

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING DEVELOPMENT PERMIT NO. SD11-0004, HOME ADDITION, FOR A 1,178 SQUARE FOOT ADDITION TO THE EXISTING HILLSIDE HOME LOCATED AT 1722 PEBBLE BEACH COURT

WHEREAS, on June 8, 2011, an application was submitted by A. Hartman, Hometec Architecture, Inc., 619 North 1st Street, San Jose, CA 95112, to allow a request for a 1,178 square foot two-story addition to an existing hillside home at 1722 Pebble Beach Ct. The property is located within the Single Family Residential Hillside with Site and Architectural Review Overlay Districts Zoning district (APN 29-55-025); and

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

WHEREAS, on September 14, 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 recommended approval to the City Council; and

WHEREAS, on October 4, 2011, the City Council reviewed the subject application and considered the Planning Commission recommendation.

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 per Section 15301(e) of the CEQA Guidelines for minor additions or alterations to existing facilities.
3. The project proposal is consistent with the General Plan Policies 2.a-I-14 and 2.a-G-3 in that the addition and façade modifications to the approved hillside home are apart of a Planned Unit Development which reduces the visual impacts as viewed from the Valley Floor and the materials chosen are of earth tone colors that help blend with the natural character of the hillside.
4. The additions and modifications to the hillside home façade are consistent with the Zoning Ordinance in that the layout of the site and design are compatible and aesthetically harmonious with the adjacent and surrounding development.
5. The City Council of the City of Milpitas hereby approves Site Development Permit No. SD11-0004, Hillside Home Addition, subject to the above Findings, and the Conditions of 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. SD11-0004

A request for a 1,178 square foot two-story addition for an existing hillside home
1722 Pebble Beach Ct. (APN: 29-55-025)

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 October 4, 2011, 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 or City Council, in accordance with the Zoning Ordinance. **(P)**

SD11-0004 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.
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of SD11-0004 if said request is made, filed and approved by the Planning Commission or City Council prior to expiration dates set forth herein. **(P)**
 3. 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)**

(P) = Planning



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: September 14, 2011

APPLICATION: **SITE DEVELOPMENT PERMIT NO. SD11-0004**

**APPLICATION
SUMMARY:**

A request for a 1,178 square foot two story addition for an existing hillside home

LOCATION:

1722 Pebble Beach Ct. (APN: 29-55-025)

APPLICANT:

Richard A. Hartman, Hometec Architecture, Inc., 619 North 1st Street, San Jose, CA 95112

OWNER:

James & Christine Hsia, 1722 Pebble Beach Ct., Milpitas, CA 95035

RECOMMENDATION:

Staff recommends that the Planning Commission: Recommend approval to the City Council by adopting Resolution No. 11-046 subject to the attached conditions of approval.

PROJECT DATA:

General Plan/

Zoning Designation:

Hillside Medium Density / Single Family Residential Hillside with Site and Architectural Review Overlay Districts

Related Permits:

PUD 21, and "S" Zone application for a Single Family Residence

CEQA Determination:

Categorically Exempt from further environmental review per Section 15301(e) for "Existing Facilities"

PLANNER:

Tiffany Brown, Assistant Planner

ATTACHMENTS:

- A. Resolution No. 11-046
- B. Site Plans

LOCATION MAP



No scale

BACKGROUND

In the early 80’s a Planned Unit Development (PUD21 Summit Pointe) for 88 lots for single family detached homes were approved. Subsequent permits include the “S” Zone Application for the construction of a new 2,748 Single Family Hillside home at 1722 Pebble Beach Court.

On June 8, 2011, Richard Hartman with Homtec Architecture Inc, submitted an application for an addition to the existing hillside home. Additions for hillside homes require the review and approval of a Site Development Permit per the Municipal Code Chapter 10, Section 45 for Hillside Overlaying Districts.

PROJECT DESCRIPTION

The existing home was built on an 8,276 square foot lot within the Summit Pointe Residence located on the Milpitas Hillside. The existing home is a two story home (27.5 feet at tallest point) with three decks, one in front and two in back with a storage area under the first floor deck facing the rear of the property. The home includes on the first floor (common areas): one kitchen with breakfast nook, family room, dining room, bathroom, and living room along with a three car garage. The second floor includes three bedrooms and two bathrooms.

The applicant is proposing to add 542 square feet to the first floor on the west side of the home. The addition will include a game room and another bathroom. An additional 637 square feet will be added to the second story for the new master bedroom location with new walk in closet and remodeled bathroom. The space that was once used for a master bedroom will now become a family room for the second floor. No additional bedrooms are proposed that would require additional parking.

Development Standards

Table 1
Development Standards

Standard	PUD 21	Proposed
<u>FAR</u> (Maximum)	6,000 sq.ft.	3,927 sq.ft.
<u>Setbacks</u> (Minimum)		
Front yard setback	20’	unchanged
West side yard setback (side with proposed addition)	5’ (min. 15’ between homes)	11’ (min. 15’ between homes)
East side yard setback	5’ (min. 15’ between homes)	unchanged
Rear yard setback	10’	unchanged
<u>Building Height</u> (Maximum)	2-story limit with max. of 30’ at eave line	2-story with max of 20’ at eave line
<u>Impervious Coverage</u> (Maximum)	8,000 sq.ft.	5,081 sq.ft.
<u>Parking</u> (Minimum) may be discussed in T&C/P section below	3 car garage with additional parking in front of garage	unchanged

Standard	PUD 21	Proposed
include additional table		

Architecture

The addition remains within the same character of the existing home. The colors and materials will match the existing building.

