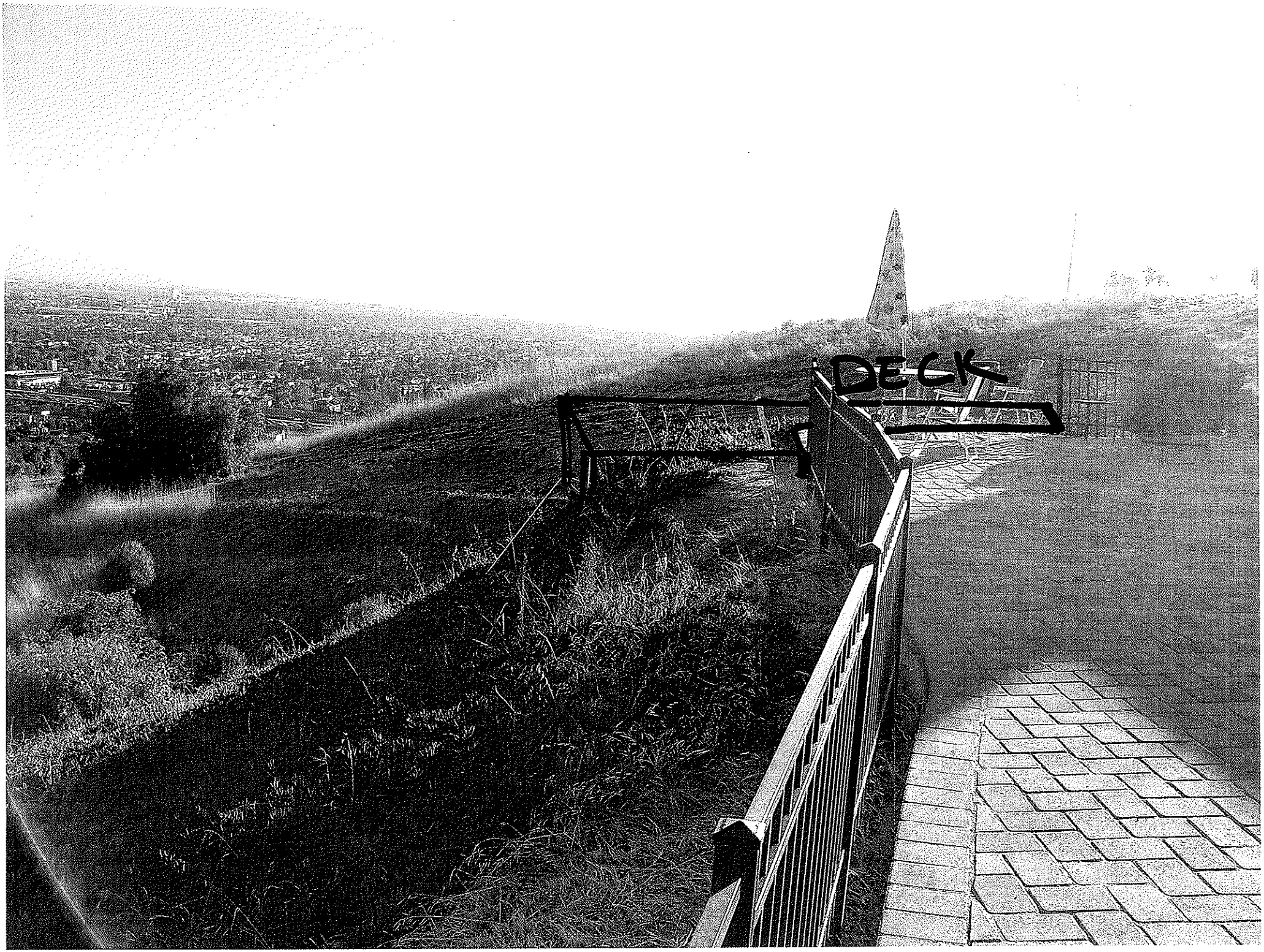
GRADING PLAN & DECK PLACEMENT
LANDS OF HOUGHTON
MILPITAS, CALIFORNIA

Date: APRIL 2000
Scale: 1"=20'
Drawn: CAD
Job:
Sheet 1 of 2 Sheets

ik Houghton
1485 Country Club Dr.
Milpitas, CA 95035
Tue Jul 15 21:29:36 2008

3D View




DECK

320

APPROVED

PLANNING COMMISSION MINUTES

September 24, 2008

I.
PLEDGE OF ALLEGIANCE

Vice Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II.
ROLL CALL/SEATING OF ALTERNATE

