

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING AN AMENDMENT TO THE SITE DEVELOPMENT PERMIT NO. SA09-0013, BALTAZAR RESIDENCE, TO ALLOW FOR A 314 SQUARE-FOOT ROOM ADDITION AND INSTALLATION OF TWO NEW PATIO COVERS AT THE REAR OF AN EXISTING HILLSIDE HOME LOCATED AT 2018 WELLINGTON DRIVE

WHEREAS, on, August 8, 2009, an application was submitted by Hai Nguyen for the construction of a 314 square-foot room addition and two new patio covers at the rear of an existing hillside home located at 2018 Welling Drive (APN 29-48-046). The site is zoned Single Family Residential with Hillside Combining District and Site and Architectural Overlay; 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 that this project is categorically exempt from further environmental review; and

WHEREAS, on October 14, 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

WHEREAS, on November 3, 2009, the City Council reviewed the project proposal and considered evidence presented by City staff, the applicant, and other interested parties.

NOW, THEREFORE, the City Council of the City of Milpitas 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 is categorically exempt from further environmental review pursuant to Class 3, Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures) in that the proposed project entails construction of a 314 square-foot room addition and two new attached patios constructed over an existing concrete pad. The project will not result in an increase of floor area greater than 2,500 square feet, nor will it increase the total floor area more than 50% of the structure before the addition.
3. The project is consistent with the Milpitas General Plan in that the project received site and architectural review for conformance with the Hillside Ordinance. The project is consistent with General Plan policies by maintaining the existing architectural style of the home and utilizing materials and styles that match the existing home. The proposed modification maintains the natural character of the hillside by not expanding beyond the existing footprint of the building and maintaining the existing grade.
4. The project is consistent with the Milpitas Zoning Ordinance in that the project complies with the development standards in terms of setbacks, height, maximum size of dwelling, and impervious coverage. As proposed, the existing residence would be increased to 4,323 square feet with 6,210 square feet of impervious coverage, and maintain a height of 17 feet.
5. The layout of the site and the design of the proposed project are compatible and aesthetically harmonious with adjacent and surrounding development in that the project utilizes colors and materials that match the existing architecture.

6. 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:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT A

CONDITIONS OF APPROVAL SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0013

Site Development Permit

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 October 14, 2009, in accordance with these Conditions of Approval.

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 and the City Council, in accordance with the Zoning Ordinance.

2. Site Development Permit Amendment No. SA09-0013 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 Site Development Permit Amendment No. SA09-0013 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

3. The building addition shall match the existing building colors and materials. (P)

General

4. This project shall be conducted in compliance with all appropriate local, state, and federal laws and regulations. (P)

(P) = Planning



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: October 14, 2009

APPLICATION: **Site Development Permit Amendment No. SA09-0013, Baltazar Residence**

APPLICATION SUMMARY:

A request to allow for the construction a 314 square foot room addition and two attached patio covers at rear of an existing hillside home.

LOCATION:
APPLICANT:
OWNER:

2018 Wellington Drive (APN 29-48-046)
Hai Nguyen, 2721 Mabury Square, San Jose, CA 95133
Nellie and Elpidio Baltazar, 2018 Wellington Drive, Milpitas, CA 95035

RECOMMENDATION:

Staff recommends that the Planning Commission:
1. Close the public hearing following public testimony; and
2. Adopt Resolution No. 09-045 approving the project subject to conditions of approval.

PROJECT DATA:

General Plan/

Zoning Designation:

Hillside Residential, Very Low Density/Single Family Residential with a Hillside Combining District (R1-H)

Overlay District:

Site and Architectural Overlay (-S)

Specific Plan:

N/A

Site Area: 0.97 Acres
Proposed Building Square Footage: 4,323 Sq. Ft.
Proposed Impervious Coverage: 6,210 Sq. Ft.
No. of Stories/Building Height: Single Story Residence/17-feet

CEQA Determination:

Categorically exempt from further environment review pursuant to 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

PLANNER:

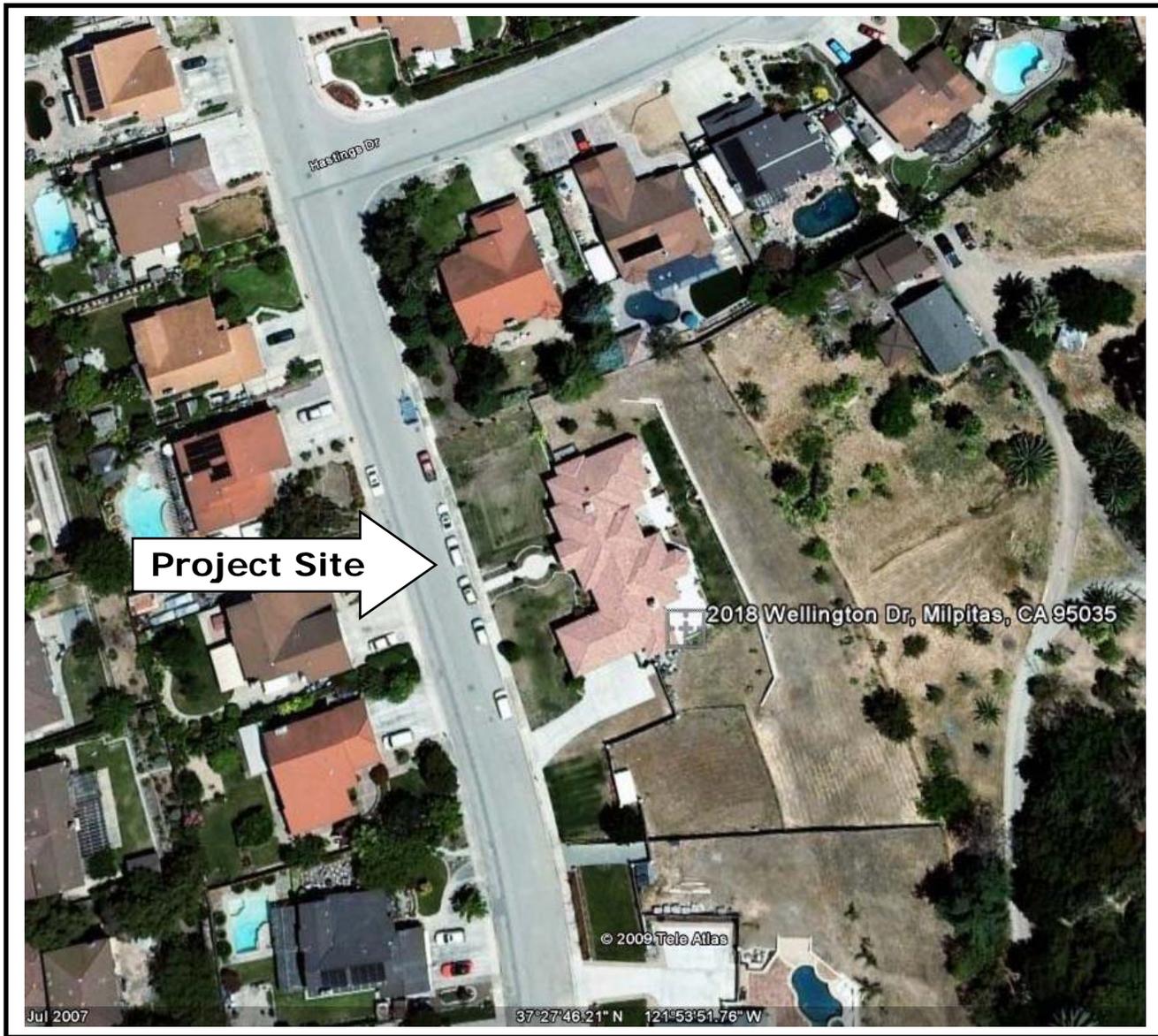
Cindy Hom, Assistant Planner

PJ:

ATTACHMENTS:

A. Resolution No. 09-045
B. Project Plans

LOCATION MAP



No scale

BACKGROUND

On June 8, 2005, the Planning Commission granted site and architectural approval to allow for a 363 square foot building addition providing an expanded library for the home. The addition incorporated materials to match the existing building, including concrete tiles, stucco exterior and windows.

On August 8, 2009, Hai Nguyen of Universal Design submitted an application for the construction of a 314 square room expansion of the existing library and two new attached patio covers (combined area of 536 square feet) along the back elevation of the house. The application is submitted pursuant to Milpitas Municipal Code Section XI-10-45.09 -2 (Site and Architectural Approval), which requires Planning Commission and City Council review and approval.

PROJECT DESCRIPTION

The project site is located at the northeast corner of the city near the eastern city boundary. The project site is currently designated and zoned as Single Family Residential Hillside and is bounded by Wellington Drive and R1-10 (10,000 square foot Single Family Residential) lots to the north, west and south. The site is located west of the Crestline and is approximately one acre in size. The site is generally flat at the front portion of the site and slopes upward to the rear of the site. A vicinity map of the subject site location is included on the previous page.

The project proposes a 314 square foot expansion of an existing library and two new attached patio covers that flank the kitchen nook area. The proposed addition consists of a new stucco exterior wall, three panel oriel windows, and Spanish roof tiles. The applicant also proposes to construct two new patio covers over the existing concrete patio at the rear of the dwelling. The smaller patio cover (approximates 55 square feet) is located between the proposed addition and existing kitchen nook. The larger patio cover is located at the southeast corner of the dwelling and is approximately 479 square feet in size. No grading is proposed with this application.

Development Standards

The project as proposed complies with the development standards in terms setbacks, height, size of dwelling, and impervious coverage as demonstrated in Table 1 below. The proposed building addition and patio covers are constructed over an existing concrete pad and therefore will not require any earthwork or impact any existing landscaping.

Table 1
Hillside Development Standards

	Zoning Ordinance	Proposed
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	25'	25'
Interior Side yard	40'	40'
Rear	40'	40'
<u>Maximum Size of Dwelling</u>	6,000 s.f.	4,323 s.f.
<u>Building Height</u> (Maximum)	One story; 17-feet	One story; 17-feet

	Zoning Ordinance	Proposed
<u>Impervious Coverage (Maximum)</u>	8,000 s.f.	6,210 s.f.

Architecture

The architecture of the existing home consists of contemporary Mediterranean architectural elements that include the use of stucco walls, multi-panel oriel windows, and Spanish barrel roof tiles. The proposed room addition and patio covers shall utilize materials that match the existing colors and materials.

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>Implementing Policy 2.a-I-18</i></p> <p><i>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>Building designs, materials and colors blend with the environment;</i> ▪ <i>Grading is minimized and contoured to preserve the natural terrain quality.</i> 	<p>Consistent. The proposed project is consistent the policy, because the project received site and architectural review for conformance with the Hillside Ordinance. The project as proposed is keeping with the existing architectural design of the home by utilizing materials and styles that match the existing home. The proposed modification maintains the natural character of the hillside by not expanding beyond the existing footprint of the building and maintaining the existing grade. As conditioned, the materials, design of the accessory structures and landscaping will be in keeping with the natural setting and view of the hillside.</p>

Zoning Ordinance

The proposed 314 square foot building addition is consistent with the development standards and the following guidelines for Single Family Residential - Hillside zoning district:

- a) Avoid Unreasonable Interference with Views and Privacy

The building addition will not be any taller than the existing structure and will not be built outside of the approved building envelope while meeting setback requirements. In addition, the building addition will be located at the rear of the home.

b) Preserve Natural Landscape

The building addition will preserve natural landscape as the project will not be proposing any grading on the site, nor the removal of any trees.

c) Minimize Perception of Excessive Bulk

The project is in conformance with the maximum size of a home in the Hillside district. In addition, it is not proposed to be any taller than the existing building.

d) Impairment of Light and Air

The addition will not impair light and air because it will not be any taller than the existing building and does not propose any type of exterior lighting.

e) Grading

The project does not involve any grading to the site as it will be constructed in an area that is already flat and level.

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 environment review pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA). The proposed project entails construction of a 314 square foot room addition and two new attached patios constructed over an existing concrete pad. The project will not result in an increase of floor area greater than 2,500 sq. ft. nor will it increase the total floor area more than 50% of the structure before the addition.

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 room addition and attached patio covers are consistent with the General Plan and Milpitas Zoning Ordinance in that the exterior modifications received site and architectural review to ensure an aesthetic and harmonious development. The project complies with the development standards and guidelines for the Single Family Residential Hillside zoning district. The proposed modification are also consistent with the architectural style of the existing home.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 09-045 approving SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0013, BALTAZAR RESIDENCE, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 09-045

B. Plans



UNAPPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

October 14, 2009

- I. ROLL CALL** Present: Noella Tabladillo and Cliff Williams
Staff: Andrade, Brown, and Lindsay
- 1. MINOR SITE DEVELOPMENT PERMIT NO. MS09-0010** Tiffany Brown, Junior Planner, presented a request to locate two new chain link gates on the rear portion of the property at 1801 McCarthy Blvd. Ms. Brown recommended approving Minor Site Development Permit No. MS09-0010 subject to the conditions of approval.
- Motion** to approve Minor Site Development Permit No. MS09-0010 subject to the conditions of approval.
- M/S: Tabladillo, Williams
- AYES: 2
- NOES: 0
- 2. ADMINISTRATIVE PERMIT NO. AD09-0007** Tiffany Brown, Junior Planner, presented a request to locate a pumpkin patch sponsored by the Milpitas Rotary Club starting Friday, October 16, 2009 through Friday, October 30, 2009 within the Milpitas Unified School District's parking lot at 1331 E. Calaveras Blvd. Ms. Brown recommended approving Administrative Permit No. AD09-0007 subject to the conditions of approval.
- Motion** to approve Administrative Permit No. AD09-0007 subject to the conditions of approval.
- M/S: Tabladillo, Williams
- AYES: 2
- NOES: 0
- II. ADJOURNMENT** This meeting was adjourned at 6:38 p.m.