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
<i>2.a-l-14:</i> 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	Consistent.
<i>2.a-G-3:</i> Provide for a variety of housing types and densities that meet the needs of individuals and families.	Consistent.

The project proposal is consistent with the General Plan in that the addition and façade modifications to the approved hillside home are apart of a Planned Unit Development which reduces the visual impacts as viewed form the Valley Floor and the materials chosen are of earth tone colors that help blend with the natural character of the hillside.

Zoning Ordinance

The additions and modifications to the hillside home façade are consistent with the Zoning Ordinance in that the layout of the site and design are compatible and aesthetically harmonious with the adjacent and surrounding development. The project is also consistent with the Site and Architectural Guidelines within the Municipal Hillside Ordinance Section 45, see table below.

Table 3
Zoning Ordinance Consistency

Policy	Consistency Finding
<i>45.09-7(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</i>	Consistent. The home addition meets the required setback distance from neighboring properties and is under the maximum building height limitations.

Policy	Consistency Finding
<i>on adjacent lots, will avoid unreasonable interference with views and privacy.</i>	
<i>45.09-7(b): Preserve Natural Landscape. The natural landscape will be preserved insofar as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.</i>	Consistent. The addition will be built on the west side of the existing home and will follow that existing natural contour which will minimize soil removal.
<i>45.09-7(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>	Consistent. The design of the existing home with proposed addition in relation to the immediate neighborhood does not give the perception of excessive bulk in that the architecture is consistent with the existing structure and the addition is on the side of the home.
<i>45.09-7(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>	Consistent. The new addition is approximately 2.5 feet taller than the existing home and will be located no closer than 15' from any other home therefore will not unreasonably impair the light and air of adjacent properties. The location of the home will not impair the ability of adjacent properties to utilize solar energy.
<i>45.09-7(e): Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	Consistent. The addition to the existing home will follow the natural contour of the property which minimizes grading and is within the grading ordinance criteria.

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 per Section 15301(e) for additions to existing facilities.

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 addition complies with the General Plan and Zoning Ordinance and is aesthetically harmonious with the hillside neighborhood.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. approving SD11-0004, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 11-046
- B. Site Plans

RESOLUTION NO. 11-046

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF SITE DEVELOPMENT PERMIT NO. SD11-0004, HOME ADDITION, FOR A 1,178 SQUARE FOOT ADDITION TO THE EXISTING HILLSIDE HOME LOCATED AT 1722 PEBBLE BEACH CT.

WHEREAS, on June 8, 2011, an application was submitted by A. Hartman, Hometec Architecture, Inc., 619 North 1st Street, San Jose, CA 95112, to allow A request for a 1,178 square foot two story addition for an existing hillside home at 1722 Pebble Beach Ct. The property is located within the Single Family Residential Hillside with Site and Architectural Review Overlay Districts Zoning district (APN 29-55-025); 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; and

WHEREAS, on September 14, 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.

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 per Section 15301(e) for minor additions or alterations to existing facilities.

Section 3: The project proposal is consistent with the General Plan Policies 2.a-I-14 and 2.a-G-3 in that the addition and façade modifications to the approved hillside home are part of a Planned Unit Development which reduces the visual impacts as viewed from the Valley Floor and the materials chosen are of earth tone colors that help blend with the natural character of the hillside.

Section 4: The additions and modifications to the hillside home façade are consistent with the Zoning Ordinance in that the layout of the site and design are compatible and aesthetically harmonious with the adjacent and surrounding development.

Section 5: The Planning Commission of the City of Milpitas hereby recommends approval by the City Council of Site Development Permit No. SD11-0004, Hillside Home Addition, 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 September 14, 2011.

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 14, 2011, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
Sudhir Mandal				
Zeya Mohsin				
Gurdev Sandhu				
Steve Tao				
Noella Tabladillo				
Mark Tiernan				
John Luk				

EXHIBIT 1

**CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT NO. SD11-0004**

A request for a 1,178 square foot two story addition for an existing hillside home
1722 Pebble Beach Ct (APN: 29-55-025)

General Conditions

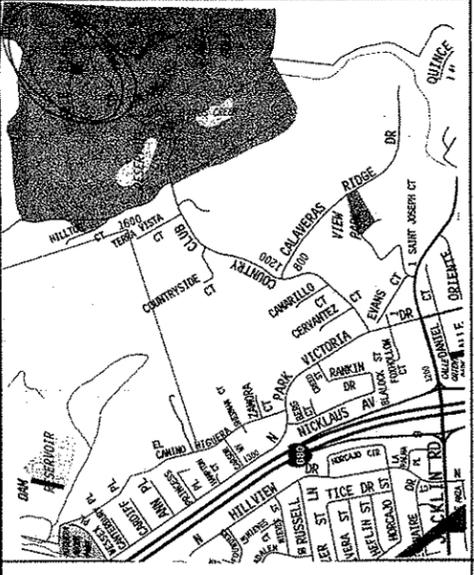
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 3. Prior to the issuance of building permits, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

(P) = Planning



VICINITY MAP

APN: 029-05-025
 ZONED: R-1H, PD
 LOT SIZE: 8,276 S.F.

