

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD13-0006 TO REPLACE A CONCRETE TILE PATIO DECK, INSTALL A 397 SQUARE FEET OUTDOOR PATIO COVER, RETAINING WALLS, 6-FOOT TALL WOODEN/WIRE MESH FENCE AND NEW LANDSCAPING TO AN EXISTING HILLSIDE RESIDENCE LOCATED AT 1800 PINEHURST COURT

WHEREAS, on February 15, 2013, Sunil and Rashimi Saxena submitted an application to allow for site modifications to an existing hillside residence located at 1800 Pinehurst Court (APN 29-53-0007). The proposed site modifications included removal and replacement of existing decking with new concrete pavers, installation of a 285 square foot gravel walk and garden area, construction of a new 397 square foot patio cover, six (6) foot tall wooden/wire mesh fence, and new landscaping. The property is located within the Single Family Residential Zoning District and Hillside Combining District with a Site and Architectural Overlay. The application is submitted pursuant Milpitas Municipal Code Sections XI-10-45-09-2 (Site and Architectural Approval) and XI-10-54.08 (Accessory Buildings and Structures); and

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

WHEREAS, the proposed improvements are consistent with the General Plan, Zoning Ordinance, and Hillside Combining District development standards in terms of height, size and impervious surface coverage; and

WHEREAS, on August 14, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the owner or designee, and other interested parties and adopted a resolution recommending the City Council approve a Site Development Permit, subject to conditions; and

WHEREAS, on September 3, 2013 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:

Section 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.

Section 2: The proposed project is exempt from further environmental review pursuant to Section 15303 (New Construction or Conversion of small Structures) of the Guidelines for the California Environmental Quality Act (CEQA). The proposed project constitutes a Class 3 installation of small accessory structures and is exempt pursuant to Section 15303 of the CEQA Guidelines. The project proposes to remove and replace existing decking with new concrete pavers, install a 285 square foot gravel walk and garden area, construct a new 397 square foot patio cover, six (6) foot tall wooden/wire mesh fence, and new landscaping.

Section 3: In accordance with Municipal Code Section XI-10-57.04.F (Site Development Permit Findings), the City Council further finds that:

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The proposed layout of the site and design of the structures and landscaping are compatible and harmonious with the adjacent and surrounding developments in that the location, height, and size of the proposed patio cover will not further obstruct or restrict views of the hillside and valley floor as demonstrated in the story pole study attached to the staff report. The proposed landscaping provides adequate privacy and screening of the proposed outdoor room. As conditioned, the proposed landscaping shall comply with City Council Resolution 6066 for Hillside

Landscaping Water Conservation and Fire Hazard Mitigation. The proposed style, colors, and material match the architecture of the existing residence and will be in keeping with the natural setting and view of the hillside. The concept plan was presented to the SummitPointe Home Owners Association (HOA) and received approval on December 12, 2012.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

As discussed in the staff report, the proposed project is consistent with the Milpitas Zoning Ordinance in that the project conforms to the Hillside Ordinance regulations and complies with the height requirements and size limitations for accessory structures, the impervious surface coverage limitations, and development standards for fencing. The project will be aesthetic and harmonious with the surrounding development and comply with standards to ensure minimal interference with view and privacy, preserves the natural setting of the hillside, minimizes the perception of excessive bulk, and limits grading to the side and rear deck area only. The proposed building modifications utilize colors, material, and styles that match and complement the existing home.

3. *The project is consistent with the Milpitas General Plan.*

The proposed project is consistent with the General Plan Implementing Policy No. 2.a-I-18, in which the project was reviewed and in conformance with the Hillside Ordinance and is in keeping with the natural character of the hillside and views are protected.

Section 4: Based on the foregoing, the City Council of the City of Milpitas hereby approves Site Development Permit No. SD13-0006 based on the above Findings and subject to the attached Conditions of Approval set forth in **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 FOR SITE DEVELOPMENT PERMIT NO. SD13-0006

General Conditions

1. The owner or designee shall develop the approved project in conformance with the plans approved by the City Council 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 City Council, in accordance with the Zoning Ordinance. (P)

2. Site Development Permit No. SD13-0006 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, 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, an activity permitted by an approved application shall be deemed to have commenced when the project:
 - 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.(P)
3. Pursuant to Section 64.07(1) of the Zoning Ordinance of the City of Milpitas, the owner or designee shall have the right to request an extension of the Site Development Permit No. SD13-0006 if said request is made, filed and approved by the City Council prior to expiration dates set forth herein. (P)
4. The project shall be constructed, operated, use, maintain and repair or replace in accordance with all local, State and federal rules, policies, regulations, and laws. (P)
5. Prior to the building permit issuance, the owner or designee shall include within the first four pages of the working drawings for plan check, a list of all conditions of approval imposed by the final approval of the project. (P)
6. Prior to building permit issuance, the owner or designee shall revise the landscaping plans to demonstrate compliance with City Council Resolution 6066 for Hillside Landscaping Water Conservation and Fire Hazard Mitigation. (P)
7. Prior to final inspection for the building permit, the owner or designee shall ensure that all landscaping and irrigation shall be installed and in working order subject to City review and approval. All plant materials shall be maintained in a viable growth condition throughout the life of this permit and shall be replaced if necessary at permittee's expense. (P)
8. If at any time there is an outstanding project job account balance due to the City relating to this project, all outstanding fees must be paid in full to the City prior to City continuing to process the subject application or project. (P)
9. To the fullest extent permitted by law, the owner or designee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the project, including but not limited to, the approval of the discretionary permits,

maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by owner or designee, City, and/or the parties initiating or bringing such proceeding. The owner or designee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The owner or designee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.

