

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0010, HILLSIDE HOME ADDITION, TO ALLOW THE ENCLOSURE OF AN EXISTING 108 SQUARE FOOT BALCONY, LOCATED AT 461 VISTA RIDGE DRIVE

WHEREAS, on June 17, 2009, an application was submitted by Javier R. Mercado, 461 Vista Ridge Drive, Milpitas, CA 95035, to allow for the enclosure of an existing balcony for a hillside home addition. The property is located within the Single Family Residential Zoning District with Hillside Combining District and Site and Architectural Overlay (APN 042-30-007); 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 categorically exempt from further environmental review pursuant to Section 15301 of the CEQA guidelines in that the proposed addition will not result in an increase of more than 2,500 square feet or 50% of the existing structure; and

WHEREAS, on August 26, 2009, 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 and by unanimous vote recommended approval of the Site Development Permit Amendment No. SA08-0010 to the City Council.

NOW, THEREFORE, the City Council hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The project proposal is categorically exempt from further environmental review pursuant to Section 15301 of the CEQA guidelines in that the proposed enclosure of the balcony will not result in an increase of more than 2,500 square feet of interior floor space or 50% of the floor area of the existing structure before the addition.
3. The project proposal is consistent with General Plan Policies 2.a-I-16 and 2.a-I-18 in that the addition is a part of an existing home and footprint and will not increase the density of this property. The addition design, materials and colors are earth tones and match the existing buildings on the property and no grading is required for this project.
4. The project proposal is consistent with the Hillside Combining District in that it meets all Site and Architectural guidelines. The addition will use similar materials and architectural elements that are consistent with the existing building.
5. The project proposal is consistent with the Milpitas Zoning Ordinance in that the design of the addition is both aesthetically harmonious with the existing structure in that it utilizes the same colors, materials, and the style of the home.
6. The application for Site Development Permit Amendment No. SA09-0010 is hereby approved, subject to the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT A

CONDITIONS OF APPROVAL

SA09-0010

A request to allow for a hillside home addition that includes enclosing a 108 square foot existing patio.

Address (APN: 042-30-0007)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on August 26, 2009, in accordance with these Conditions of Approval. (P)

Any deviation from the approved site plan, elevations, 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 Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

2. SA09-0010 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of SA09-0010 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. The addition shall not exceed 27' in height measured from finished grade. (P)

- (P) = Planning
- (B) = Building
- (E) = Engineering
- (F) = Fire Prevention



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: August 26, 2009

APPLICATION: **SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0010**

**APPLICATION
SUMMARY:**

A request to allow the enclosing of an existing balcony on a hillside home.

LOCATION:

461 Vista Ridge Drive / (APN: 042-30-0007)

APPLICANT:

Javier R Mercado, 461 Vista Ridge Drive, Milpitas, CA 95035

OWNER:

Javier R Mercado, 461 Vista Ridge Drive, Milpitas, CA 95035

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1. Close the public hearing; and**
- 2. Adopt Resolution No. 09-039, recommending approval to the City Council.**

PROJECT DATA:

General Plan/

Zoning Designation:

Hillside Very Low Density / Single Family Residential (R1)

Special Overlays:

Hillside Combining District and Site and Architectural Overlay District (H-S).

CEQA Determination:

Categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) guidelines.