UNAPPROVED

PLANNING COMMISSION MINUTES

October 14, 2009

- I. PLEDGE OF ALLEGIANCE** Chair Williams 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, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo, Mark Tiernan, and Cliff Williams
Absent: Larry Ciardella and Alex Galang
Staff: Andrade, Brown, Hom, Lindsay, and Otake
Alternate Commissioner Mark Tiernan was seated as a member of the voting body.
- III. PUBLIC FORUM** Chair Williams 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 23, 2009 Chair Williams called for approval of the minutes of the Planning Commission meeting of September 23, 2009.
There were no changes to the minutes.
Motion to approve the minutes of September 23, 2009 as submitted.
M/S: Mandal, Tabladillo
AYES: 6
NOES: 0
ABSENT: 2 (Larry Ciardella and Alex Galang)
ABSTAIN: 0
- V. ANNOUNCEMENTS** James Lindsay, Planning Director, stated included in the agenda packets is a memo of future forecasting agenda items that staff expects the Commission to be considering in the coming months. Commissioner Tiernan stated he will be the campaign manager for Vice-Mayor McHugh when he runs for Mayor in November 2010.
- VI. CONFLICT OF INTEREST** Assistant City Attorney Bryan Otake 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. Vice-Chair Mandal asked to be excused from Item No. IX – 2.
- VII. APPROVAL OF AGENDA** Chair Williams asked whether staff or the Commission have any changes to the agenda.
There were no changes to the agenda.
Motion to approve the agenda as submitted.
M/S: Mandal, Tiernan

UNAPPROVED

Planning Commission Minutes

October 14, 2009

AYES: 6
NOES: 0
ABSENT: 2 (Larry Ciardella and Alex Galang)
ABSTAIN: 0

**VIII. CONSENT
CALENDAR**

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

There were no changes to the consent calendar.

Chair Williams opened the public hearing on Items No. VIII – 1. and VIII – 2.

There were no speakers from the audience.

Motion to close the public hearing on Items No. VIII – 1. and VIII – 2.

M/S: Mandal, Tiernan

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

Motion to approve Item No. VIII – 1. and Item No. VIII – 2. subject to conditions of approval.

M/S: Mandal, Tiernan

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

1. **SITE DEVELOPMENT PERMIT NO. SD09-0003, SOUTH BAY HONDA SIGN PROGRAM:** A request to consider a new sign program that includes 13 on-site signs (nine wall illuminated/non-illuminated and four freestanding non-illuminated) for the purposes of advertising the new automobile dealership. The project is located at 920 Thompson Street (APN: 085-05-026). Staff Contact: James Lindsay (408) 586-3273. PJ # 2592. (*Recommendation: Adopt Resolution No. 09-044 approving the project subject to conditions of approval.*)
2. **SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0013:** A request to construct a 314 square foot room addition and two attached patio covers at rear of an existing hillside home located at 2018 Wellington Drive, zoned Single Family Residential with the Hillside Combining District and Site and Architectural Overlay (R1-H-S). Applicant: Hai Nguyen. Staff Contact: Cindy Hom (408) 586-3284. (*Recommendation: Adopt Resolution No. 09-045 approving the project subject to conditions of approval.*)

IX. PUBLIC HEARING

**1. CONDITIONAL
USE PERMIT NO.**

Tiffany Brown, Junior Planner, presented a request to locate a new church facility with tutoring center and after school family oriented programs to locate within the existing 20,000 square foot Industrial Park building at 555 Los Coches Drive. Ms. Brown recommended adopting Resolution No. 09-049 approving the project subject to

conditions of approval.

Commissioner Tiernan asked if the existing offices in that business park use toxic materials. Ms. Brown stated there are no facilities in the area that use toxic materials.

Vice-Chair Mandal asked how long the building been vacant. Ms. Brown stated 2 years.

Commissioner Tabladillo asked if the church and India Community Center have events at the same time. Ms. Brown stated parking will be marked for both facilities and should be no problem. Commissioner Tabladillo asked if there is going to be an outside play area for the children. Ms. Brown stated no there is not an outside play area.

Hung Pham, 1830 Blackmoore Court, San Jose – stated he is the pastor of Second Vietnamese Alliance Church. Their vision to become a Christian community. He said the owners have been very gracious with the church. The church will have worship on Sundays, Friday evenings there will be various classes, week nights will be bible classes and some recreational classes.

Chair Williams asked if the church will invite people besides the membership to special events. Pastor Pham stated the attendees for special events would be 200 – 250 people. These events only happen twice a year. They expect to have volunteers at special events for parking and traffic control.

Vice-Chair Mandal asked if the events at the church on Sundays going to be in the morning or evening. Pastor Pham said the events are in the morning. Vice-Chair Mandal asked if the members will be carpooling. Pastor Pham said the church averages about 55 cars on Sundays and that the 150 people that attend are mostly families that do carpool.

Commissioner Sandhu asked the number of children attending the tutoring center. Pastor Pham said the tutoring center is for middle school and high school students.

Chair Williams opened the public hearing.

Andrew Nguyen, Saratoga Citizen – feels this is a wonderful mission. He said the church has volunteers to control the traffic. He is requesting the Commission grant the permit.

Lindsay Nguyen, 657 So. 22nd St., San Jose – works on Gibraltar and feels there is no problem with traffic or parking.

Hahn, San Jose Resident – is happy to be with church community. Wants to help and service others. She is a 15 year student who supports the church.

Speaker #4 – wants to come to worship at this church as a community and have peace of mind.

Anil Godhwani, Co-Founder of ICC – is excited to have the Church as a neighbor. ICC has not used any parking spaces of 555 Los Coches on Sunday mornings.

Barry Fernald, Owner 555 Los Coches – have been in the area for over 20 years and have not had any situations with hazardous materials. The church does have adequate parking.

Lynn Hahn, Santa Clara Resident – stated the church gives rides to the elderly. The church builds the community to better youth. She said the church is flexible in scheduled events other than Sundays. The church plans on having activities indoors for their youth.

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Planning Commission Minutes

October 14, 2009

Phoung Nguyen, San Jose Resident – has been a member of the church for 7 years. She stated the church changed her life and now has a better positive life style. She believes the church can create a positive life style for the youth of today. She supports the church and asks that the Commission grant the permit.

Mr. Ho, Pleasanton Resident – supports the conditional use permit. Most members live within 10 miles of the new church. He said their biggest event is Christmas and they normally celebrate on a Saturday and they carpool to the church.

Motion to close the public hearing.

M/S: Mandal, Sandhu

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

Chair Williams said he expressed his sincere appreciation to India Community Center for speaking on behalf of the church. He recommends that the applicant work with staff on a parking plan, parking agreement, and have a six to twelve month review.

Vice-Chair Mandal recommended the church management team speak with Berg and Berg and try to mitigate any issues they might have.

Commissioner Tiernan feels there is a very successful collaboration between India Community Center and the church.

Commissioner Tabladillo believes this church will be a great asset for the Milpitas community.

Motion to adopt Resolution No. 09-049 approving the project subject to conditions of approval.