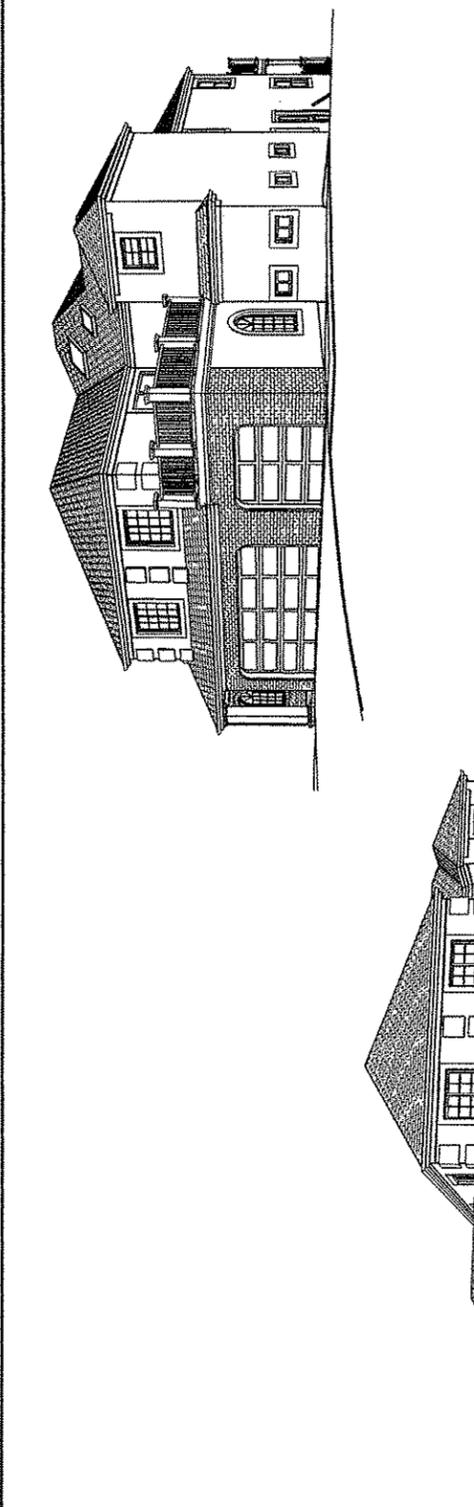
	EXISTING HOUSE:	ADDITION:	TOTAL:
FIRST FLOOR:	1,664 S.F.	542 S.F.	2,106 S.F.
SECOND FLOOR:	1,184 S.F.	637 S.F.	1,821 S.F.
TOTAL HOUSE:	2,748 S.F.	1,179 S.F.	3,927 S.F.

GARAGE: 733 S.F.
 INTERVIOUS 204, 5081 94'

TYPE OF CONSTRUCTION: VB
 OCCUPANCY GROUP: R-3, U

THIS PROJECT SHALL COMPLY WITH 2010 CBC, CMR, CPC,
 CEC, 2008 T-24 ENERGY CODE, AND LOCAL ORD.

SITE DATA



AUG 20 2011

PEBBLE BEACH CT.

