

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD10-0013, CALAVERAS RIDGE HILLSIDE HOME, TO ALLOW THE CONSTRUCTION OF A 4,748 SQUARE FOOT HOME WITH A FOUR-CAR GARAGE, LOCATED AT 814 CALAVERAS RIDGE DRIVE

WHEREAS, on November 30, 2010, an application was submitted by T.C. Chen, 102 York Drive, Piedmont, CA 94611, to allow the construction of a 5,801 square foot single family home with attached garage at 814 Calaveras Ridge Drive. The property is located within the Single Family Hillside Zoning District. (APN: 029-06-030); 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; and

WHEREAS, on February 9, 2011, 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 to the City Council.

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 Section 15303(a) for New Construction or Conversion of Small Structures including one single-family residence, or a second dwelling unit in a residential zone.
3. The project is consistent with the General Plan in that the project site is a part of an approved Planned Unit Development, with subdivided lots planned for clustered housing. The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the valley floor.
4. The proposed home is consistent with the Zoning Ordinance Section 45.09-7 "Hillside Ordinance" and 57.03 for Site Development Permits in that the layout of the site and design of the proposed building and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.
5. Site Development Permit No. SD10-0013, Hillside Home, is hereby approved, subject to the above Findings, and Conditions Approval attached hereto as Exhibit 1.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL SITE DEVELOPMENT PERMIT NO. SD10-0013

A request to construct a new residential home located within the Hillside of Milpitas.
814 Calaveras Ridge Drive (APN: 029-06-030)

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 City Council on March 1, 2011, in accordance with these Conditions of Approval.
2. Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**

SD10-0013 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

- a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
3. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of SD10-0013 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**
 4. Prior to the issuance of building permits, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
 5. No artificial lighting shall be permitted for recreation courts. **(P)**
 6. Landscaping coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation or to replace removed natural vegetation and should recognize climatic, soil and ecologic characteristic of the region. Plan materials that require excessive water after becoming established should be avoided. **(P)**
 7. Trees which have a six inch or greater diameter trunk size at a point three feet above grade should not be removed. The location of all such trees shall be shown on all plans submitted for approval. The Planning Commission, upon review of a Site Development Permit application approval, shall have the power to authorize removal, relocation or replacement if the applicant can show that such requirement is unreasonable as applied to the particular property. If the removal is permitted, the replacement of any trees removed pursuant to this section shall be at a five to one (5:1) ratio. **(P)**
 8. Within six months, or such other period established by the Planning Commission, after the commencement of grading activities, all graded areas not covered by an impervious surface shall be stabilized in such manner as shall be approved by Planning staff. **(P)**
 9. Where two cut-or-fill slopes intersect, the intersection shall be horizontally rounded and blended. **(P)**
 10. Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended. **(P)**

11. Streets shall be designed to generally follow the contours and land form in order to minimize cut and fill. Exposed walls and facing roadways and retaining walls shall be no greater than six feet in height. Crib walls fencing roadways shall be no greater than 15 feet in height. **(P)**
12. Prior to issuance of building permit, a detailed landscape plan shall be submitted to the satisfactory of the Planning Staff including additional shrubbery and/or ground cover in the front yard that can be viewed from the public street. **(P)**
13. All approved landscaping shall be permanently maintained and replaced in kind as necessary to provide a permanent, attractive and effective appearance. **(P)**
14. Prior to issuance of an occupancy permit, the required landscaping shall be planted and in place. **(P)**
15. All planter areas shall be serviced by a sprinkler head or drip system. **(P)**
16. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. **(E)**
17. At the time of building permit plan check submittal the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. **(E)**
18. Prior to building permit issuance developer shall satisfy the conclusions and recommendations of the *Soils Engineering and Geologic and Seismic Hazards Evaluation Reports* by Earth Systems Consultants dated 1981-1982, and the *Geotechnical Investigation Report* by Wayne Ting & Associates, Inc., dated October 18, 2010. **(E)**
19. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee. **(E)**
20. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
 - A. Storm water connection fee of **\$3,594**, water connection fee of **\$1,910**, sewer connection fee of **\$1,908** and wastewater treatment plant fee of **\$880**.
 - B. Water Service Agreement(s) for water meter(s) and detector check(s).
 - C. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.
 Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). **(E)**
21. It is the responsibility of the developer to obtain any necessary encroachment permits or approvals from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. **(E)**
22. At the time of building plan check submittal, the developer shall address all comments and incorporate the changes shown on Engineering Services Exhibit "S" (dated 12/14/2010) in the project design plans. **(E)**

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



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: February 9, 2011

APPLICATION: SITE DEVELOPMENT PERMIT NO. SD10-0013

APPLICATION
SUMMARY:

A request to construct a new 5,801 s.f. residential home located within the Hillside of Milpitas.

LOCATION:

814 Calaveras Ridge Drive (APN: 029-06-030)

APPLICANT:

T.C. Chen, 102 York Drive, Piedmont, CA 94611

OWNER:

Manling Chen, 814 Calaveras Ridge Drive, Milpitas, CA 95035

RECOMMENDATION: Staff recommends that the Planning Commission: Adopt Resolution No. 11-006 recommending approval to the City Council.