M/S: Sandhu, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

**2. CONDITIONAL
USE PERMIT NO.
UP09-0032 AND
ENVIRONMENTAL
ASSESSMENT NO.
EA09-00011**

Cindy Hom, Assistant Planner, presented a request to locate a 2,406 square foot church within an existing space within the Jacklin Corner Business Park located at 966 Jacklin Road. Ms. Hom recommended adopting Resolution No. 09-046 approving the project subject to conditions of approval.

Vice-Chair Mandal was excused from this item.

Chair Williams asked staff if this item was affected by the current zone change set by the City Council. Mr. Lindsay stated no it was not affected by the current zone change.

Henry Cord, 42 No. 1st Street, San Jose – said this church is a very small congregation with about 45 members, 1/5 size of a regular church. Saturday activity is the busiest time for the church. This church operates on a non-peak hour.

Chair Williams asked if there will be any special events that would invite others to

attend. Mr. Cord stated no.

Commissioner Tabladillo asked if there was possibility of growth to the church. Mr. Cord said there was a possibility but they would be putting caps on what can occur.

Chair Williams opened the public hearing.

Mike Blansit, Wellspring Church – said the church is very small and have lost members in the last couple of years and now have about 30 – 40 members. The church hours will not clash with any of the businesses.

Robert Robinson, 822 De Anza Court – is concerned with the parking situation.

Mary Stewart, San Jose – stated the health club has their own parking. There is no cross parking arrangement or easement.

Speaker #4 – stated she is a member of the church and wants to serve the community and the homeless.

Motion to close the public hearing.

M/S: Tabladillo, Sandhu

AYES: 5

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 1 (Sudhir Mandal)

Chair Williams recommended having a six and twelve month review. Commissioner Tabladillo also agreed on the six and twelve month review plus she wanted the applicant to work with the HOA to have an open dialog.

Commissioner Tiernan recommended the church to reach out to the neighbors and discuss any issues.

Motion to adopt Resolution No. 09-046 approving the project subject to conditions of approval.

M/S: Tabladillo, Sandhu

AYES: 5

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 1 (Sudhir Mandal)

**3. CONDITIONAL
USE PERMIT
AMENDMENT NO.
UA08-0012 AND
SITE
DEVELOPMENT
PERMIT
AMENDMENT NO.
SA09-0018**

Cindy Hom, Assistant Planner, presented a request to amend an existing conditional use permit for the Living Word Church to allow for the consolidation of the church and seminary uses into the building at 1494 California Circle. The project entails modifications to the existing church sanctuary, relocation support areas, and installation of minor site improvements. Ms. Hom recommended adopting Resolution No. 09-047 approving the project subject of conditions of approval.

Eugene Sim, Sim Architects Inc., 111 Sutter St., Suite 100, San Francisco – stated they are trying to consolidate the existing building.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

Motion to adopt Resolution No. 09-047 approving the project subject to conditions of approval.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Alex Galang)

ABSTAIN: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 8:58 p.m. to the next meeting of October 28, 2009.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

RESOLUTION NO. 09-045

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO SA09-0013, BALTAZAR RESIDENCE TO ALLOW FOR 314 SQUARE FOOT ROOM ADDITION AND INSTALLATION OF TWO NEW PATIO COVERS AT THE REAR OF AN EXISTING HILLSIDE HOME LOCATED AT 2018 WELLINGTON DRIVE.

WHEREAS, on, August 8, 2009, an application was submitted by Hai Nguyen for the construction of a 314 square foot room addition and two new patio covers at the rear of an existing hillside home located at 2018 Welling Drive (APN 29-48-046). The site is zoned Single Family Residential with Hillside Combining District and Site and Architectural Overlay; 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 is categorically exempt from further environmental review; and.

WHEREAS, on October 14, 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 is categorically exempt from further environmental review pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) in that the proposed project entails construction of a 314 square foot room addition and two new attached patios constructed over an existing concrete pad. The project will not result in an increase of floor area greater than 2,500 sq. ft. nor will it increase the total floor area more than 50% of the structure before the addition.

Section 3: The project is consistent with the Milpitas General Plan in that the project received site and architectural review for conformance with the Hillside Ordinance. The project is consistent with General Plan policies by maintaining the existing architectural style of the home and utilizing materials and styles that match the existing home. The proposed modification maintains the natural character of the hillside by not expanding beyond the existing footprint of the building and maintaining the existing grade.

Section 4: The project is consistent with the Milpitas Zoning Ordinance in that project complies with the development standards in terms of setbacks, height, maximum size of dwelling, and impervious coverage. As proposed, the existing residence would be increased to 4,323 square feet with 6,210 square feet of impervious coverage and maintain a height of 17-feet.

Section 5: The layout of the site and design of the proposed project are compatible and aesthetically harmonious with adjacent and surrounding development that it utilizes colors and materials that match the existing architecture.

Section 6: The Planning Commission of the City of Milpitas hereby approves Site Development Permit Amendment No. SA09-0013, Baltazar Residence, 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 October 14, 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 October 14, 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
SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0013**

Site Development Permit

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 October 14, 2009, in accordance with these Conditions of Approval.

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.

2. Site Development Permit Amendment No. SA09-0013 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 Site Development Permit Amendment No. SA09-0013 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

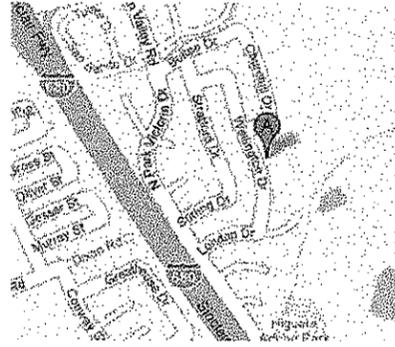
3. The building addition shall match the existing building colors and materials. (P)

General

4. This project shall be conducted in compliance with all appropriate local, state, and federal laws and regulations. (P)

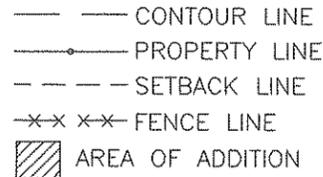
(P) = Planning

PROJECT MAP



GENERAL NOTES

1. ALL WORK TO CONFORM TO 2001 CBC, CPC, CMC, 2004 CEC AND 2007 CALIFORNIA ENERGY CODE (I.E., 1997 UBC, 2000 UPC AND 2004 NEC AS AMENDED BY THE STATE OF CALIFORNIA UNLESS OTHERWISE NOTED.
2. DO NOT SCALE PLANS, ANY UNCLEAR OR MISPRINT DIMENSIONS OR DISCREPANCIES ON PLANS SHALL BE BROUGHT UP TO THE DESIGNER FOR CLARIFICATIONS.
3. PRIOR TO STARTING OF ANY WORK, THE CONTRACTOR SHALL VERIFY ALL EXISTING BUILDING CONSTRUCTION AND DIMENSIONS AS PER PLANS INCLUDING FOOTING SIZE (WIDTH, HEIGHT, DEPTH, ETC.) ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER AND ENGINEER FOR REVIEW AND APPROVAL.
4. THESE PLANS AND DESCRIPTION OF MATERIAL SHALL GOVERN THE EXTENT OF THE WORK TO BE DONE. ANY DISCREPANCY BETWEEN THESE DOCUMENT AND FIELD CONDITION MUST BE CALLED TO THE ATTENTION OF THE DESIGNER. ANY DISCREPANCY NOT REPORTED TO THE DESIGNER WILL ABSOLVE HIM OF ANY RESPONSIBILITY.
5. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR DESIGN AND INSTALLATION OF ALL TEMPORARY BRACING AND SHORING PRIOR TO THE REMOVAL OF ANY SUPPORTING STRUCTURE.
6. THE GENERAL CONTRACTOR IS FULLY RESPONSIBLE FOR THE SATISFACTORY COMPLETION OF ALL WORK IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATION.