Note:

(P) - Planning

(E) - Engineering

UNAPPROVED

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

MEETING MINUTES Wednesday, August 14, 2013

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE** **Commissioners**
Present: Chair Sudhir Mandal, Vice Chair Larry Ciardella, John Luk, Rajeev Madnawat and Gurdev Sandhu
Absent: Garry Barbadillo and Zeya Mohsin
Alternate
Member: Demetress Morris

Staff: Steve McHarris, Cindy Hom, Johnny Phan, and Mary Lavelle

Alternate Member Morris was seated for voting, due to two regular voting Commissioners' absence.
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were none.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the July 24, 2013 meeting minutes of the Planning Commission

No changes to the meeting minutes as written were requested.

Motion to approve Planning Commission meeting minutes of July 24, 2013 as submitted

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella
AYES: 6
NOES: 0
- V. ANNOUNCEMENTS** Planning Director Steve McHarris announced the next regular Commission meeting scheduled for August 28 would be cancelled, since there were no agenda items. He also announced a potential special meeting on Saturday, October 26 for a workshop with staff and Cal Poly planning students on the California Circle area of Milpitas. The group would have a site visit to evaluate the area, hear from the students, and eventually staff would present the outcomes for the study area to the Planning Commission in December.

Chair Mandal thanked the Planning Director for cancelling the next meeting, and he was excited about the October special workshop.

VI. CONFLICT OF INTEREST

Assistant City Attorney Johnny Phan asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda. No Commissioners identified a conflict of interest.

VII. APPROVAL OF AGENDA

Chair Mandal asked whether staff or the Commission had any changes to the agenda. Staff noted a request to remove the first public hearing agenda item.

Motion to approve the August 14, 2013 agenda as submitted with No. IX-1 removed

Motion/Second: Vice Chair Ciardella/Commissioner Madnawat

AYES: 6

NOES: 0

IX. PUBLIC HEARINGS

- IX-1. CONDITIONAL USE PERMIT NO. UP13-0008:** request for group instruction within an existing retail space at 100 Dixon Road (APN: 026-06-011) zoned Neighborhood Commercial with Site and Architectural Overlay (C1-S).

Item was removed from the agenda.

- IX-2. SITE DEVELOPMENT PERMIT NO, SD13-0006:** request to replace a concrete patio deck, install 397 square foot outdoor patio cover, retaining walls, 6-foot tall wooden/wire mesh fence, and new landscaping to an existing hillside residence at 1800 Pinehurst Ct. (APN 29-53-0007) zoned Single Family Residential with Hillside Combining District and Architectural Overlay (R1-H-S). Applicants are Sunil and Rashmi Saxena.

Staff planner Cindy Hom reviewed the project, for significant changes to the outside area of a hillside home in the Summitpointe subdivision. She displayed photos of the site and next door neighbor's shielded view of the proposed patio cover.

Vice Chair Ciardella inquired about concrete and whether it would be the same material as on the house. Staff responded yes.

Alternate Member Morris wanted to see the materials board for the project, and staff offered to go and get it from the office. This was done, so she could take a look.

Chair Mandal then opened the public hearing for comments.

Motion to close the public hearing after hearing no comments

Motion/Second: Commissioners Sandhu/Madnawat

AYES: 6

NOES: 0

Planning Commission Minutes

August 14, 2013

Commissioner Madnawat asked Ms. Hom if any comments from neighbors had been received, and she replied no. The Homeowners Association for the neighborhood had reviewed the project and approved it.

Chair Mandal complimented the owner for putting up the mock-up structure (as displayed by staff) and taking a photo to show the Commission at this hearing.

Motion to adopt Resolution No. 13-019 recommending the City Council approve Site Development Permit No. SD13-0006, subject to conditions of approval

Motion/Second: Commissioners Madnawat/Sandhu

AYES: 6

NOES: 0

X. ADJOURNMENT

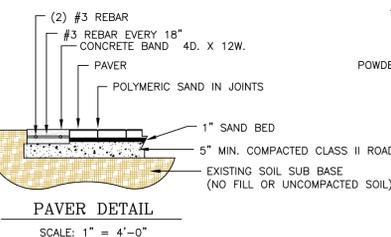
Chair Mandal adjourned the meeting at 7:15 PM to the next regular meeting date of September 11, 2013, noting there would be no meeting at the end of August.

*Meeting Minutes drafted and submitted by
City Clerk Mary Lavelle,
acting as Recording Secretary*