PROJECT DATA:

General Plan/

Zoning Designation:

Hillside Low Density, Single Family Residential – Hillside with Site and Architectural Review Overlay District (R1-H-S)

Related Permits:

Planned Unit Development No. 23.5, Calaveras Ridge Estates

CEQA Determination:

Categorically exempt from further environmental review pursuant to Section 15303 of the California Environmental Quality Act (CEQA).

PLANNER:

Tiffany Brown, Junior Planner

ATTACHMENTS:

- A. Resolution No. 11-006
- B. Project Plans

LOCATION MAP



No scale

BACKGROUND

In September of 1981, the City approved a Planned Unit Development (PUD 23.5) for a 17 lot subdivision, allowing for the construction of a single family home development known as Calaveras Ridge Estates. To date all but 3 lots have been developed.

On November 30, 2010, T.C. Chen submitted an application for a Site Development Permit to construct a 5,801 s.f. home located within the Milpitas Hillside Zoning District. According to the Hillside Ordinance Section 10-45.09, all new hillside homes site and architectural review approval by the Planning Commission and City Council.

PROJECT DESCRIPTION

The project site is an undeveloped 1.08 acre parcel located along Calaveras Ridge Drive within the Calaveras Ridge Estates community. The property and neighboring properties are zoned Single Family Residential - Hillside and the project site is more then 300’ west of the hillside crest line. A vicinity map of the subject site location is included on the previous page.

The applicant proposes a single story 4,748 s.f. home with 1,053 s.f. garage and based on the submitted plans follows the natural contours of the site and minimizes tree removal. The home includes five bedrooms with a four car garage and small basement, a family theater, recreation room, library, foyer, kitchen with dining area and breakfast nook, a living room, a front yard deck, and a fenced in play court and garden. The home is consistent with both the PUD and Hillside development standards . See Table 1 below for compliance.

Development Standards

Table 1
Development Standards

	Zoning Ordinance	Proposed
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	40’	58’ at closest point
Side Yard Set Back	40’	40’ at closest point
Rear	40’	128’ at closest point
<u>Impervious Surfaces</u> (Maximum)	8,000sq.ft.	7,958 sq.ft.
<u>Main Dwelling Size</u> (Maximum)	6,000sq.ft.	5,801 sq.ft.
<u>Building Height</u> (Maximum)	17’	17’
<u>Parking</u> (Minimum)	3 Car Garage Required, plus additional parking in driveway.	4 car garage with additional parking in driveway. Driveway is a minimum of

	Zoning Ordinance	Proposed
	Driveway shall be a minimum of 14' in width	14' in width.
<u>Recreation Courts</u> (Maximum)	Grading for tennis courts and other recreation courts shall not exceed six (6) feet of fill or twelve (12) feet of cut and fill.	5' cut 2.5' fill

Architecture

The home is similar to the Mediterranean style with clay tile roofing and carriage garage doors. The main façade is of stucco material and will be painted a creamy Pearl color. The window trim is also stucco and will be painted a Tropical Tan color. The clay tile roof is a blend of Canyon Brown and Santa Paula colors with Beaver Brown gutter and roof trims. The entry way columns near the front door and garage will be painted a cork tan color and the entry gate to the garage will be a mocha mousse iron gate. The deck will consist of pavers that are tan charcoal. All materials and colors are complementary to the neighboring residence and of earth tone colors.

Grading and Landscaping

The proposed grading plan shows how the proposed home is stepped along the hillside, as to follow the natural contours of the hill and result in an acceptable amount of cut and fill for the construction of a new home. The proposed landscape plan includes a variety of trees adding up and natural ground cover. The applicant proposes approximately 133 trees ranging from mature 20 gallon trees to smaller 10 gallon trees. Types of trees include: Pittosporium Napaulense “Royal Cheesewood”, Orange tree, Lemon tree, Japanese Maples Trees, s Chinese Blue Column Juniper trees, Raphiolepis Indica “Indian Hawthorn” trees, and Buxus Harlandi “Boxwood” trees. These plans are consistent with the grading/landscaping requirements within the Hillside Ordinance, see applicable standards and conformance in Table 2 below. Where the project is inconsistent, conditions of approval will ensure compliance.