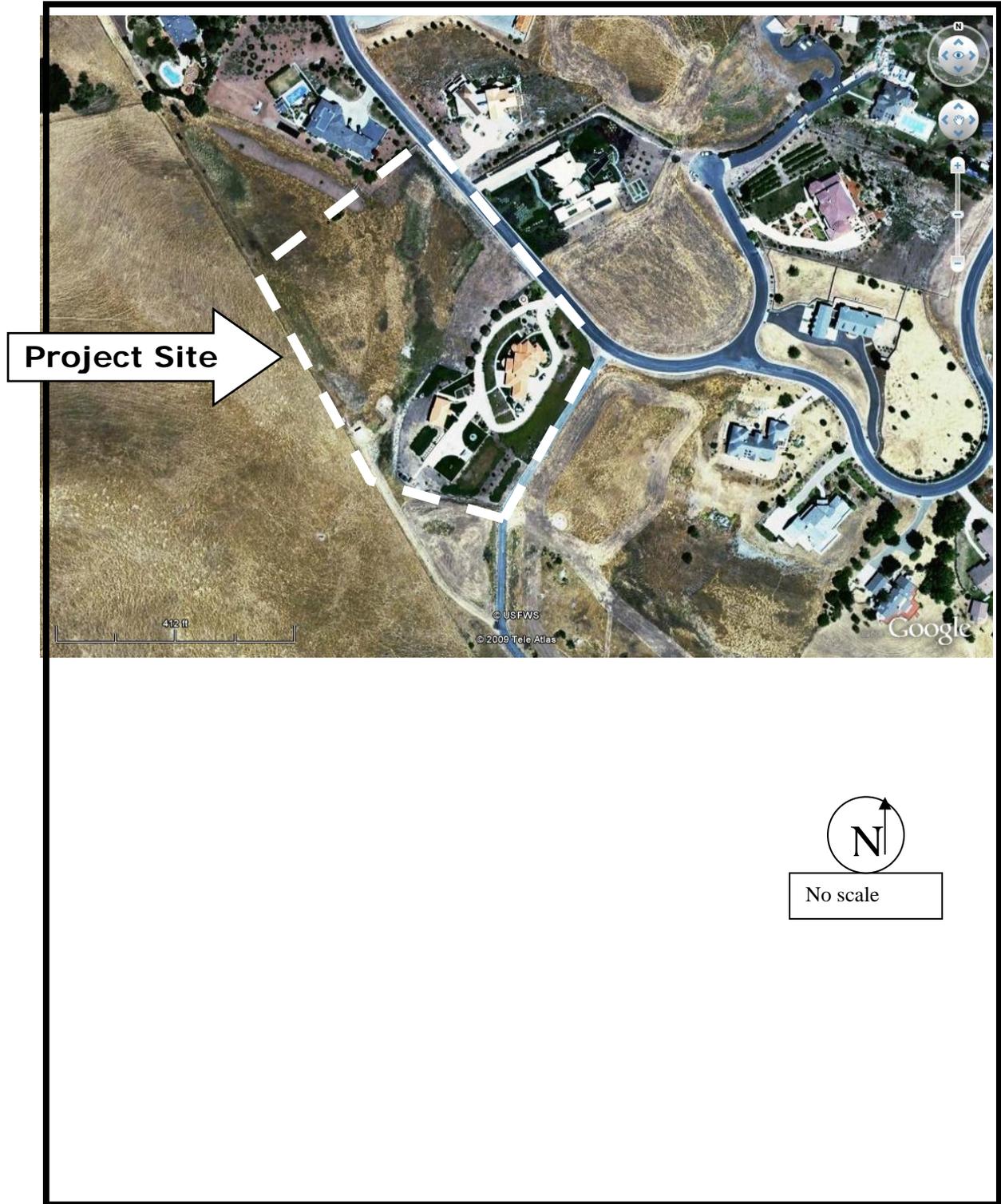
PLANNER:

Tiffany Brown

ATTACHMENTS:

- Resolution No. 09-039
- Site Plans

LOCATION MAP



BACKGROUND

The existing hillside home was approved and built in 1993. Subsequent permits were approved to allow for a second family unit and the approval of a gazebo. On June 17, 2009, Javier Mercado submitted an application requesting to enclose an existing balcony on the second story of his home. Per Zoning Ordinance Section 45.09-2 for Hillside Combining Districts, any Site Development Permit or amendment requires the review of the Planning Commission and the approval of City Council.

PROJECT DESCRIPTION

The property and adjacent properties are zoned Single Family Residential with Hillside Combining District and Site and Architectural Overlay. The applicant proposes to enclose an existing 108 square foot balcony facing the rear portion of the property. The proposed materials include Cape Hatteras colored stucco walls with a white fascia board with hunter green trim and red clay tile roofing. All materials and colors proposed match the existing hillside home. A vicinity map is included on the previous page.