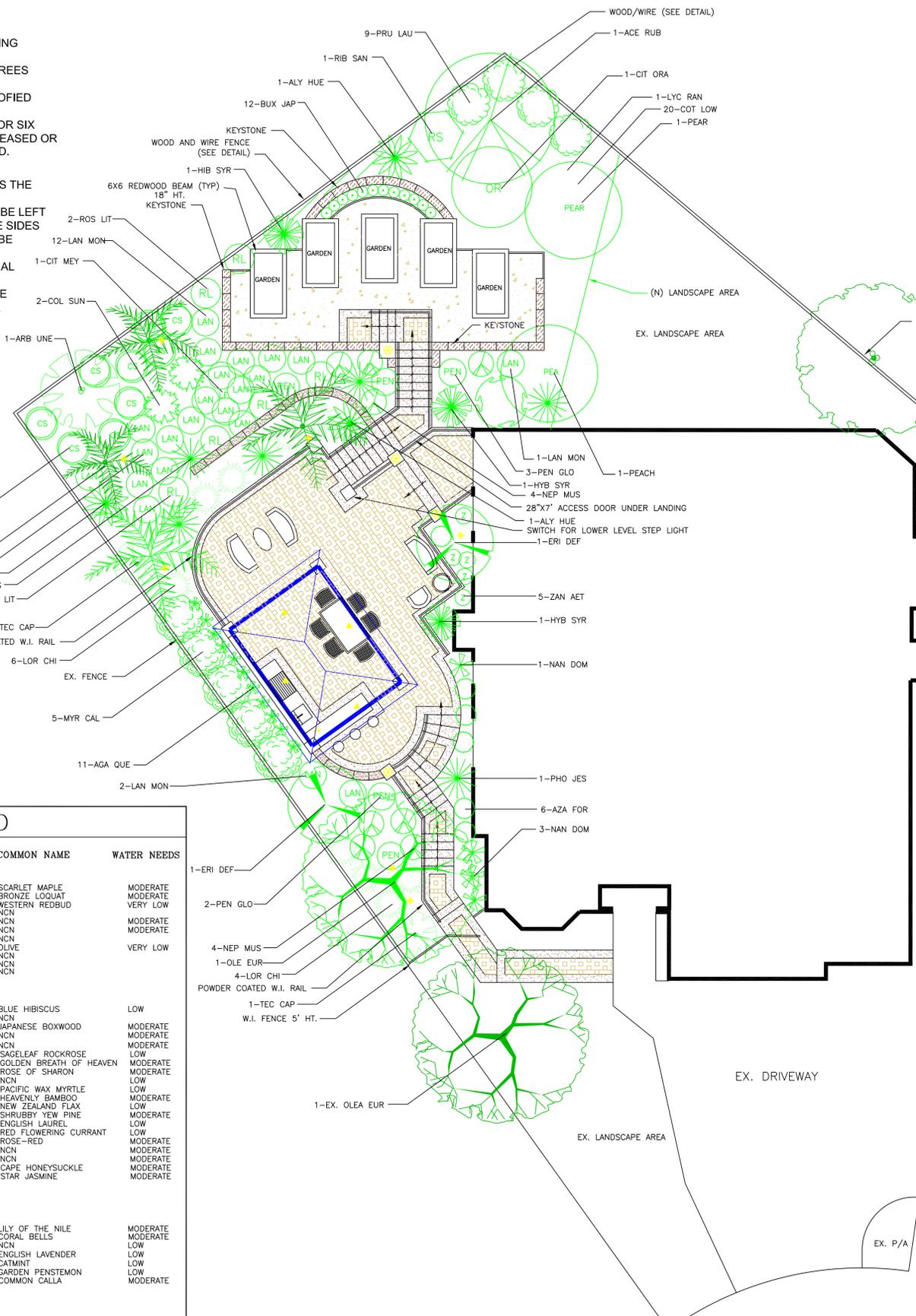
LANDSCAPE NOTES:

- CONTRACTOR SHALL VERIFY PLANT COUNT FOR BIDDING PURPOSES.
- ROOT BARRIERS SHALL BE PROVIDED FOR ALL NEW TREES WITHIN 5' OF HARDSCAPE OR PLANTED IN LAWN.
- ALL PLANTING AREAS SHALL RECEIVE 2" MIN. OF NITROFIED MULCH COVER AS A GROUND COVER.
- CONTRACTOR SHALL GUARANTEE PLANT MATERIAL FOR SIX MONTHS AFTER INSTALLATION AND REPLACE ANY DISEASED OR DAMAGED MATERIAL DURING THAT SIX MONTH PERIOD.
- TREES AND SHRUBS:
 - EXCAVATE PLANTING HOLES TWICE AS WIDE AS THE ROOTBALL DIAMETER.
 - SOIL IMMEDIATELY BELOW THE ROOT BALL TO BE LEFT UNDISTURBED TO PROVIDE SUPPORT, BUT THE SIDES AND THE BOTTOM AROUND THE SIDE SHOULD BE CULTIVATED TO IMPROVE POROSITY.
 - THE ROOTBALL SHALL BE SLIGHTLY ABOVE FINAL GRADE.
 - THE TOP 12" OF BACKFILL MAY CONSIST OF THE ABOVE AMENDED SOIL STABILIZED ORGANIC AMENDMENT OR USE 4 PARTS OF SITE SOIL BLENDED WITH 1 PART NITROGEN STABILIZED ORGANIC AMENDMENT.

NOTE:
LANDSCAPE AREA 3698 SQ. FT.
AB1881 DOES NOT APPLY

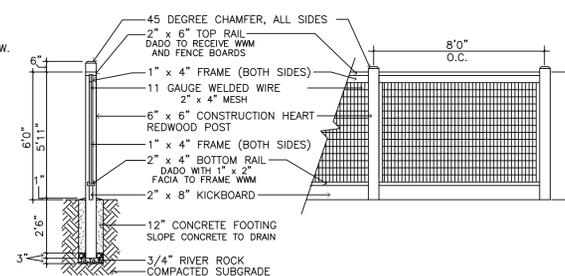
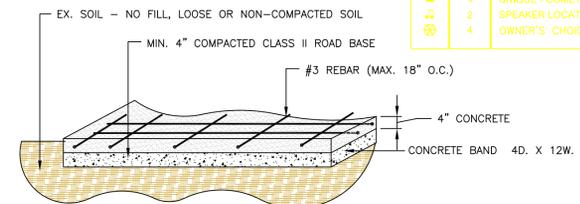