SITE PLAN

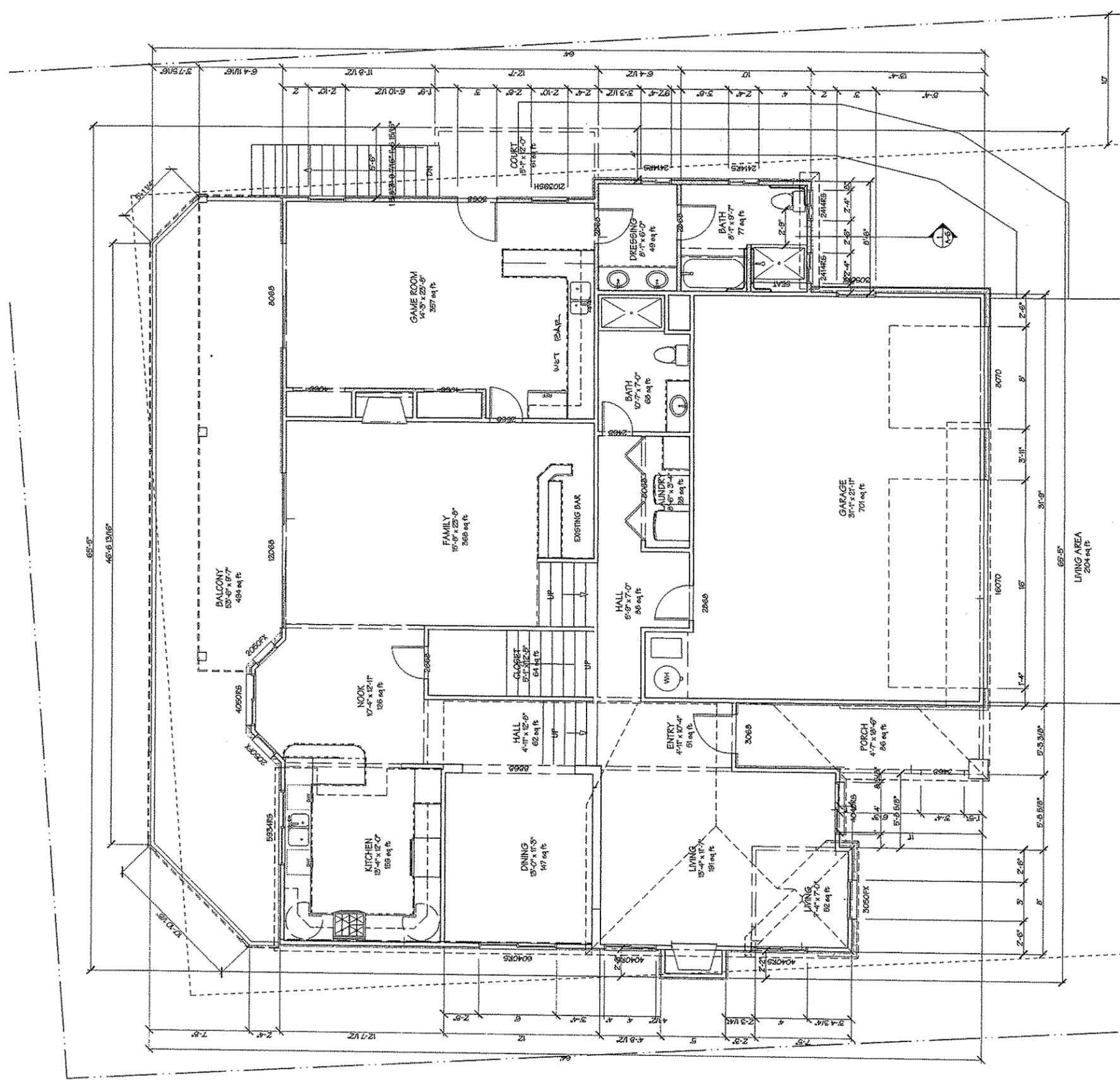
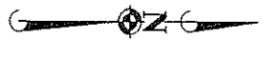
1"=10'-0"

INTERVIOUS COVERAGE
 HOUSE (GARAGE) 2081
 PORCH: 97
 DRIVE: 1051
 REAR DECK: 525
 FRONT WALK: 30
 SIDE YARD WALK: 108
 SIDE PATIO: 94
 SIDE STAIRS: 58
 REAR SIDEWALK: 215
 TOTAL 5081 S.F.

ROOF PLAN

SYMBOLS & LEGEND

	EXISTING WALLS TO REMAIN
	EXISTING WALLS TO BE REPLACED
	WALLS TO BE REMOVED
	NEW WALLS
	1-HOUR FIRE WALLS
	PIPE OUTLET
	220V OUTLET
	GFCI PROTECTED OUTLET
	GFCI PROTECTED WEATHERPROOF OUTLET
	WALL SWITCH (FLUORESC. ONLY)
	WALL SWITCH, MANUAL ON, AUTO OFF (INCANDESC. FLUORESC.)
	DIMMER WALL SWITCH (INCANDESC.)
	3-WAY WALL SWITCH (FLUORESC. ONLY)
	WALL MOUNT LIGHT
	CEILING MOUNT LIGHT
	CEILING MOUNT FLUORESC. LIGHT
	UNDER CAB. FLUORESC. LIGHT
	RECESSED FLUORESC. LIGHT
	HEATER REGISTER
	SMOKE DETECTOR (AC, DC) INTERCONNECTED
	CARBON MONOXIDE DETECTOR (AC, DC)
	EXHAUST FAN
	EXHAUST FAN/FLUORESC. LIGHT
	CEILING FAN