SITE ANALYSIS

JOB LOCATION: 2018 WELLINGTON DR.
 JURISDICTION: MILPITAS, CA 95035
 APN: 029-48-046
 LOT SIZE: 41,966 SF
 ZONING: R-1-10

EXISTING HOUSE:

LIVING AREA: 3,334 SF.
 GAGARE: 675 SF.
 TOTAL: 4,009 SF.

PURPOSE FLOOR AREA

ADDITION FLR. AREA: 314 SF.
 GRAND TOTAL SQ. SF. 4,323 SF.

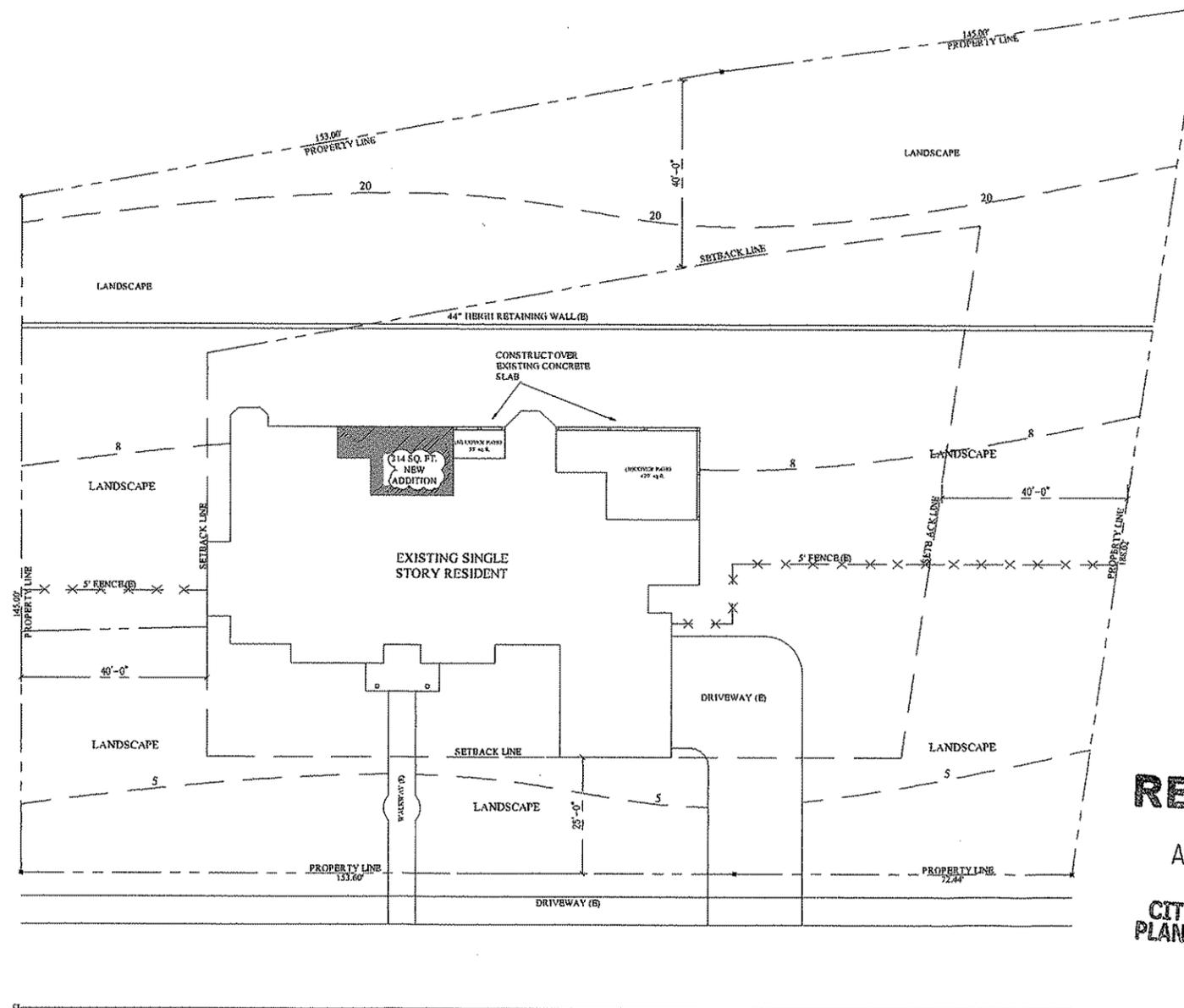
4,323 SF.
 F.A.R. = 41,966 SF. = .10%

IMPERVIOUS SURFACE CALCULATION:

DRIVEWAY: 1,175 SF.
 WALKWAY: 712 SF.
 MAIN DWELLING: 4,323 SF.
 TOTAL CALCULATION: 6,210 SF.

DRAWING LIST

- A-1 FLOOR PLAN
- A-3 ROOF FRAMING PLAN
- A-4 ELEVATION PLAN
- A-5 BUILDING PLAN
- C-1 PLOT PLAN
- M-1 MECHANICAL PLAN
- E-1 ELECTRICAL PLAN
- S-1 GENERAL NOTES
- S-2 FOUNDATION PLAN
- S-3 FRAMING PLAN
- S-4 DETAIL PLAN



WELLINGTON DRIVE
SITE PLAN 1/16" = 1'-0"

General Notes

**THE BALTAZAR RESIDENT
 2018 WELLINGTON DRIVE
 MILPITAS, CA 95035**

No.	Revision/Issue	Date

STRUCTURAL DESIGNER:
 DB ENGINEERING
 DUNG BUI, PE
 2021 THE ALAMEDA
 SUITE 360
 SAN JOSE, CA 95126
 PH. 408-621-0114
 EM. mstcung@aol.com

Firm Name and Address
 UNIVERSAL DESIGN
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 SAN JOSE, CA 95133
 408-627-9242
 UNIVERSAL1@HOTMAIL.COM