| PLANT LEGEND | | | | | |
|---------------------------------|------|------|---------------------------------------|-------------------------|-------------|
| SYMBOL | SIZE | QTY. | BOTANICAL NAME | COMMON NAME | WATER NEEDS |
| TREES | | | | | |
| ACE RUB | 15G | 2 | ACER RUBRUM 'AUTUMN BLAZE' | SCARLET MAPLE | MODERATE |
| ERI DEF | 15G | 2 | ERIOBOTRYA DEFLEXA 'L.B. | BRONZE LOQUAT | MODERATE |
| CER OCC | 15G | 1 | CERCIS OCCIDENTALIS 'L.B. | WESTERN REDBUD | VERY LOW |
| CHERRY | 15G | 1 | CHERRY | NCN | NCN |
| CIT MEY | 15G | 1 | CITRUS 'MEYER LEMON' | NCN | MODERATE |
| CIT ORA | 15G | 1 | CITRUS 'NAVAL ORANGE' | NCN | MODERATE |
| NECTARINE | 15G | 1 | NECTARINE | NCN | NCN |
| OLE EUR | 15G | 1 | OLEA EUROPAEA 'SWAN HILL' | OLIVE | VERY LOW |
| PEACH | 15G | 1 | PEACH | NCN | NCN |
| PEAR | 15G | 1 | PEAR | NCN | NCN |
| PLUM | 15G | 1 | PLUM | NCN | NCN |
| SHRUBS | | | | | |
| ALY HUE | 5G | 3 | ALYOGYNE 'HUEGELII' | BLUE HIBISCUS | LOW |
| AZA FOR | 5G | 3 | AZALEA INDICA 'FORMOSA' | NCN | NCN |
| BUX GRE | 1G | 12 | BUXUS M. JAPONICA 'GREEN BEAUTY' | JAPANESE BOXWOOD | MODERATE |
| CAM JAP | 5G | 1 | CAMELLIA JAPONICA | NCN | MODERATE |
| CAM SAS | 5G | 1 | CAMELLIA S. 'YULETIDE' ESP. | NCN | MODERATE |
| CIS SAL | 5G | 9 | CISTUS SALVIFOLIUS | SAGELEAF ROCKROSE | LOW |
| COL SUN | 5G | 4 | COLEONEMA P. 'SUNSET GOLD' | GOLDEN BREATH OF HEAVEN | MODERATE |
| HIB SYR | 5G | 3 | HIBISCUS SYRIACUS | ROSE OF SHARON | MODERATE |
| LOR CHI | 5G | 15 | LOROPETALUM CHINENSE 'PLUM DELIGHT' | NCN | LOW |
| MYR CAL | 5G | 5 | MYRTICA CALIFORNICA | PACIFIC WAX MYRTLE | LOW |
| NAN DOM | 5G | 6 | NANDINA DOMESTICA 'COMPACTA' | HEAVENLY BAMBOO | MODERATE |
| PHO JES | 5G | 12 | PHORMIUM HYBRID 'JESTER' | NEW ZEALAND FLAX | LOW |
| POD MAK | 5G | 3 | PODOCARPUS M. 'MAK' | SHRUBBY 'YEW FINE | MODERATE |
| PRU LAU | 5G | 9 | PRUNUS LAURO-CERASUS | ENGLISH LAUREL | LOW |
| RIB SAN | 5G | 3 | RIBES SANGUINEUM | RED FLOWERING CURRANT | LOW |
| ROS LIT | 5G | 6 | ROSA 'LITTLE SIZZLER' | ROSE-RED | MODERATE |
| RHO NOV | 5G | 1 | RHODODENDRON 'NOVA ZEMBLA' | NCN | MODERATE |
| SAR RUS | 5G | 1 | SARCOCOCCA RUSCIFOLIA | NCN | MODERATE |
| TEC CAP | 5G | 2 | TECOMARIA CAPENSIS | CAPE HONEYSUCKLE | MODERATE |
| TRA JAS | 5G | 5 | TRACHELOSPERMUM JASMINOIDES | STAR JASMINE | MODERATE |
| PERENNIALS | | | | | |
| AGA QUE | 1G | 23 | AGAPANTHUS 'QUEEN ANNE' | LILY OF THE NILE | MODERATE |
| HEU MIC | 1G | 13 | HELIOPHYLLA MICRANTHA 'PURPLE PALACE' | CORAL BELLS | MODERATE |
| LAN MON | 1G | 24 | LANTANA MONTEVIDENSIS | NCN | LOW |
| LAV MUN | 1G | 14 | LAVENDULA A. 'MUNSTEAD' | ENGLISH LAVENDER | LOW |
| NEP MUS | 1G | 8 | NEPETA MUSSINI 'BLUE WONDER' | CATMINT | LOW |
| PEN GLO | 1G | 10 | PENSTEMON GLOXINIOIDES | GARDEN PENSTEMON | LOW |
| ZAN AET | 1G | 15 | ZANTEDESCHIA AETHIOPICA - DWARF | COMMON CALLA | MODERATE |
| VINES & GROUND COVER | | | | | |
| CLY CAL | 5G | 5 | CLYTOSTOMA CALLISTEGIOIDES | VIOLET TRUMPET VINE | MODERATE |
| COT LOW | 1G | 56 | COTONEASTER LOWFAST | NCN | MODERATE |



| LIGHTING/SPEAKER LEGEND | | | | | | | |
|-------------------------|------|-------------------------------------|-----------|-------|-----------|-------------|--------|
| SYM. | QTY. | DESCRIPTION | MODEL NO. | VOLT. | MAX WATT. | LAMP | FINISH |
| ★ | 12 | UNIQUE - STARBURST | B25-35-WB | 12 | 35 | MR-16 FMW | BRASS |
| ● | 1 | UNIQUE - MERCURY4 | B25-20-WB | 120 | 40 | ASTRO-BRITE | BRASS |
| ▲ | 4 | UNIQUE - COMET | B25-20-WB | 12 | 20 | ASTRO-BRITE | BRASS |
| ⊕ | 2 | SPEAKER LOCATION (OWNER TO FURNISH) | | | | | |
| ⊗ | 4 | OWNER'S CHOICE | | | | | |