Table 2
Design standards and Requirements

Grading and Landscape	Conformance
Grading will “blend” in with the natural land forms and native vegetation to the maximum extent feasible.	Conform
No grading cut or embankment with a slope grater than three (3) feet horizontal to one (1) foot vertical shall be located adjacent to a publicly maintained right-	Conform

Grading and Landscape	Conformance
of-way.	
The overall shape, height, grade or any cut-or-fill slopes shall be developed in concert with existing natural contours and scale of the natural terrain of a particular site.	Conform
Provide sites which fit into the terrain and allow for minimal amount of grading.	Conform
Stepped building foundations shall be required to minimize grading on building pads.	Conform
Structure shall be designed to fit with the contours of the hillside and relate to overall form of the terrain. Structures shall be designed to fit into the hillside rather than altering the hillside to fit to the structure	Conform
Streets shall be designed to generally follow the contours and land form in order to minimize cut and fill. Exposed walls and facing roadways and retaining walls shall be no greater then six feet in height. Crib walls fencing roadways shall be no greater than 15 feet in height.	Conform & Condition of Approval
Landscaping coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation or to replace removed natural vegetation and should recognize climatic, soil and ecologic characteristic of the region. Plan materials that require excessive water after becoming established should be avoided.	Conform & Condition of Approval
Trees which have a six inch or grater diameter trunk size at a point three feet above grade should not be removed. The location of all such trees shall be shown on all plans submitted for approval. The Planning Commission, upon review of an “S” Zone application approval, shall have the power to authorize removal, relocation or replacement if the applicant can show that such requirement is unreasonable as applied to the particular property. If the removal is permitted, the replacement of any trees removed pursuant to this section shall be at a five to one (5:1) ratio.	Condition of Approval
Within six months, or such other period established by the Planning Commission, after the commencement of grading activities, all graded areas not covered by an impervious surface shall be stabilized in such manner as shall be approved by the City Engineer.	Condition of Approval
Where two cut-or-fill slopes intersect, the intersection shall be horizontally rounded and blended	Condition of Approval
Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended	Condition of Approval

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 3
General Plan Consistency

Policy	Consistency Finding
<i>2.a-I-14: Encourage clustered housing and planned unit developments to reduce the visual impact as viewed from the Valley Floor, preserve natural topographic features, avoid geologic hazards and provide open space in residential areas.</i>	Consistent.

The project proposal is consistent with the General Plan in that the project site is a part of an approved Planned Unit Development, which subdivided lots planned for clustered housing. The proposed home is designed to fit in with the natural topographic features of the property and reduces the visual impact as viewed from the Valley Floor.

Zoning Ordinance

Because the subject property’s location, the project is required to comply with the development standards in the City’s Hillside Combining District. The purpose of the "H" Hillside Combining District is to promote and encourage the orderly development of the hillside area of the City by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas, including but not limited to geologic problems, slope, safe access and visibility. Per Section 45.09-7 of the Zoning Ordinance, the Planning Commission and City Council shall consider the following guidelines in its review of this process.

Table 4
Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines <i>Section 45.09-7</i>	Consistency Finding
<i>(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.</i>	Consistent. Because the project site is located on the east side of the PUD, the proposed home will be constructed behind (or east of) existing neighboring residences and therefore will not interfere with views and the neighbors views. The proposed home is on a 1.08 acre parcel sitting at a minimum of 40’ back from their property line with a minimum of 80’ between the closest neighboring home and therefore will not interfere with privacy.
<i>(b) Preserve Natural Landscape. The</i>	Consistent. The project site is currently

<p><i>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.</i></p>	<p>undeveloped with minimal trees. The applicant is proposing the addition of approximately 133 trees along with natural ground cover.</p>
<p><i>(c) Minimize Perception of Excessive Bulk. The design of the proposed main and /or accessory structure(s) in relation to the immediate neighborhood should minimize the perception of excessive bulk.</i></p>	<p>Consistent. The proposed home is stepped along the hillside, as to follow the natural contours of the hill and as a result minimizes the perception of excessive bulk for a larger home.</p>
<p><i>(d) Impairment of Light and Air. The proposed main or accessory structure(s) shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.</i></p>	<p>Consistent. The home will not exceed 17 feet in height from grade and is set back a minimum of 40 feet from the property line which will not cast large shadows on neighboring properties and otherwise impair the lighting or air for the adjacent properties and their ability to utilize solar energy.</p>
<p><i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i></p>	<p>Consistent. The proposed grading plan shows how the proposed home is stepped along the hillside, as to follow the natural contours of the hill and result in an acceptable amount of cut and fill for the construction of a new home and therefore meets the grading ordinance criteria. (See Grading and Landscaping section starting on page 4)</p>

The proposed home is consistent with the Zoning Ordinance Section 57.03 for Site Development Permits in that the layout of the site and design of the proposed building and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

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 15303(a) for New Construction or Conversion of Small Structures including one single-family residence, or a second dwelling unit in a residential zone.

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 intent of the subdivision approved in the 1980's (Calaveras Estates PUD) was to allow for the construction of new homes. The City's Hillside Ordinance ensures that new development is compatible and consistent with natural topography and other developments. The style and architectural design of the home fits into the natural contours of the hill and is aesthetically pleasing. The home utilizes earth tone colors as to not drawl attention to it when viewing the hillside from the valley floor and the proposed home is in compliance with the General plan, Zoning Ordinance, and Calaveras Estates PUD.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. 11-006 recommending approval of SD10-0013, subject to the attached Resolution and Conditions of Approval to the City Council.

Attachments:

- A. Resolution No. 11-006
- B. Project Plans