NEW FIRST FLOOR PLAN

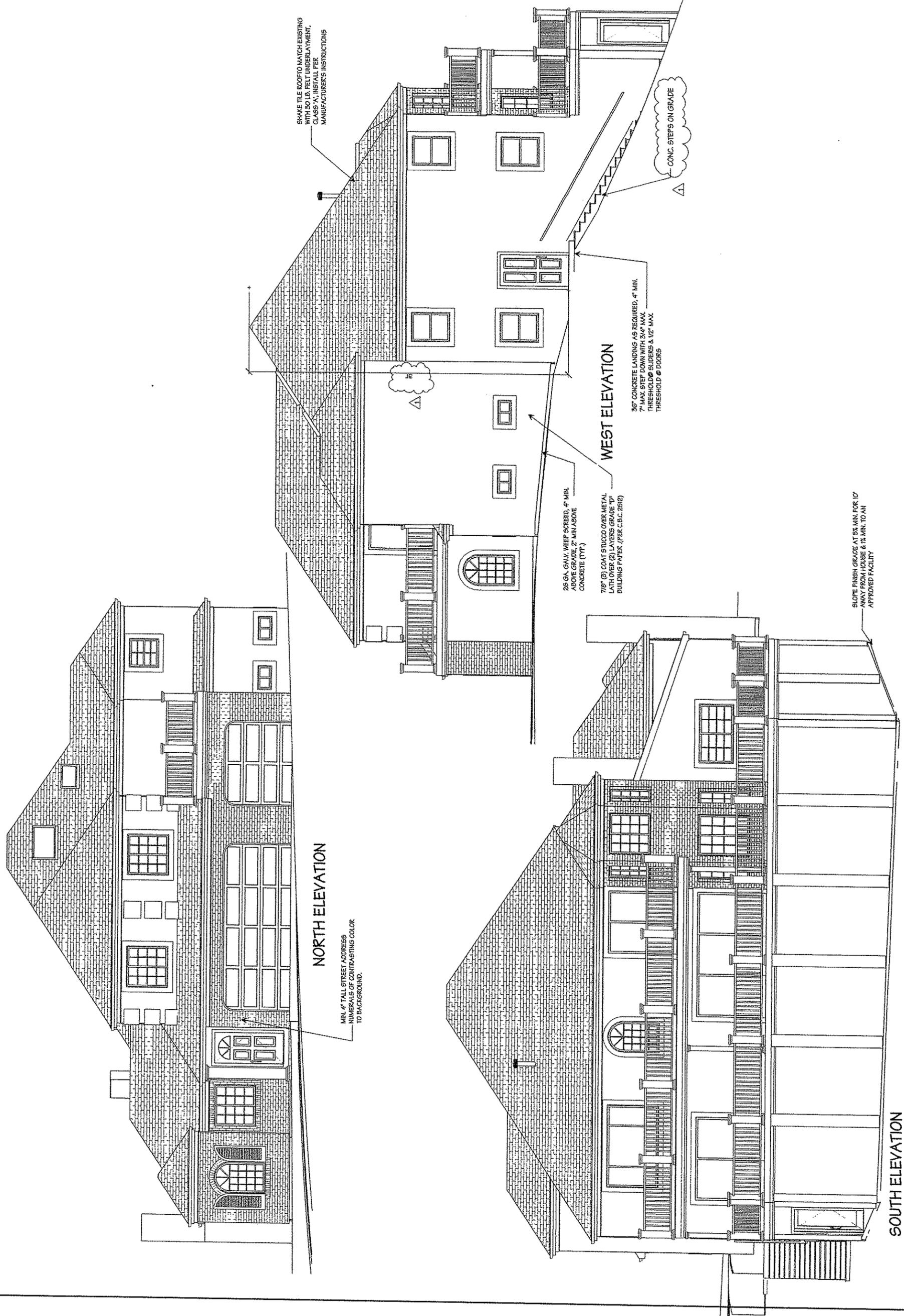
- GENERAL NOTES**
- ALL DIMENSIONS ARE TO FACE OF STUD, UNLESS NOTED OTHERWISE.
 - ADJUST DIMENSIONS TO ALIGN WITH EXISTING CONDITIONS IN THE FIELD, WHERE APPLICABLE.
 - CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, NOTIFY ARCHITECT IMMEDIATELY.
 - INSTALLATION INSTRUCTIONS FOR ALL LISTED EQUIPMENT SHALL BE POSTED AND PROVIDED TO THE FIELD INSPECTOR AT TIME OF INSPECTION.
 - SLOPE FINISH GRADE AT 5% MIN. FOR 12' AWAY FROM HOME & 1% MIN. TO AN APPROVED FACILITY.
 - PROVIDE NON-REMOVABLE BACK FLOW PROTECTION AT ALL EXTERIOR ROSE DRIVES.
 - PROVIDE EMERGENCY EGRESS FROM BLENDING ROOMS, MIN. WINDOW OPENINGS OF 24" MIN. CLEAR HEIGHT, 20" MIN. CLEAR WIDTH, 57 SQ. FT. MIN. AREA WITH 44" MAXIMUM TO BOTTOM.
 - TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS (IE. CHIMNEYS, BATH & UTILITY FANS, ETC.) SHALL BE A MINIMUM OF 3 FEET AWAY FROM ANY OPENINGS INTO THE BUILDING (DOORS, WINDOWS, OPENING SKYLIGHTS, OR ATTIC VENTS).
 - ALL AIR DUCTS FURNISHING A SEPARATION WALL OR CEILING BETWEEN GARAGE AND LIVING AREA SHALL BE 25 GAL. MINIMUM CHANGES PER HOUR AT BATHS, TOILETS, AND LAUNDRY.
 - ALL WATER CLOSETS SHALL BE MAXIMUM 1.6 GALLONS PER FLUSH.
 - PROVIDE A SMOOTH, HARD, NON-ABRASIVE SURFACE OVER A MOISTURE RESISTANT UNDERLAYMENT TO A MINIMUM HEIGHT OF THE CROWN INLET AT SHOWERS & TUB SHOWERS (NO GREEN BOARD) FOR 25002.
 - SHOWER AND TUB SHOWER COMBINATIONS SHALL BE PROVIDED WITH PERMANENT ANTI-SOAK VALVES TO NOT EXCEED 25 GALLONS PER MINUTE FLOW.
 - SHOWER COMPARTMENTS, REGARDLESS OF SHAPE, HAVING A MINIMUM INTERIOR FLOOR AREA OF 1024 SQUARE INCHES, SHALL ALSO BE CAPABLE OF ENCLOSING A 20-INCH CIRCLE.
 - ALL UNDER FLOOR PLUMBING CLEANOUTS SHALL BE WITHIN 20' OF THE UNDER FLOOR ACCESS, OR EXTENDED TO THE EXTERIOR.