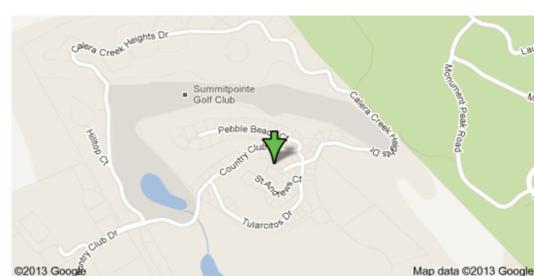
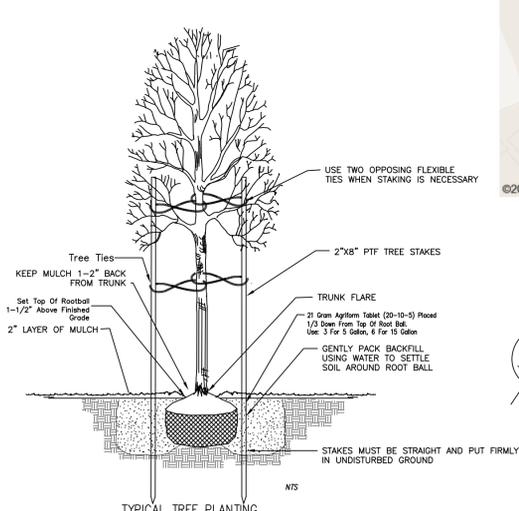
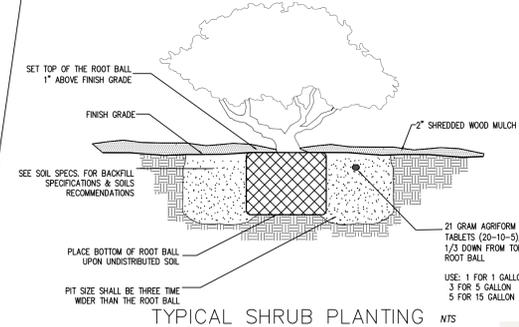
TO MATCH HOUSE FIXTURES
ALL LIGHTS TO HAVE APPROPRIATE SHIELDS



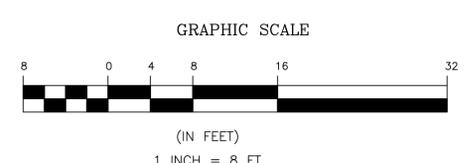
NOTE:

| | |
|-------------------------------------|----------------|
| TOTAL SITE AREA | 11,086 SQ. FT. |
| TOTAL LANDSCAPE (NEW PROJECT AREA) | 2105 SQ. FT. |
| INCLUDES VEG. GARDEN BOX AREA | |
| LESS THAN 2500 SQ. FT. | |
| LANDSCAPE WATER EFFICIENCY ORD. 238 | DOES NOT APPLY |
| NON-PERMEABLE SURFACE AREA | |
| CONCRETE/POND TO BE REMOVED | 1521 SQ. FT. |
| (N) CONCRETE & PAVERS | 1504 SQ. FT. |
| (N) GARDEN AREA GRAVEL WALK | 285 SQ. FT. |
| (E) CONCRETE | 1363 SQ. FT. |
| (E) HOUSE/GARAGE | 3520 SQ. FT. |
| TOTAL NON-PERMEABLE AREA | 6672 SQ. FT. |

NOTE:
CONCRETE: (BOARDERS, PADS, AND MOW STRIPS)
COLOR: BRICK FORM #615 STONE GRAY COLOR BOARD
FINISH: LIGHT BRUSH
PAVERS:
TYPE: BELGARD-MEGA LATTIF
COLOR: VICTORIAN BLEND - SEE COLOR BOARD
ROOF TILE: MONIER FLAT CONCRETE TILE
COLOR: GREY SEE PHOTO EXHIBIT
ROOF TILE: MONIER FLAT CONCRETE TILE
COLOR: GREY SEE PHOTO EXHIBIT
WALLS:
STUCCO FASCIA TO MATCH THE HOUSE - SEE PHOTO ON COLOR BOARD
ARCHITECTURAL FACADE UNLIMITED PRECAST CAP - STYLE II



Underground Service Alert
CALL BEFORE YOU DIG
Call: TOLL FREE
1-800-642-2444
TWO WORKING DAYS BEFORE YOU DIG



NOTE:
CUT & FILL APPROX 197 CU YD

SCALE: 1"=8'-0"

| | |
|---|-----------|
| ④ | BL |
| ⑤ | BL |
| ⑥ | 6-03-13 |
| ⑦ | 1-22-13 |
| ⑧ | BL |
| ⑨ | REVISIONS |
| | BY |

DATE: 11-1-12

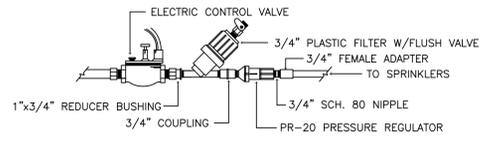
SHEET NO:
L-1
OF 5 SHEETS

PLANTING PLAN

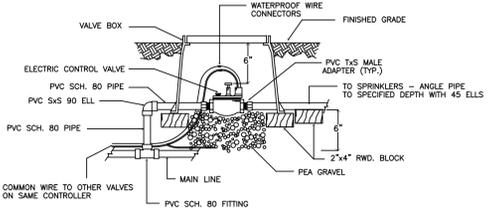
HELPING HAND LANDSCAPE DESIGN, INC.
1228 QUARRY LANE, SUITE E, PLEASANTON, CA 94566
(925)846-2933

THE RESIDENCE OF
SUNIL & RASHMI SAXENA
1800 PINEHURST CT
MILPITAS, CALIFORNIA
408-956-8680 408-838-8749

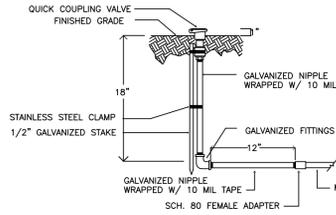
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OF 5 SHEETS