Present: Aslam Ali, Gunawan Ali-Santosa, Larry Ciardella, Alex Galang, Sudhir Mandal, Gurdev Sandhu and Noella Tabladillo
Absent: Cliff Williams
Staff: Bejines, Lindsay and Otake

Alternate Commissioner Aslam Ali was seated as a member of the voting body.

III.
PUBLIC FORUM

Vice Chair Mandal invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

IV.
APPROVAL OF MINUTES
September 10, 2008

Vice Chair Mandal called for approval of the minutes of the Planning Commission meeting of September 10, 2008.

There were no changes to the minutes.

Motion to approve the minutes of September 10, 2008 as submitted.

M/S: Sandhu/Tabladillo

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

V.
ANNOUNCEMENTS

James Lindsay, Planning and Neighborhood Services Director, announced the new subcommittee rotation for October through December 2008. He also introduced Bronwen Lacey, Deputy City Attorney, who will be filling in for Assistant City Attorney Bryan Otake.

Commissioner Ali-Santosa, announced on Friday, September 26th and Friday, October 3rd, the Knights of Columbus will sponsor a car wash at the Burger King on Landess to benefit Milpitas High School.

VI.
CONFLICT OF INTEREST

Deputy City Attorney Bronwen Lacey asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

Alternate Commissioner Aslam Ali said his office is located at 620 South Main Street – Item No. 1 (Conditional Use Permit No. UP08-0030) - and will recuse himself from voting.

VII.
APPROVAL OF AGENDA

Vice Chair Mandal asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the agenda.

M/S: Ali-Santosa/Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

VIII.
CONSENT CALENDAR

Vice Chair Mandal asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar.

Vice Chair Mandal opened the public hearing on Item No. 1 (Conditional Use Permit No. UP08-0030) and Item No. 2 (Minor Site Development Permit No. MS08-0012).

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo/Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 1 (Aslam Ali-on Item No.1 only)

Motion to approve the consent calendar.

M/S: Tabladillo/Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 1 (Aslam Ali-on Item No.1 only)

***1 CONDITIONAL USE PERMIT NO. UP08-0030:** A request to operate a commercial athletic facility located at 620 South Main Street. The application includes the operation of a trampoline facility in an existing building. No exterior improvements are proposed. *(Recommendation: Adopt Resolution No. 08-051 approving the project.)*

***2 MINOR SITE DEVELOPMENT PERMIT NO. MS08-0012:** A request to construct a new 224 square foot deck located on the side yard of the property at 1485 Country Club Drive. *(Recommendation: Adopt Resolution No. 08-049 recommending approval to City Council.)*

IX.
PUBLIC HEARING

3. CONDITIONAL USE PERMIT NO. UP08-0013 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0013

Cindy Hom, Assistant Planner, presented a request to install a 45-foot tall double-sided, multi-paneled internally illuminated freestanding sign and approve a master sign program for Dixon Landing Plaza located at 1545-1551 California Circle. Ms. Hom recommended to Adopt Resolution No. 08-052 approving the project.

Commissioner Tabladillo asked if the sign's illumination is similar to the McCarthy sign across the freeway and Ms. Hom said yes except the name and logo will be illuminated and the background will be blacked out.

Commissioner Ciardella asked how tall the buildings in the shopping center are and Ms. Hom are said the buildings are between 25 feet to 30 feet and the sign is 45 feet.