 - KITCHEN SHALL HAVE SEPARATE CIRCUITS FOR DISHWASHER, REFRIGERATOR & TWO (2) 20 AMP. CIRCUITS LIMITED TO SUFFICIENT WALL AND COUNTER SPACE OUTLETS.
 - FOR ELECTRIC DRIVERS AND COOKTOPS PROVIDE WIRES WITH INSULATED NEUTRAL AND GROUNDING OUTLET.
 - LAUNDRY ROOM AND BATHROOM OUTLETS SHALL BE EACH SUPPLIED WITH A DEDICATED 20 AMP CIRCUIT.
 - ALL ELECTRIC SWITCHES SHALL BE OF THE SCREW-TYPE GROUND PROTECTED BY COMBINATION GROUND-Fault CIRCUIT INTERRUPTERS (GFCI, 200122).
 - LIGHT FIXTURES LOCATED OVER TUBS OR SHOWER ENCLOSURES SHALL BE LABELED "SUITABLE FOR DAMP LOCATIONS".
 - A PERMANENT LABEL SHALL IDENTIFY EACH LIGHT OF SAFETY GLAZING.
 24. INSTALLATION CERTIFICATE (CF-88) AND INSTALLATION CERTIFICATE (CF-89) SHALL BE SUBMITTED TO THE FIELD INSPECTOR AT TIME OF FINAL INSPECTION.
 - RECESSED LUMINAIRES IN INSULATED CEILING SHALL BE I.C. RATED, ELECTRIC BALLAST AND AIR-TIGHT.
 - DRYER EXHAUST VENTS SHALL BE MAX. 1/4" IN LENGTH.
 - UNITS AND BEAMS OF DUCT SYSTEMS SHALL BE SEALED WITH UL 181 LISTED DUCT TAPE.
 - ALL PENETRATIONS INTO UNOCCUPIED SPACE (ATTIC, UNDER FLOORS, ETC.) SHALL BE CALLED, IDENTIFIED, WEATHER-STRIPPED, OR SEALED TO LIMIT INFILTRATION AND EXFILTRATION.
 - ALL PENETRATIONS IN TOP PLATES, FLOORS, ETC. SHALL BE CALLED WITH A RESIDENTIAL FIRE RATED GULF WORK AN ASTM E880 OR E880-RATING.
 - EGRESS WINDOWS WITH MULTIPLE LATCHES SHALL HAVE THEM INTERCONNECTED AND OPERABLE FROM THE LOWEST LATCH.
 - SHOWER ENCLOSURE DOORS SHALL OPEN OUT WITH A CLEAR OPENING OF 27" MIN. IN THE OPEN POSITION.
 - SMOKE DETECTORS SHALL BE INSTALLED IN ALL BEDROOMS AND AT AREAS LEADING TO BEDROOMS.
 - ALL 1/2" AND 3/4" AND 20-AMP CHIMNEYS (W/ RECEPTACLE OUTLETS SHALL BE LISTED WATER-RESISTANT RECEPTACLES.