Development Standards

Table 1
Development Standards

	Zoning Ordinance	Proposed
<u>Setbacks</u> (Minimum)		
Street Front To Primary Structure	25'	Unchanged
North Side Yard	40'	Unchanged
South Side Yard	40'	Unchanged
Rear	40'	Unchanged ≈ 970'
<u>Impervious Surfaces</u> (Maximum)	10% of Lot 19,366 sq.ft.	Unchanged: 16,262
<u>Main Building Square footage</u> (Maximum)	6,000 sq.ft.	Existing: 5, 259 sq. ft. Proposed: 5,367 sq. ft.
<u>Building Height</u> (Maximum)	27'	Unchanged ≈ 27' no higher

When looking at Table 1 above, you will find that the impervious surfaces is unchanged and the rear yard setback is unchanged. The reason why the new addition does not affect these measurements is because the new addition is built where an existing balcony is located, within the footprint of the existing house. Therefore, the rear yard setback and the impervious measurements are unchanged. The main building square footage does change, but with the proposed addition, the main building square footage is still under the maximum allowed.

Architecture

As mentioned on the previous page, the proposed colors and materials will match the existing building. The style of the home is a Spanish style with the proposed balcony enclosure is within that same theme.

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
<p><i>2.a-I-16: Limit new development in the Hillside Area to only Very Low Density Residential, open space and park uses.</i></p>	<p>Consistent. The project proposal is consistent with the General Plan in that the addition is apart of an existing home and will not increase the density of this property.</p>
<p><i>2.a-I-18: To ensure that development in the foothills is in keeping with the natural character of the hillside, and that views are protected, require city review and approval of all proposed development or major alterations to existing development in the hillside. As part of the review, ensure that:</i></p> <ul style="list-style-type: none"> ▪ <i>landscaping is of a type indigenous to the area;</i> ▪ <i>that building designs, materials and colors blend with the environment; and</i> ▪ <i>grading is minimized and contoured to preserve the natural terrain quality.</i> 	<p>Consistent. The addition design, materials and colors are of earth tones and match the existing buildings on the property and no grading is required for this project.</p>

Hillside Combining District

The Hillside Combining District has specific Site and Architectural Guidelines. These guidelines are as follows:

- **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 will views and privacy.

The location of the addition is on the southwest side of the home facing the rear yard of the property and the Milpitas Valley. It will not interfere with views or privacy of adjacent property owners.

- 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.

No removal of landscaping is required or proposed.

- Minimize Perception of Excessive Bulk. The design of the proposed main and/or accessory structures in relation to the immediate neighborhood should minimize the perception of excessive bulk.

The addition should not cause the perception of excessive bulk in that the addition is replacing an existing patio; it conforms to the maximum square footage limitations, and is compatible with the main home.

- Impairment of Light and Air. The proposed main or accessory structure shall not unreasonably impair the ability of adjacent properties to utilize solar energy.

Due to the location of the addition, the added 108 square feet should not affect the neighboring properties and their ability to utilize solar energy.

- Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.

No grading is required for this proposal.

The proposed addition is in compliance with all of the above guidelines for the Hillside Combining District within the City Zoning Ordinance.

Zoning Ordinance

A Site Development Permit may be granted by the Planning Commission or the City Council if all of the following findings are made:

- 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 is consistent with the Milpitas Zoning Ordinance.
- The project is consistent with the Milpitas General Plan

The design of the addition is both aesthetically harmonious with the existing structure in that it utilizes the same colors, materials, and the style of the home. The project is consistent with both the General Plan and the Zoning Ordinance.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the

project is categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines. The proposed balcony enclosure will not result in an increase to usable interior space of more than 2,500 square feet or 50% of the floor area of the building structure before the enclosure.

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 addition is compatible with the main dwelling and is consistent with the development standards for the Hillside zone.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission recommend approval of SA09-0010, subject to the attached Resolution and Conditions of Approval to the City Council.

Attachments:

- A. Resolution No. 09-039
- B. Site Plans

RESOLUTION NO. 09-039

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, RECOMMENDING APPROVAL OF SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0010, HILLSIDE HOME ADDITION, TO ALLOW THE ENCLOSURE OF AN EXISTING 108 SQUARE FOOT BALCONY, LOCATED AT 461 VISTA RIDGE DRIVE.