Commissioner Sandhu thought the signs looked pretty clean and asked if every tenant gets to put there name on the sign. Ms. Hom said there are five tenants and the sign is allocated to each of the five tenants. Any additions or modifications will require a sign program amendment and will have to come back to the Planning Commission.

Commissioner Galang referenced Exhibit No. 9 and asked what the difference is with the internally illuminated letters, halo channel letters and the open channel letters. Ms. Hom said with the internally illuminated wall mounted sign you can see the insulation detail with a face covering the individual channel letter. With the halo channel letters, you can see that it is spaced away from the building so the illumination comes from the back of the sides so there is a halo effect around the letter. For the open channel letter, the applicant proposed exposed neon signing channel letters which staff was not in support of.

Commissioner Galang asked if the sign appears different at night and Ms. Hom said the sign does look different at night because the lighting is around the edge of the lettering, and for the channeling, the letters are lit versus the outline.

Vice Chair Mandal introduced the applicant.

Mike Magee, Arrow Sign Company, 1051 46th Avenue, Oakland, CA, said that the freestanding sign would be a major asset to the Dixon Landing sign. He did point out that there was an error in the calculation of the square footage of the pylon sign and wanted the Commission to be aware of it.

Mr. Lindsay brought to the Commission's attention table 2 on page 7 of the staff report and said the sign meets the ordinance requirements and doesn't see any substantial change to this request tonight. The project is in conformance with the conditions and he would not change staff's recommendation of approval.

Vice Chair Mandal asked why this was not brought up before the meeting.

Ms. Hom said in preparing the staff report and through the review of the plans, it was discovered that the applicant was exceeding the maximum and staff had placed a condition that they would have to demonstrate conformance with the sign area prior to any building permit issuance.

Mr. Magee also said that the applicant was asked to consider channel letters for the tenant panels and wants to know why there is a preference for channel letters. This being a freeway sign, he felt it would be difficult for someone driving 60 mph to determine if it is channel letters, and it does cost more to do channel letters and would rather do opaque panels with routed out vinyl and illumination coming from the name.

Mr. Lindsay said staff recommended channel letters because it is a nicer appearance than a panel sign and has a better look. The sign ordinance is not that restrictive and the sign program could go either way.

Vice Chair Mandal said he would like staff to work with the applicant prior to the meeting so that the Commission is not surprised.

Commissioner Ciardella said if the Commission approves the project, they will have to approve it the way it is without any changes recommended from the applicant.

There was further dialogue between the Commission, applicant and staff.

Vice Chair Mandal opened the public hearing.

Kristen Valus 464 Cascadita Terrace, Milpitas, said she lives within 300 feet of the complex just behind the church and is concerned about the height of the sign being 45 feet and said she can see the sign from her bedroom window. The buildings in the complex are one story so the height of the sign compared to the buildings and that fact that she can see the sign over the church makes her very concerned.

Motion to close the public hearing.

M/S: Tabladillo/Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

Commissioner Tabladillo said she understands the resident's concern and the visibility of the sign and would like staff to work with the applicant to address the height issue.

Mr. Lindsay said staff would be happy to work with the applicant. The purpose of a gateway sign is to provide visibility to the stores and reducing the height of the sign would defeat the purpose entirely. There would be minimal impact to the residences across the creek given the distance of the residential, the sign is almost perpendicular to the homes, and it is visible but will not be parallel to the units.

Vice Chair Mandal asked if the lighting will be too strong for the homeowners and Mr. Lindsay said given the low amount of illumination; he does not see the lights projecting into the homes.

Commissioner Ciardella felt the sign is a little bit too tall.

Mr. Lindsay said the reduction in height could cause an impact to the sign and asked the Commission if they could provide staff with a benchmark so they could work with the applicant and come back with different options.

Vice Chair Mandal asked how does it compare with similar signs in Milpitas and Mr. Lindsay said it is the tallest sign near residential. Ms. Hom added that these signs are all 45 feet and are consistent with the other types of signs within I-880 within Milpitas.