REVISIONS	BY:
PLANNING	7/21/11

619 NORTH FIRST STREET, SAN JOSE, CA 95112
 TEL: 408-995-0495 FAX: 408-995-0498
HOMETEC
 ARCHITECTURE, INC.
 RICHARD A. HARTMAN
 AIA

ADPTON & REMODEL FOR
JAMES & CHRISTINE HSIA
 1722 PEBBLE BEACH COURT, MILPITAS, CA, 95035

Date: 7-21-11
 Scale: 1/4" = 1'-0"
 Drawn: RAH
 Job: 11-009
 Sheet: **A-5**
 of: 5

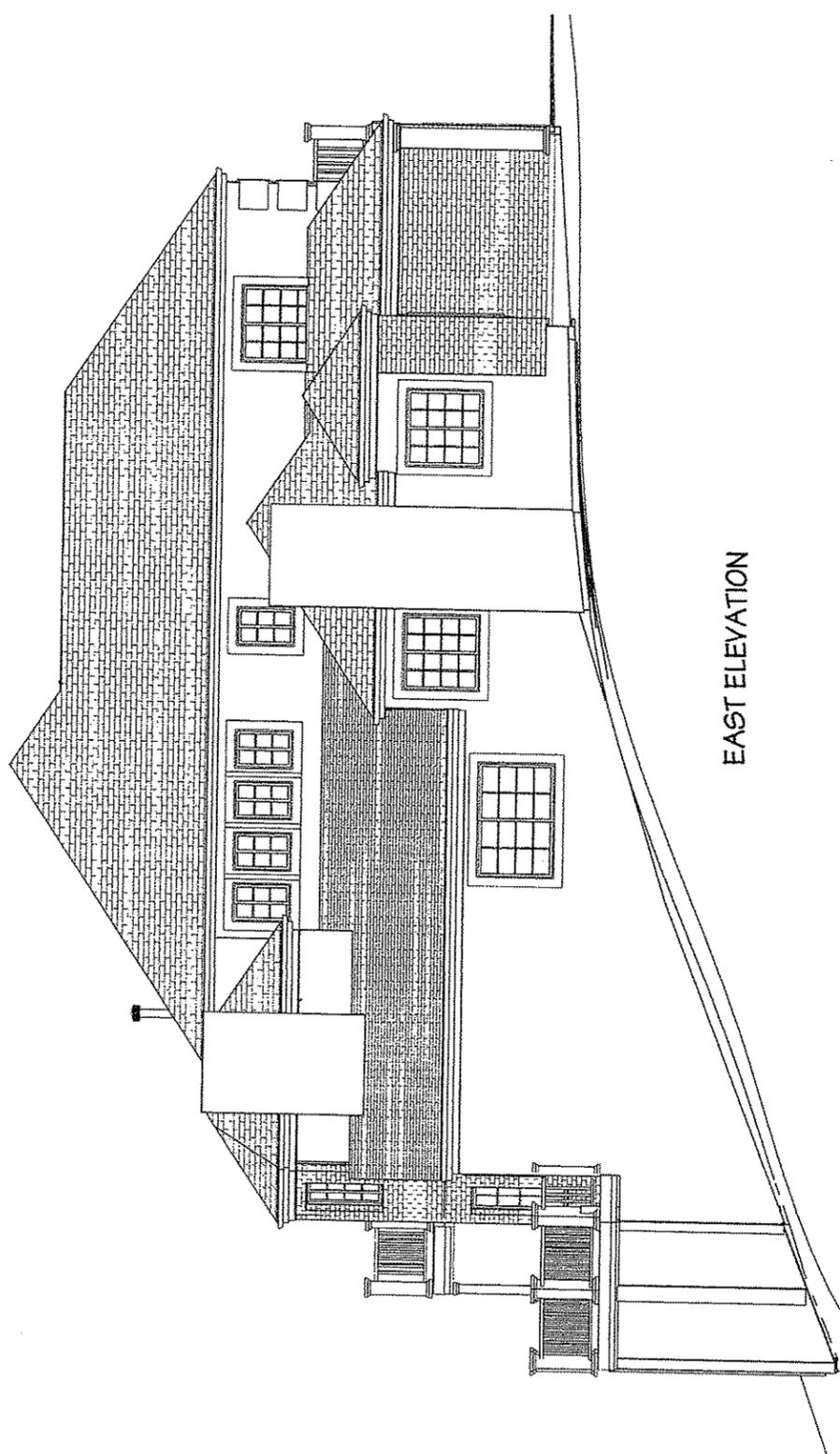


REVISIONS	BY
PLANNING	7/20/11

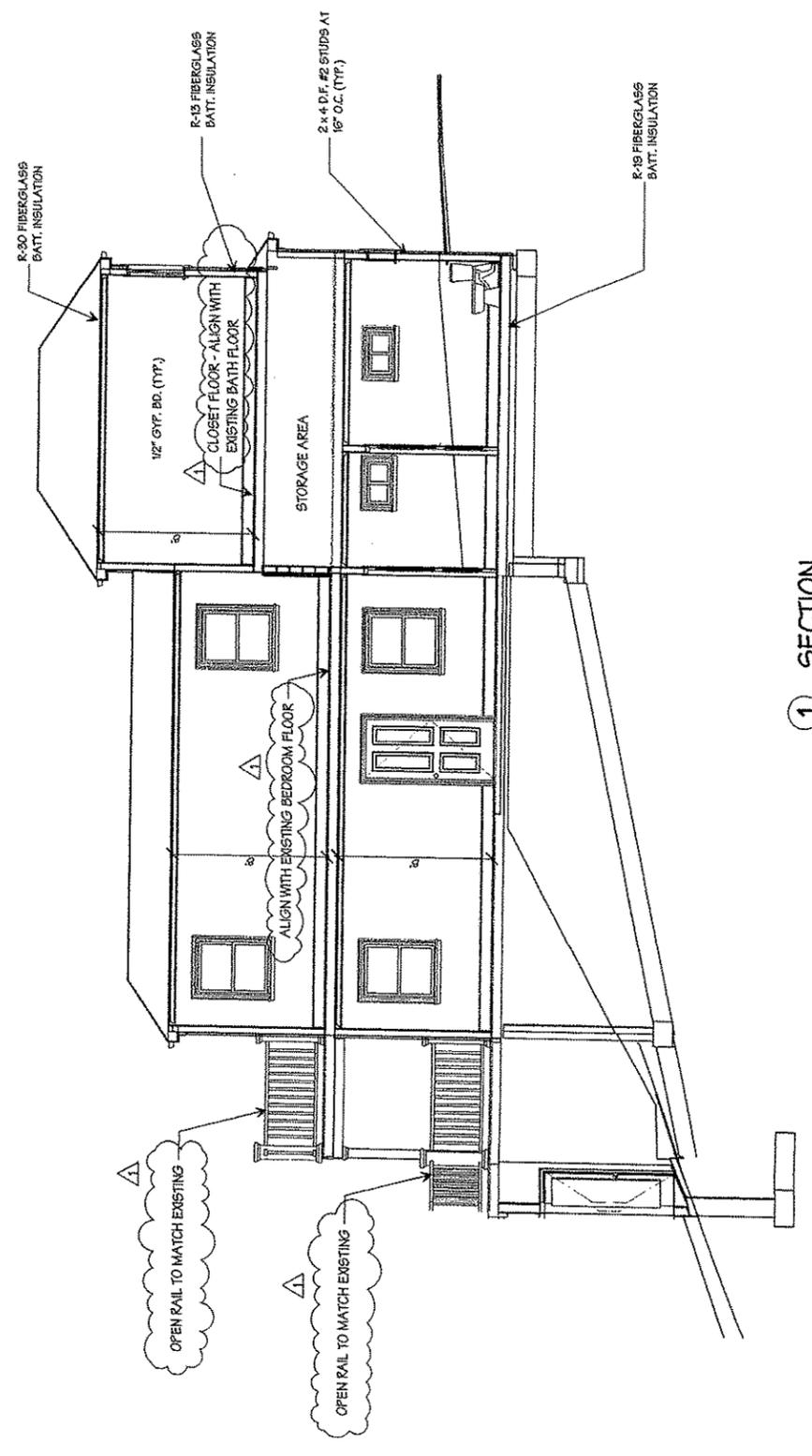
619 NORTH FIRST STREET, SAN JOSE, CA 95112
 TEL: 408.995.0495 FAX: 408.995.0498
HOMETEC
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 RICHARD A. HARTMAN
 AIA