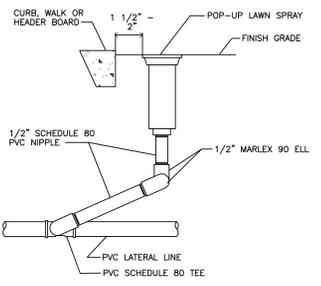
DRIP VALVE ASSEMBLY
NOT TO SCALE



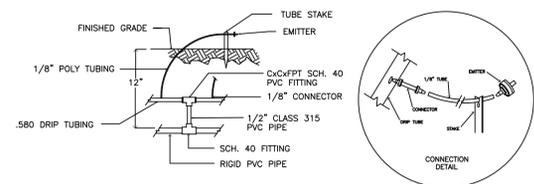
ELECTRIC CONTROL VALVE
NOT TO SCALE



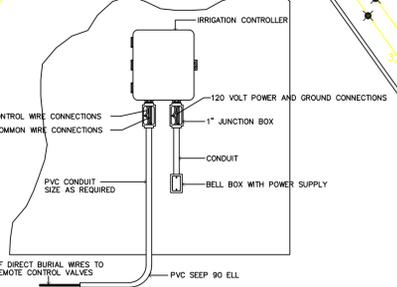
QUICK COUPLING VALVE
NOT TO SCALE



POP-UP SPRAY HEAD
NOT TO SCALE

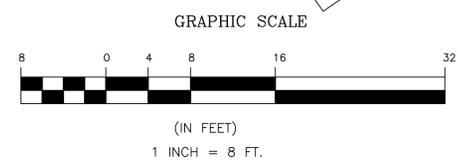


RISER TO DRIP TUBING DETAIL
NOT TO SCALE



WALL MOUNT AUTOMATIC CONTROLLER
NOT TO SCALE

| IRRIGATION LEGEND | |
|-------------------|---|
| SYMBOL | DESCRIPTION |
| ● | TORO 570Z-4P-PRX-COM POP-UP (ARC & RADIUS NOTED) |
| □ | CONTROLLER: HUNTER PCC-9i WITH ET SYSTEM MODULE |
| ⊕ | HUNTER-ET SENSOR |
| ⊗ | REMOTE CONTROL VALVE: WEATHERMATIC 21024E-10 |
| ⊙ | BACKFLOW ASSEMBLY: FEBCO 825Y |
| ⊕ | AMIAD FILTER / SENNINGER PRESSURE REGULATOR |
| ⊗ | QUICK COUPLER: 3/4" RAINBIRD 33DRC |
| ⊗ | DRIP STUB-UP FOR CONNECTION TO POLY PIPE |
| — | MAIN LINE - P.V.C. SCH 40 |
| — | LATERAL LINE - P.V.C. CLASS 200 (CLASS 315 FOR 1/2") |
| ⊕ | 6" DRAIN BASIN WITH GRATE |
| ⊕ | 3" DRAIN BRASS GRATE |
| ⊕ | NDS 4" DRAIN BASIN W/ 4" IRONAGE 'LOCUST' DRAIN GRATE |
| ⊕ | IN-LINE CHECK VALVE |
| ⊕ | 1" NIBCO T113-IRR BRASS GATE VALVE |
| ⊕ | AUTOMATIC RAIN SHUTOFF: |



NOTE:
LANDSCAPE AREA 3698 SQ. FT.
AB1881 DOES NOT APPLY

NOTE:
HHLD RECOMMENDS INSTALLATION OF PERFORATED DRAIN AROUND THE PERIMETER OF THE HOUSE TO HELP MITIGATE ANY POTENTIAL STANDING OR GROUND WATER SEEPAGE THAT MAY CAUSE DAMAGE I.E. BUCKLING FLOORS FOUNDATIONS SETTLING ETC. HOMEOWNER SHOULD CONSULT WITH CONTRACTOR PRIOR TO CONSTRUCTION.

SCALE: 1"=8'-0"

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| ④ | BL |
| ③ | BL |
| ② | 6-03-13 BL |
| ① | 1-22-13 BL |
| REVISIONS | BY |