WHEREAS, on June 17, 2009, an application was submitted by Javier R. Mercado, 461 Vista Ridge Drive, Milpitas, CA 95035, to allow for the enclosure of an existing balcony for a hillside home addition. The property is located within the Single Family Residential Zoning District with Hillside Combining District and Site and Architectural Overlay (APN 042-30-007); 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 categorically exempt from further environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) guidelines in that the proposed addition will not result in an increase of more than 2,500 square feet or 50% of the existing structure; and

WHEREAS, on August 26, 2009, 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 proposal is categorically exempt from further environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) guidelines in that the proposed enclosure of the balcony will not result in an increase of more than 2,500 square feet of interior floor space or 50% of the floor area of the existing structure before the addition.

Section 3: The project proposal is consistent with General Plan Policies 2.a-I-16 and 2.a-I-18 in that the addition is a part of an existing home and footprint and will not increase the density of this property. The addition design, materials and colors are earth tones and match the existing buildings on the property and no grading is required for this project.

Section 4: The project proposal is consistent with the Hillside Combining District in that it meets all Site and Architectural guidelines. The addition will use similar materials and architectural elements that are consistent with the existing building.

Section 5: The project proposal is consistent with the Milpitas Zoning Ordinance in that the design of the addition is both aesthetically harmonious with the existing structure in that it utilizes the same colors, materials, and the style of the home.

Section 6: The Planning Commission of the City of Milpitas hereby recommends approval of Site Development Permit Amendment No. SA09-0010 to the City Council, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 26, 2009.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 26, 2009, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Cliff Williams				
Aslam Ali				
Lawrence Ciardella				
Alexander Galang				
Sudhir Mandal				
Gurdev Sandhu				
Noella Tabladillo				
Mark Tiernan				

EXHIBIT 1

CONDITIONS OF APPROVAL

SA09-0010

A request to allow for a hillside home addition that includes enclosing a 108 square foot existing patio. Address (APN: 042-30-0007)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on August 26, 2009, in accordance with these Conditions of Approval. (P)

Any deviation from the approved site plan, elevations, 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 Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

2. SA09-0010 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of SA09-0010 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. The addition shall not exceed 27' in height measured from finished grade. (P)

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(F) = Fire Prevention

EXCERPT FROM THE
UNAPPROVED

PLANNING COMMISSION MINUTES

August 26, 2009

**I. CONSENT
CALENDAR**

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

Discussion ensued regarding the Consent Calendar procedure. The Commission directed staff to agendize the discussion for their next meeting.

There were no changes to the Consent Calendar.

Motion to approve the Consent Calendar as submitted.

M/S: Tabladillo, Sandhu

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

Vice-Chair Mandal opened the public hearing on Item No. 1.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu, Tiernan

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

Motion to adopt Resolution No. 09-039 recommending approval to the City Council.

M/S: Ciardella, Ali

AYES: 7

NOES: 0

ABSENT: 1 (Cliff Williams)