Commissioner Ciardella asked if the McCarthy sign is in a special district. Mr. Lindsay said the sign ordinance recognized shopping centers of certain sizes and permitted certain types of signs and the sign ordinance has been recently amended to allow the sign program concept.

Commissioner Tabladillo said that the 45 feet freestanding signs are not close to residential. She reiterated that she does not want to penalize the applicant and continue to have a happy medium. She asked staff to look at other signs in the area with respect to the residents and supports continuing the item.

Commissioner Galang suggested reducing the sign to 30 feet.

Motion to continue Conditional Use Permit No. UP08-0013 and Site Development Permit Amendment No. SA08-0013 to October 8, 2008.

M/S: Tabladillo/Ali-Santosa

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

4. MINOR TENTATIVE MAP NO. TM08-0001

Sheldon Ah Sing, Senior Planner, presented a request to create four parcels with ancillary lots for private streets, the dedication of right-of-way for public streets and a Public Park, and provisions for utilities for the purposes of accommodating future residential development plans. In the future, the four parcels could accommodate up to 318 dwelling units. This proposal does not include building development plans or condominium plans. The project is located at 1401 S. Milpitas Boulevard within the Transit Area Specific Plan's Piper-Montague Sub-district and zoned a combination of Very High Density Residential and High Density Residential with Site and Architectural Overlay. Mr. Ah Sing recommended adopting Resolution No. 08-050 recommending approval to the City Council. He also noted that staff had changes to the conditions of approval which is on file with staff.

Vice Chair Mandal said he is happy to see a public park as part of the project. He recalled that a school site was proposed to the west of the property and asked staff for clarification. Mr. Lindsay said the central park was the area that was identified as a school site and city park and the specific plans have that change made. The project area for the master map that is before you this evening is not in close proximity to central park.

Commissioner Ali-Santosa referenced the original property line on sheet 3 of 11 and asked if the applicant is getting a portion of the cul de sac on Piper Drive. Mr. Ah Sing stated that the project does not abut Piper Drive. Mr. Lindsay added that sheet 3 is for informational purposes only depicting the conceptual development plans submitted by the three developers. In addition, that concept is outdated in that the adjacent developer of the subject project intends to keep Piper Drive intact.

Commissioner Tabladillo asked if the project may not meet the minimum density of 28 units. Mr. Ah Sing said the project is short the minimum density by 40 units. The Transit Area Specific Plan allows for density averaging amongst adjacent projects. In this case the projects within the sub-district will be within the minimum and maximum density requirements for the sub-district.

Commissioner Tabladillo asked how many total units for the area. Mr. Ah Sing said Milpitas Station is proposing 318 units, Citation Homes is proposing 638 units and Barry Swenson builders are proposing 480 units.

Commissioner Tabladillo asked how large is the entire parcel and Mr. Ah Sing said 35 acres.

Mr. Lindsay explained that there is flexibility within the specific plan itself and it is planning's job to communicate clearly that when a project is coming in, they are not exceeding the maximum density for that area.

Commissioner Tabladillo said she is concerned when there is an extensive number of units and urge caution when a community is growing too quickly.

Vice Chair Mandal asked how big is the park and Mr. Ah Sing said 3 acres.

Vice Chair Mandal introduced the applicant.

Pat Brown, Applicant, said he is pleased to present the project to the Commission. He said the project meets the transit specific plan goals and agrees with the condition of approval with the exception of condition no. 24 which reads as follows:

24. Prior to any building permit issuance developer shall incorporate the following solid waste services requirements to the satisfaction of the City Engineer, including revisions to project plans:

A. Proposed solid waste enclosure shall be designed per the Development Guidelines for Solid Waste Services to house self-contained compactor equipment. The access to the location and size of the enclosure shall be designed to the City Engineer's satisfaction and shown on the plans prior to building permit issuance. The enclosure drains must discharge to the sanitary sewer line. Storm drain inlets must be located at least 25 feet away from enclosures to prevent accidental spills from entering storm drains. Enclosures are not permitted within public utility easements.