DATE: 11-1-12

SHEET NO:
L-2
OF 5 SHEETS

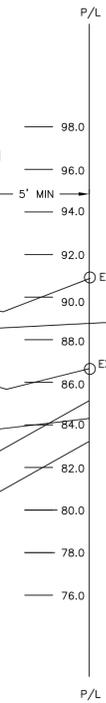
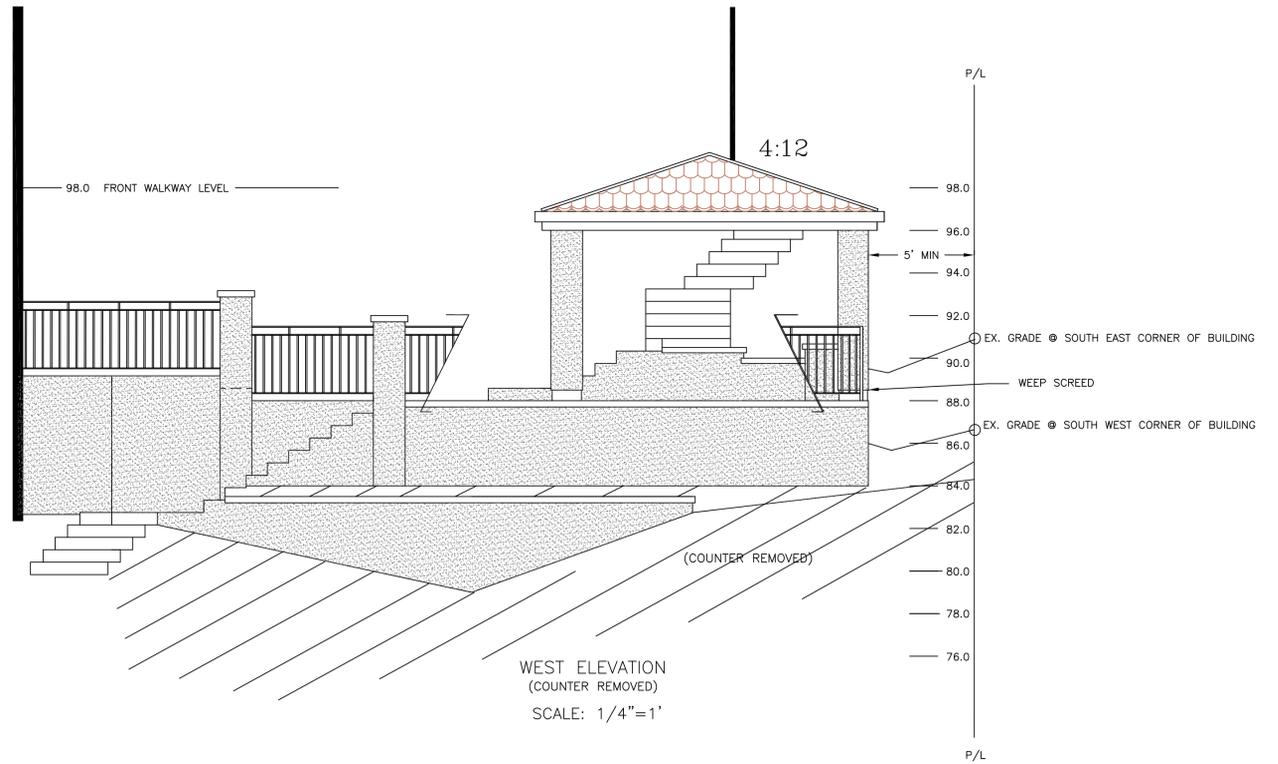
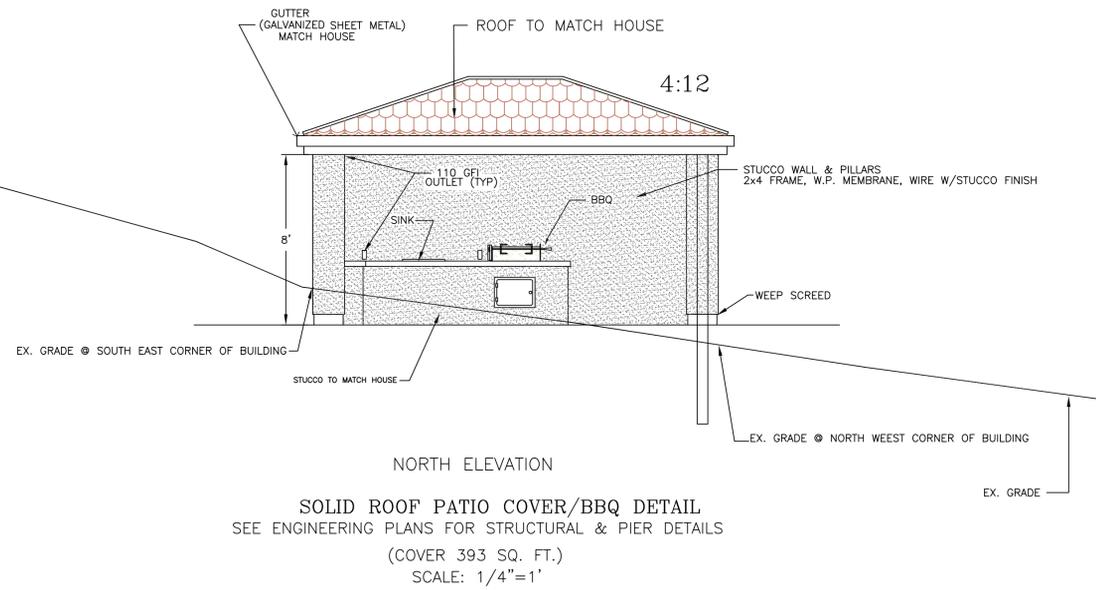
WALL HTS. PLAN & IRRIGATION