RECEIVED
 AUG 31 2009
 CITY OF MILPITAS
 PLANNING DIVISION

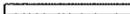
DESIGNER

Project 00109	Sheet
Date 7/20/09	C-1
Scale	

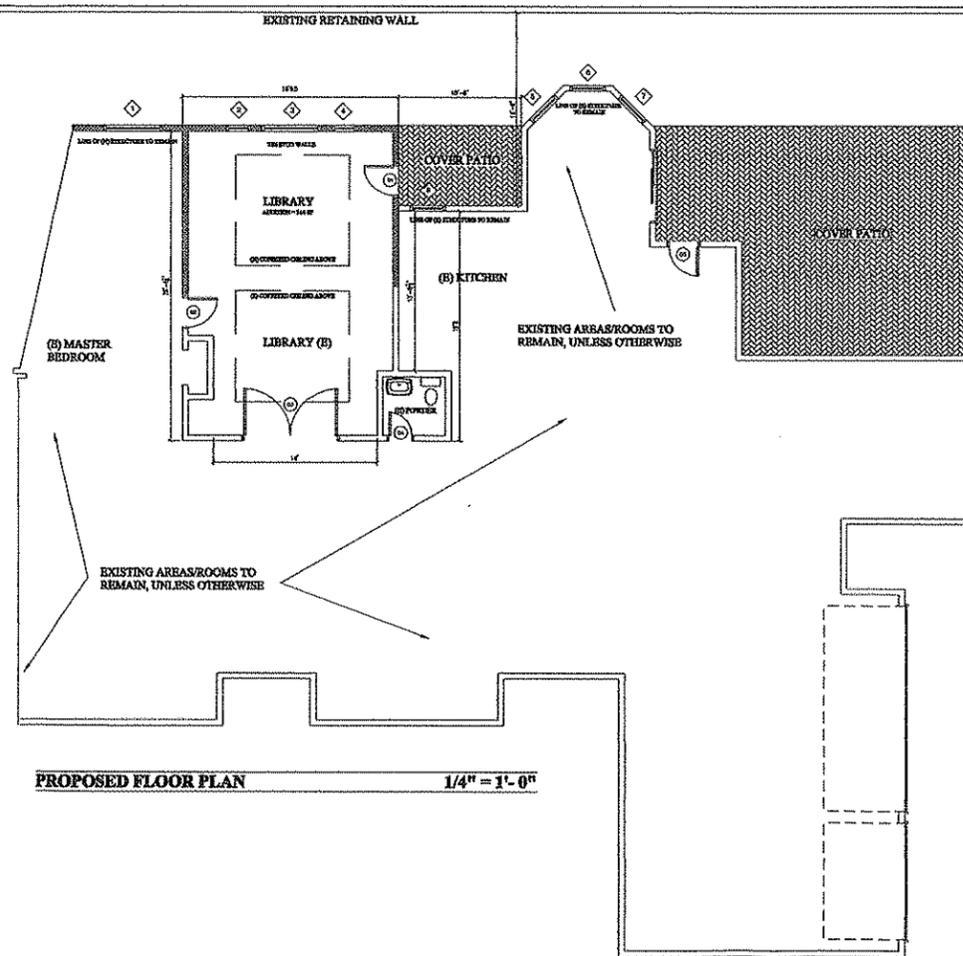
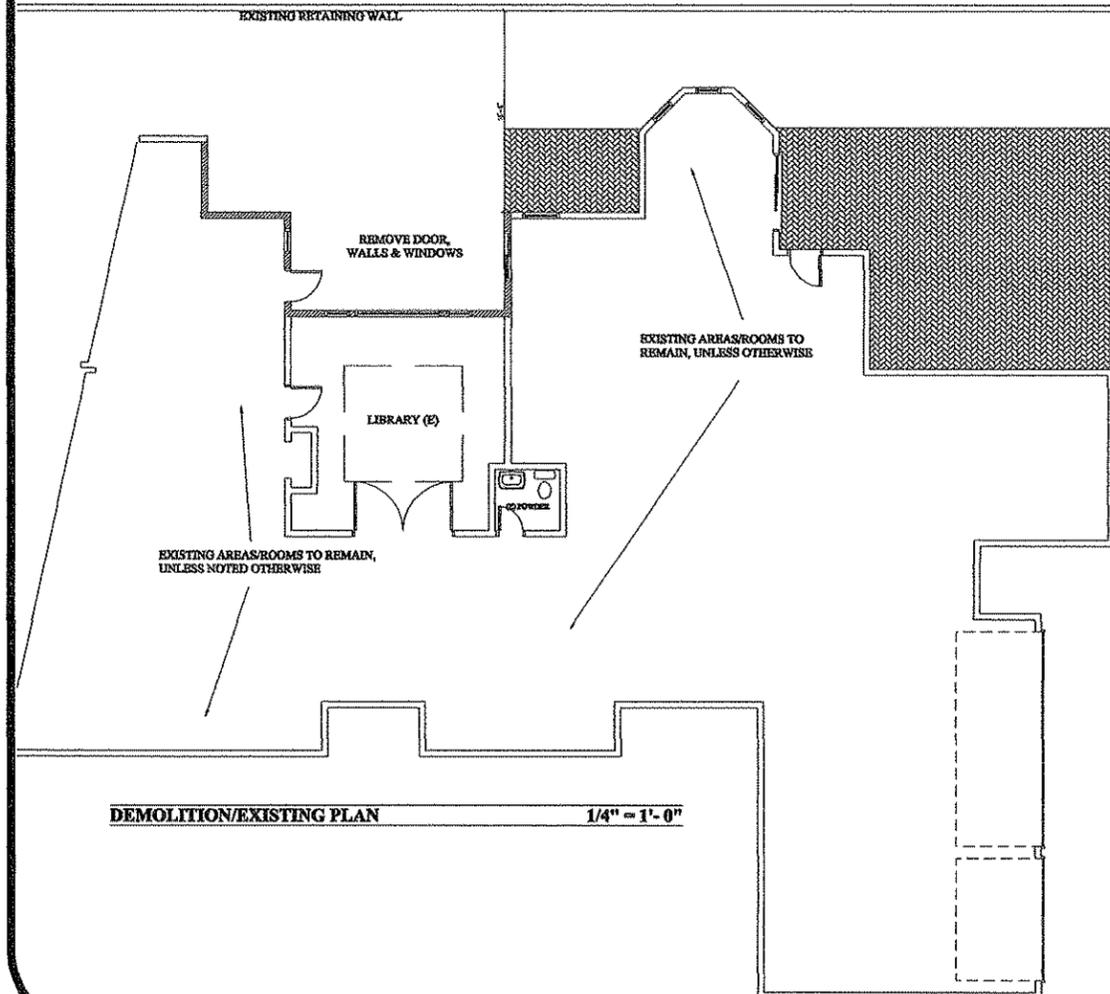
DEMOLITION NOTES

1. DEMOLITION PLAN IS PROVIDED FOR REFERENCE ONLY. GENERAL CONTRACTOR SHALL CAREFULLY COORDINATE DEMOLITION AND REMOVAL WITH NOTES AND DIMENSIONS INDICATING THE EXTENT AND NATURE OF NEW CONSTRUCTION SHOWN ELSEWHERE IN THESE DOCUMENTS.
2. GENERAL CONTRACTOR IS RESPONSIBLE FOR SECURELY SHORING IN PLACE ALL OVERHEAD STRUCTURE PRIOR TO THE REMOVAL OF ANY EXISTING SUPPORT STRUCTURES.
3. CAP-OFF PLUMBING, GAS AND ELECTRICAL LINES AS REQUIRED.