B. The property management shall be responsible for solid waste management, including transfer of material to the compactors. Developer shall submit to the City (for review and approval) a written Solid Waste Handling Plan including detailed step-by-step instructions to manage solid waste from generation to disposal. The Plan shall state how the residential waste will be conveyed to the collection the compactor area for disposal. Show the path of travel for refuse. Demonstrate how recycling shall have a separately maintained process from garbage handling.

C. *Prior to occupancy permit issuance, the property management shall provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Allied Waste Services (formally BFI). After the applicant has full occupancy, the developer shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the developer shall increase the service to the level determined by the evaluation. For general information, contact Allied Waste Services at (408) 432-1234.*

Vice Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu/Galang

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

Commissioner Ciardella asked if there will be public parking and Mr. Ah Sing said there would be public parking on one side of the street.

Vice Chair Mandal asked when can the Commission make recommendations to parking and Mr. Ah Sing said when the development plans come forward, the Commission could have the opportunity to review the parking.

Mr. Lindsay said the master map does establish the width of the street and it is consistent with the Specific Plan and additional parking would affect the width of the public right away.

Commissioner Tabladillo asked if the public park would have angled parking to allow more cars to park. Mr. Lindsay said that staff could carry that recommendation to Council.

Vice Chair Mandal asked how much space would be needed for angled parking. Mr. Lindsay said that a 90 degree space is about 18 feet long, a parallel space is about 8 feet wide, so angled parking would need about 10 feet in additional width.

Commissioner Tabladillo recommended that staff look at maximizing the spaces around the park area and bring that forward to City Council.

Commissioner Ciardella agreed with Commissioner Tabladillo about angled parking.

Commissioner Sandhu asked the applicant about construction. **Jim Murar, Applicant,** said he expects construction to begin the end of 2009 and to have the homes completed in 2010. Mr. Murar said the plan does include an internal parking area that would be separate from the streets and are working within the dictates of the transit area plan.

Commissioner Sandhu said he agrees with fellow commissioners to increase the number of parking in this new development.

Motion to adopt resolution no. 08-050 and have staff work with the applicant to look at the park and see what can be negotiated in regards to additional parking space and look at angled parking and reduce the parkland by 20 feet and recommend approval to City Council.