ADPTON & REMODEL FOR:
JAMES & CHRISTINE HSA
 1722 PEBBLE BEACH COURT, MILPITAS, CA 95035

Date: 7-21-11
 Scale: 1/4" = 1'-0"
 Drawn: RAH
 Job: 11-009
 Sheet: A-6
 of: 6 Sheets



EAST ELEVATION



SECTION 1

NOES: 0
ABSENT: 0
ABSTAIN: 0

**VIII. CONSENT
CALENDAR**

Chair Mandal 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.

Motion to approve the Consent Calendar as submitted.

M/S: Ciardella, Tiernan

AYES: 6

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Noella Tabladillo)

- 1. CONDITIONAL USE PERMIT NO. UA11-0006:** A request to allow the sale of beer and wine for on-site consumption in conjunction with an existing restaurant located at 57 No. Milpitas Blvd. (APN: 028-22-132) zoned Town Center with Site and Architectural Overlay. Applicant: Nick Poopat. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2746. (*Recommendation: Adopt Resolution No. 11-044 approving the project subject to conditions of approval.*)
- 2. CONDITIONAL USE PERMIT NO. UP11-0029:** A request to operate a martial arts studio within the Seasons Marketplace Shopping Center located at 1535 Landess Ave. (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Christina Cruz. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2761. (*Recommendation: Adopt Resolution No. 11-043 approving the project subject to conditions of approval.*)

IX. PUBLIC HEARING

**1. SITE DEVELOPMENT
PERMIT NO. SD11-0004**

Tiffany Brown, Assistant Planner, presented a request to allow a 1,178 square foot two story addition for an existing hillside home located at 1722 Pebble Beach Court. Ms. Brown recommended adopting Resolution No. 11-046 recommending approval to the City Council.

James and Christine Hsia, 1722 Pebble Beach Court, was present to answer any questions from the Commission. There were no questions from the Commission.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Tiernan

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Motion to adopt Resolution No. 11-046 recommending approval to the City Council.

M/S: Tabladillo, Tiernan

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**2. CONDITIONAL USE
PERMIT NO. UP11-0027**

Cindy Hom, Assistant Planner, presented a request to operate a massage establishment within the Serra Shopping Center located at 200 Serra Way, Suite 4. Ms. Hom recommended adopting Resolution No. 11-045 approving the project subject to conditions of approval.

Vice-Chair Mandal asked what the vacant building was. Ms. Hom stated it was the Oak Leaf Furniture store. Vice-Chair Mandal asked when it was vacated. Ms. Hom stated five years go.

Commissioner Tao asked if the doors at the body massage rooms are see through doors. Ms. Hom stated they are solid doors.

Commissioner Ciardella asked if the lounge room for employees only or for customers also. Ms. Hom stated the lounge is for employees only. Commissioner Ciardella asked if there will be cooking facility. Ms. Hom stated no.

Minh Duong, 200 Serra Way, Suite #4, Milpitas, stated he was available to answer any questions from the Commission.

Commissioner Ciardella asked if there is a wall in the reception area. Mr. Duong stated it is a partition not a wall. Commissioner Ciardella asked if there will be a refrigerator in the lounge area. Mr. Duong stated there will be a refrigerator and microwave.

Vice-Chair Tabladillo asked what kind of body massage would there be. Mr. Duong stated the body massage would be European or Hawaiian style body massage. Vice-Chair Tabladillo asked if the clients would disrobe in the room. Mr. Duong stated the clients would disrobe in the same room.

Commissioner Tao asked about the walls. Mr. Duong stated the walls are partition walls. Commissioner Tao asked the number of employees. Mr. Duong stated maybe 5 to 7 staff depending on business. Commissioner Tao asked if there is laundry facility on site. Mr. Duong stated they have a washer and dryer in the staff lounge for washing the towels. Commissioner Tao asked the hours of operation. Mr. Duong stated the hours are 10:00 am to 10:00 p.m.

Commissioner Tao asked who does the foot massages on the clients. Mr. Duong stated the employees do the foot massage on the clients. Commissioner Tao asked if there is adequate parking on that site. Ms. Hom stated yes.

Commissioner Tiernan stated this project would benefit the other tenants.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tiernan, Sandhu