LEGEND:

-  EXISTING WALLS TO REMAIN
-  NEW WALL (2X4 STUDS @ 16" O.C.)
-  EXISTING WALLS TO BE REMOVED
-  1/2" CDX PLYWOOD SHEAR WALL WITH SPACING OF 6" O.C. EDGE 12" O.C. FIELD 16D'S NAIL

WINDOW SCHEDULE				DOORS SCHEDULE				
MARK	SIZE		NOTES	MARK	SIZE			NOTES
	WIDTH	HEIGHT			WD	HGT	THK	
1(W)	5'-0"	5'-0"	NEW	1(DR)	2'-6"	7'-0"	1 3/4"	NEW
2(W)	2'-0"	6'-0"	NEW	2(DR)	2'-6"	7'-0"	1 3/4"	NEW
3(W)	5'-0"	6'-0"	NEW	3(DR)	8'-0"	7'-0"	1 3/4"	EXISTING
4(W)	2'-0"	6'-0"	NEW	4(DR)	2'-0"	5'-8"	1 3/4"	EXISTING
5(W)	3'-0"	6'-0"	EXISTING	5(DR)	2'-6"	5'-8"	1 3/4"	EXISTING
6(W)	3'-0"	6'-0"	EXISTING	6(DR)	6'-0"	5'-8"	1 3/4"	EXISTING
7(W)	3'-0"	6'-0"	EXISTING					
8(W)	3'-0"	5'-0"	EXISTING					



THE BALTAZAR RESIDENT
2018 WELLINGTON DRIVE
MILPITAS, CA 95035

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STRUCTURAL ENGINEER

Firm Name and Address

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SAN JOSE, CA 95133
408-627-9242
UNIVERSAL41@HOTMAIL.COM

DESIGNER

Project	00109	Sheet	A-1
Date	7/20/09		
Scale			

ATTIC VENTILATION CALCULATION

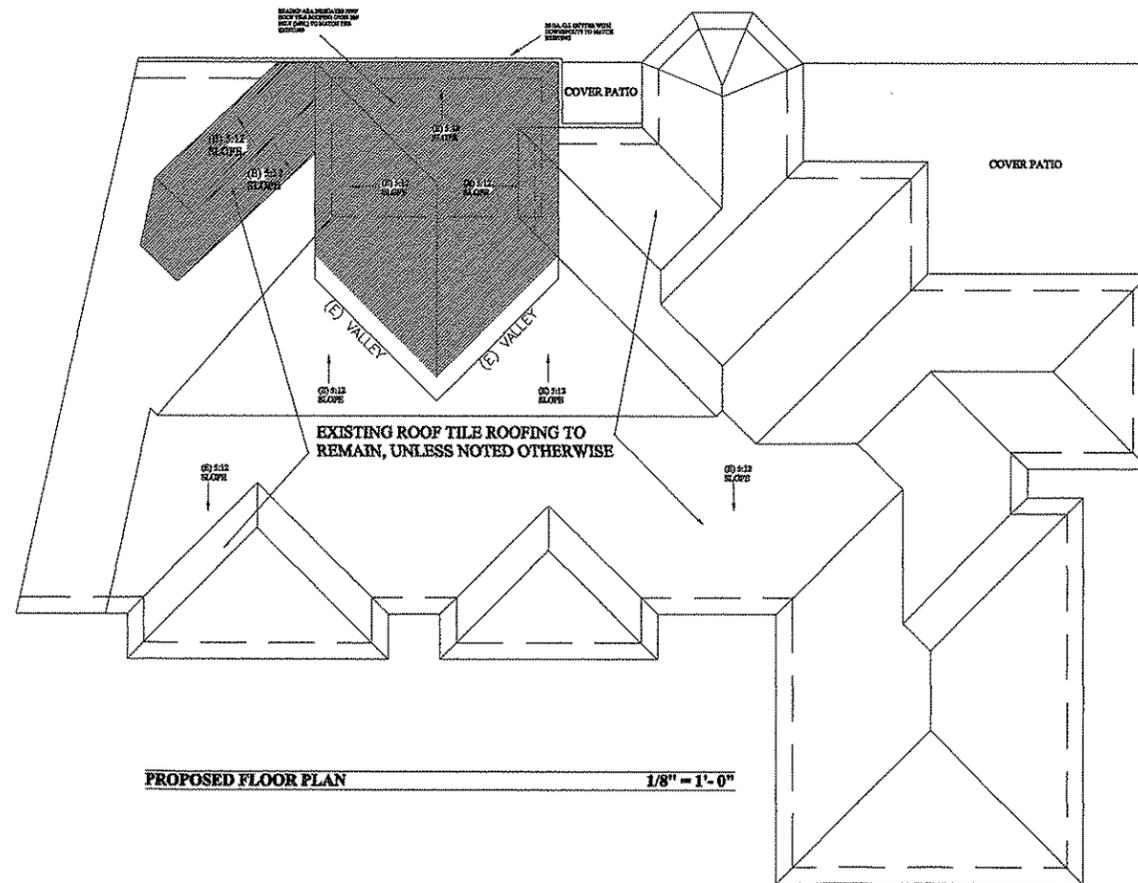
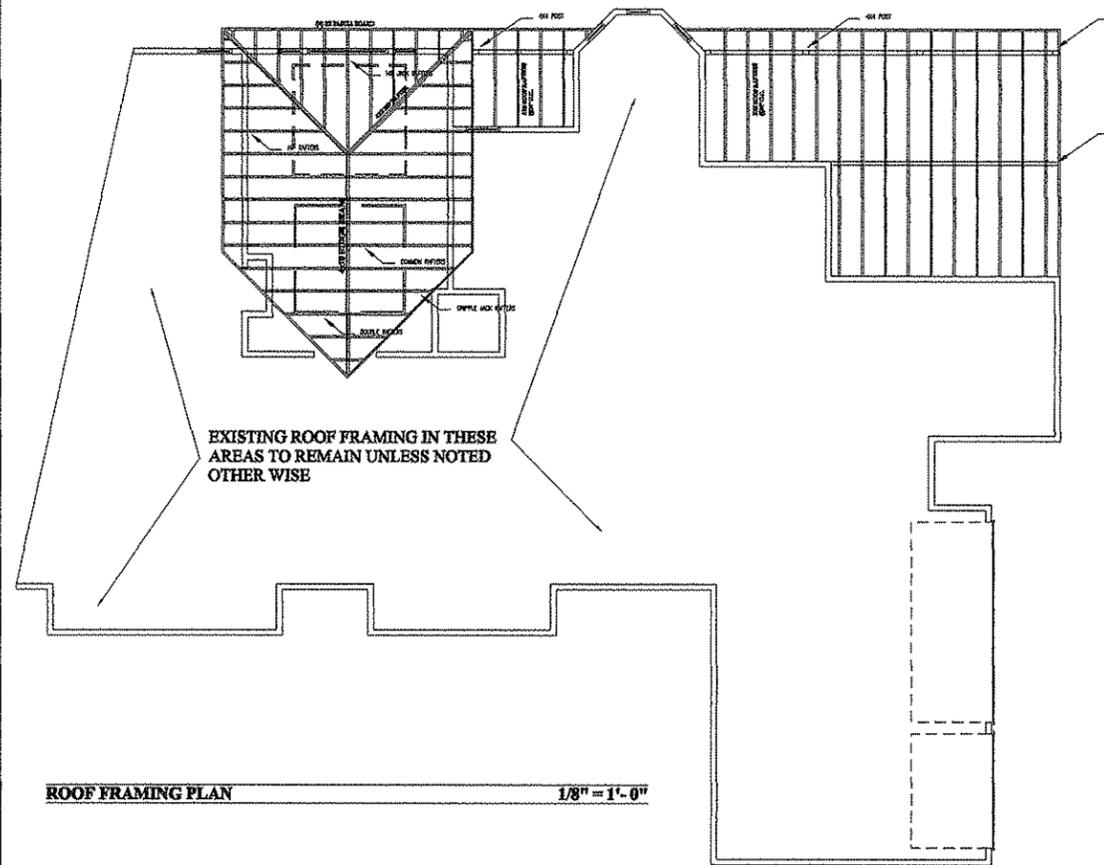
PROPOSED ATTIC VENTILATION TO PROVIDE A NET FREE VENT AREA EQUAL TO
1 / 150 OF THE PROPOSED ROOF AREA.