M/S: Tabladillo/Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

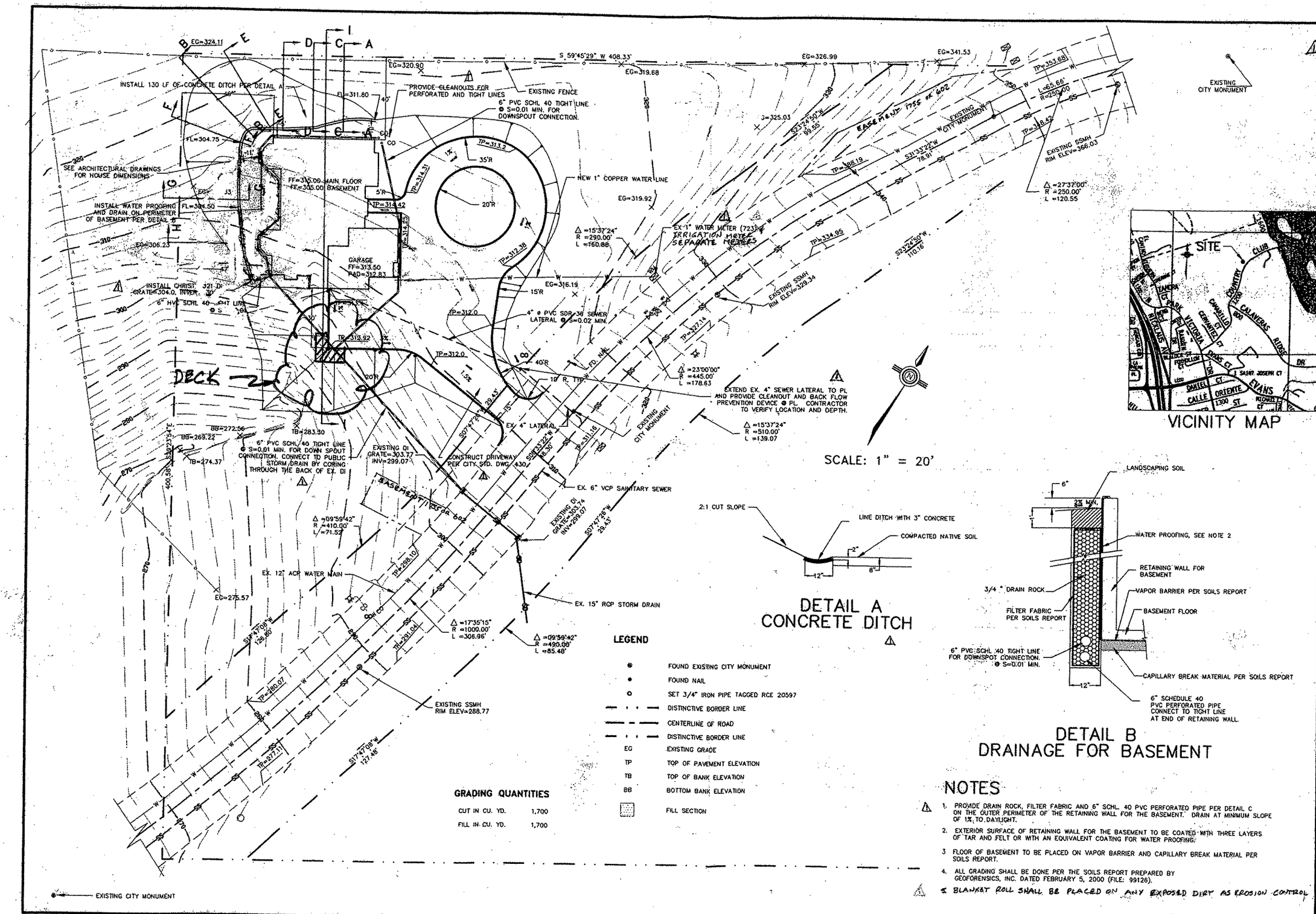
X. ADJOURNMENT

The meeting was adjourned at 8:19 p.m. to the next regular meeting of October 8, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Veronica Bejines
Recording Secretary



NOTES

1. PROVIDE DRAIN ROCK, FILTER FABRIC AND 6" SCHL. 40 PVC PERFORATED PIPE PER DETAIL C ON THE OUTER PERIMETER OF THE RETAINING WALL FOR THE BASEMENT. DRAIN AT MINIMUM SLOPE OF 1% TO DAYLIGHT.
2. EXTERIOR SURFACE OF RETAINING WALL FOR THE BASEMENT TO BE COATED WITH THREE LAYERS OF TAR AND FELT OR WITH AN EQUIVALENT COATING FOR WATER PROOFING.
3. FLOOR OF BASEMENT TO BE PLACED ON VAPOR BARRIER AND CAPILLARY BREAK MATERIAL PER SOILS REPORT.
4. ALL GRADING SHALL BE DONE PER THE SOILS REPORT PREPARED BY GEOFORENSICS, INC. DATED FEBRUARY 5, 2000 (FILE: 99126).
5. BLANKET ROLL SHALL BE PLACED ON ANY EXPOSED DIRT AS EROSION CONTROL

JOBS\HOUGHTON-HOUGH-GRD.