ABSTAIN: 0

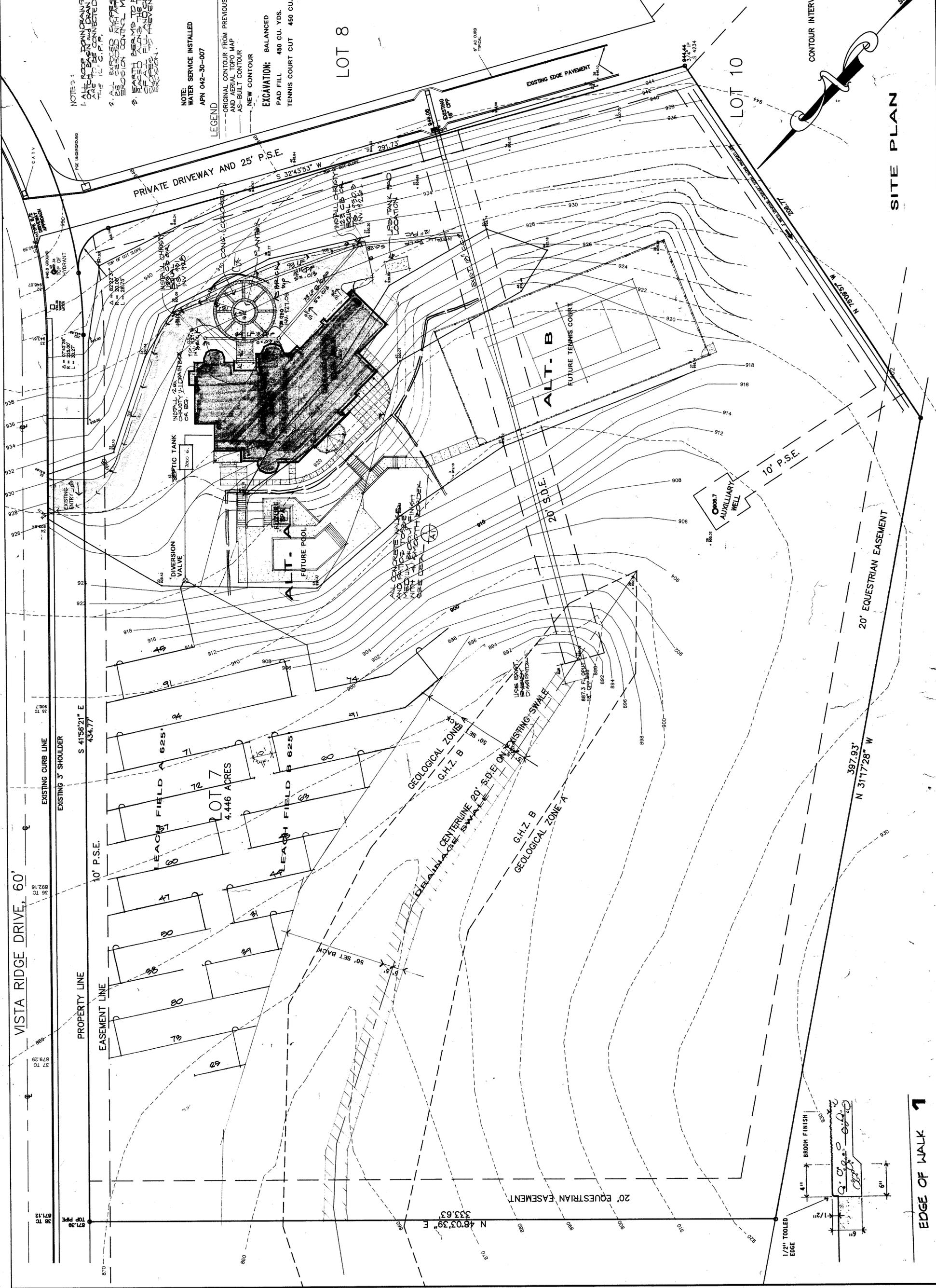
***1 SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0010:** A request to allow a home addition to enclose an existing patio, located at 461 Vista Ridge Drive (APN: 042-30-007) zoned Single Family Residential with Hillside Combining and Site and Architectural Overlay Districts (R1-H-S). Applicant: Javier Mercado. Staff Contact: Tiffany Brown (408) 586-3283. (*Recommendation: Adopt Resolution No. 09-039 recommending approval to the City Council.*)

NO.	DATE	DESCRIPTION	BY

REVISIONS

RESIDENCE FOR
MR. & MRS. MERCADO
LOT 7 VISTA RIDGE DRIVE
MILPITAS, CA.

SITE PLAN
Date
Scale 1" = 20'-0"
Drawn RJOY
Job
Sheet
A1
Of
Sheets

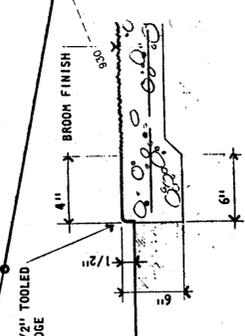


NOTE 1:
1. ALL ROOF DRAINAGE, CATCH BASIN AND DRAIN BOXES ARE TO BE CONNECTED TO THE 12" C.I.P.P.
2. ALL EXPOSED PIPES TO BE CEASED WITH APPROVED EROSION CONTROL MIX.
3. EARTH PERMS TO BE BASED ALONG THE LOT'S EXISTING PERMITS TO PREVENT SLOTTING.

NOTE:
WATER SERVICE INSTALLED
APN 042-30-007

LEGEND
- ORIGINAL CONTOUR FROM PREVIOUS SURVEY AND AERIAL TOPO MAP
- AS-BUILT CONTOUR
- NEW CONTOUR

EXCAVATION: BALANCED
PAD FILL 450 CU. YDS.
TENNIS COURT CUT 450 CU. YDS.



SITE PLAN

EDGE OF WALK 1