VENTILATION REQUIRE

314 SF (45216 SQ IN.) ATTIC AREA
 $45216 / 300 = 150.72$ SQ IN TOTAL VENT AREA
 14x8 IN VENTS = 112 SQ IN PER VENT
 $150 / 112 = 1.3 \sim 2$ ATTIC VENTS

ROOF FRAMING PLAN

RIDGE BEAM ~ 4X10 DF #1
 HIP RAFTER ~ 4X8 DF #1
 HIP JACK RAFTER ~ 2X6 DF#2
 COMMON RAFTERS ~ 2X6 DF #2
 CRIPPLE JACK RAFTER ~ 2X6 DF #2



General Notes

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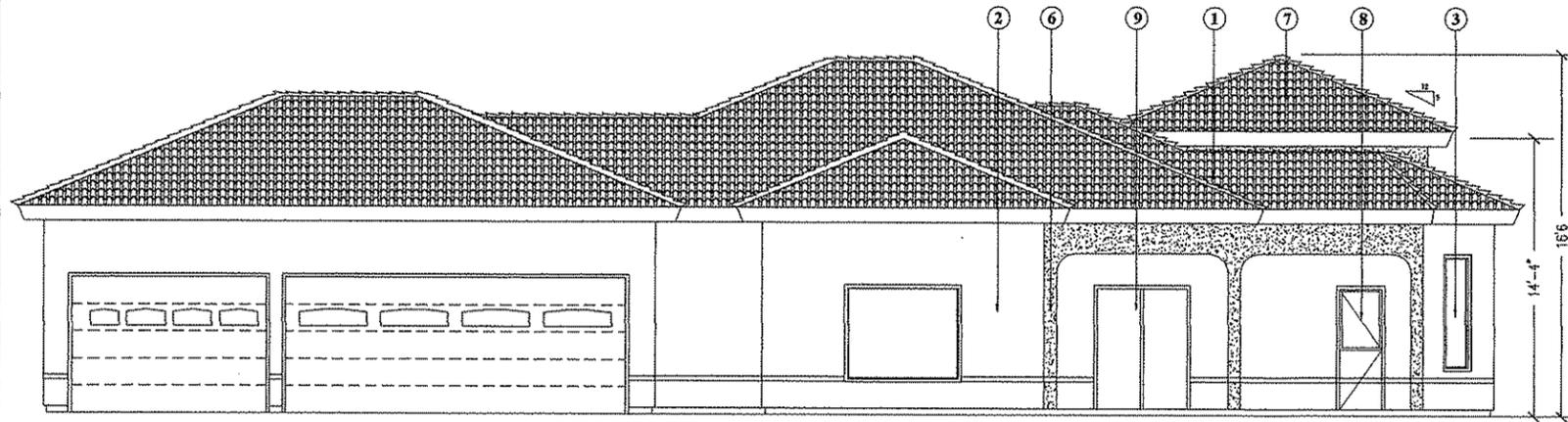
Date 7/20/09

Scale

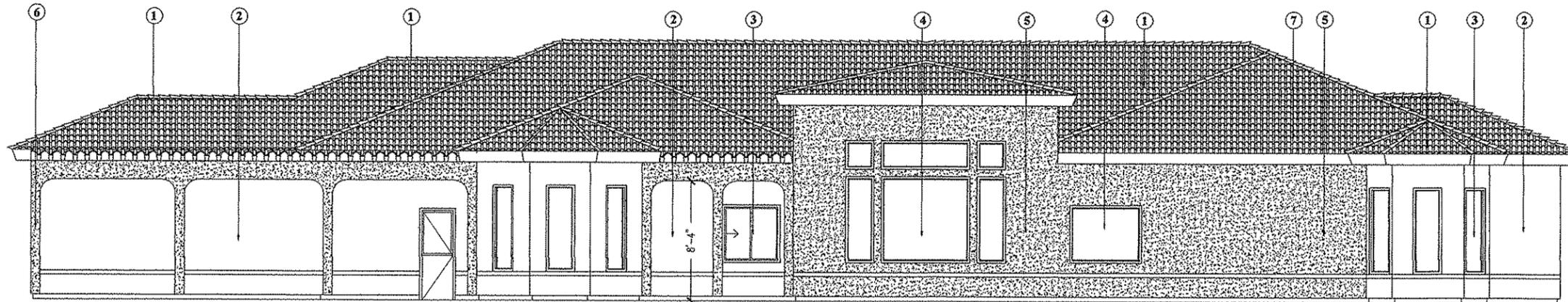
Sheet A-3

GENERAL NOTES

- ① EXISTING ROOF TILE, ROOF TILE TO REMAIN
- ② EXISTING STUCCO FINISH TO REMAIN
- ③ EXISTING WINDOWS TO REMAIN
- ④ NEW WINDOWS
- ⑤ NEW 3/8 THICK STUCCO FINISH TO MATCH THE EXISTING STUCCO
- ⑥ NEW 4X4 COLUMNS WITH 3/8 STUCCO FINISH
- ⑦ NEW ROOF TILE TO MATCH THE EXISTING ROOF TILE
- ⑧ EXISTING SINGLE EXTERIOR DOOR TO REMAIN
- ⑨ EXISTING SLIDING DOOR



EAST SIDE ELEVATION 1/4" = 1'-0"



SOUTH ELEVATION 1/4" = 1'-0"

General Notes

THE BALTAZAR RESIDENT
2018 WELLINGTON DRIVE
MILPITAS, CA 95035

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