REVISIONS	BY
11-17-00	

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REGISTERED PROFESSIONAL ENGINEER
DANIEL E. NELSEN
No. 20597
CIVIL
STATE OF CALIFORNIA

GRADING PLAN & DECK PLACEMENT
LANDS OF HOUGHTON
MILPITAS, CALIFORNIA

Date: APRIL 2000
Scale: 1"=20'
Drawn: CAD
Job:
Sheet 1 of 2 Sheets

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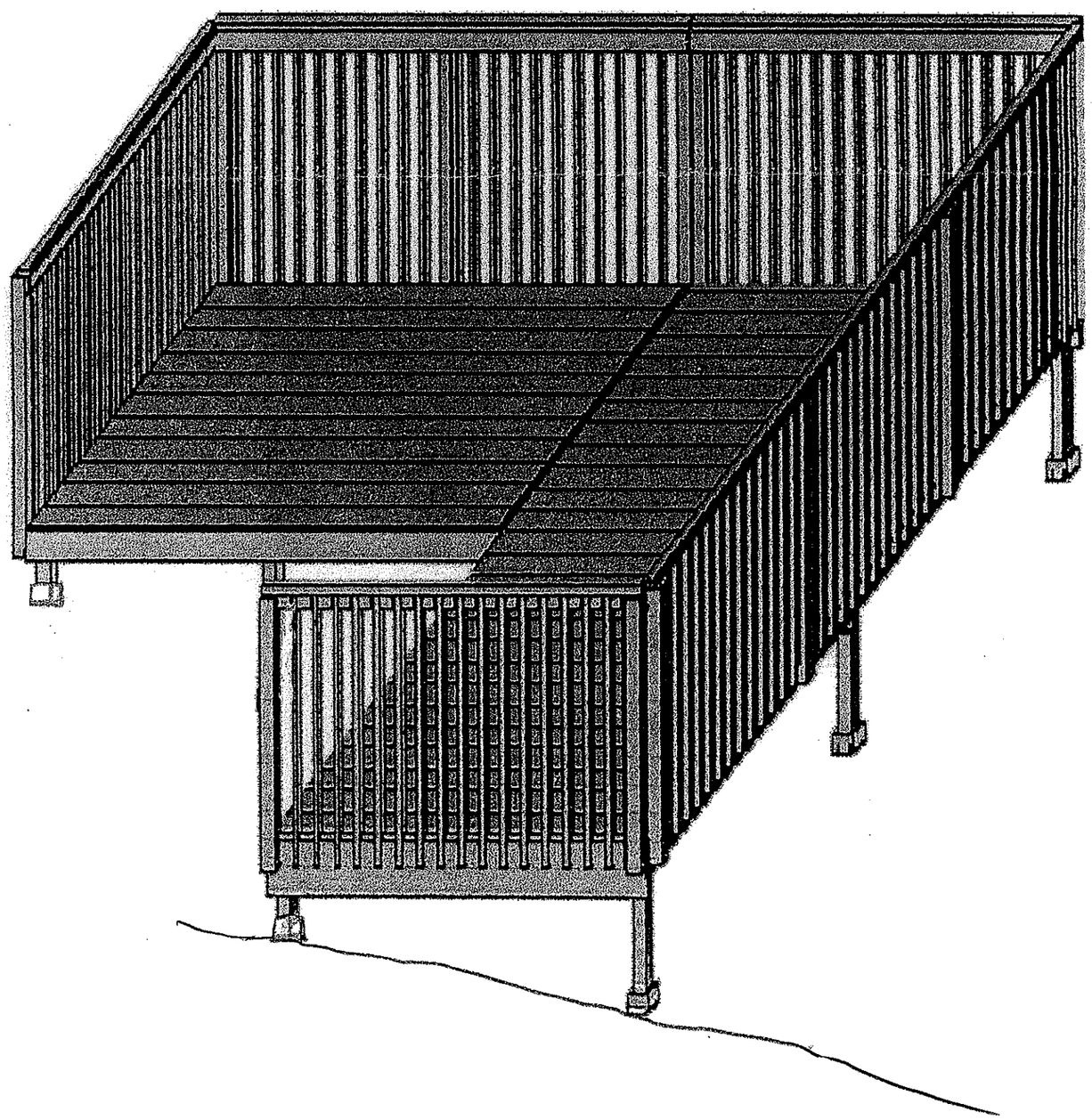
1485 Country Club Dr.
Milpitas, CA 95035
Tue Jul 15 21:29:36 2008

3D View