HELPING HAND LANDSCAPE DESIGN, INC.
1228 QUARRY LANE, SUITE E, PLEASANTON, CA 94566
(925)846-2933

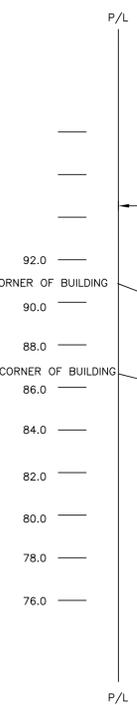
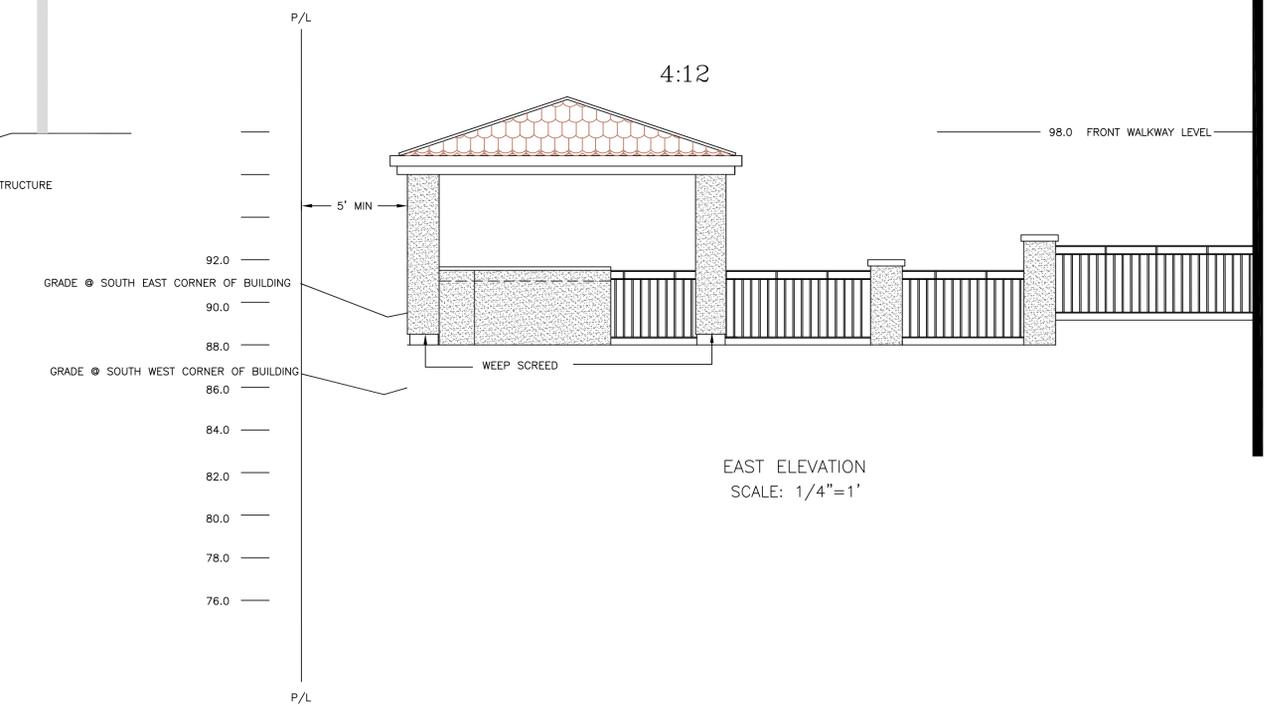
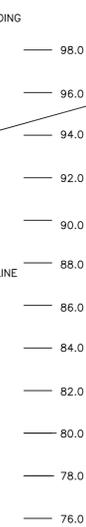
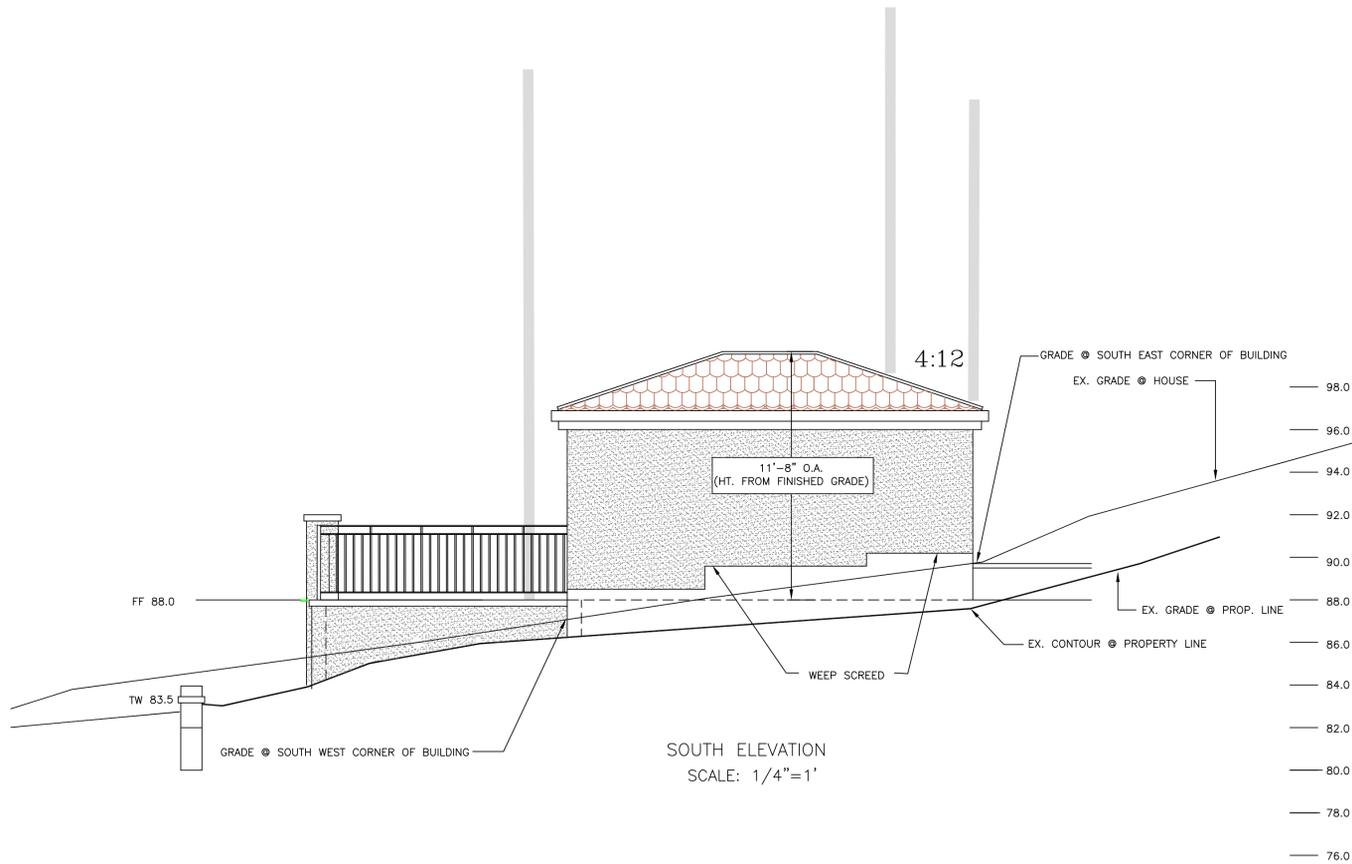
THE RESIDENCE OF
SUNIL & RASHMI SAXENA
1800 PINEHURST CT
MILPITAS, CALIFORNIA
408-956-6680 408-838-8749

Underground Service Alert
Call: TOLL FREE
1-800-642-2444
TWO WORKING DAYS BEFORE YOU DIG

SHEET NO:
L-2
OF 5 SHEETS



APPROXIMATE TOTAL YARDS CUT 51.8
 APPROXIMATE TOTAL YARDS FILL 31.9



SCALE: 1"=4'-0"

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| ③ | BL |
| ② | 6-03-13 BL |
| ① | 1-22-13 BL |
| REVISIONS | BY |

DATE: 11-1-12

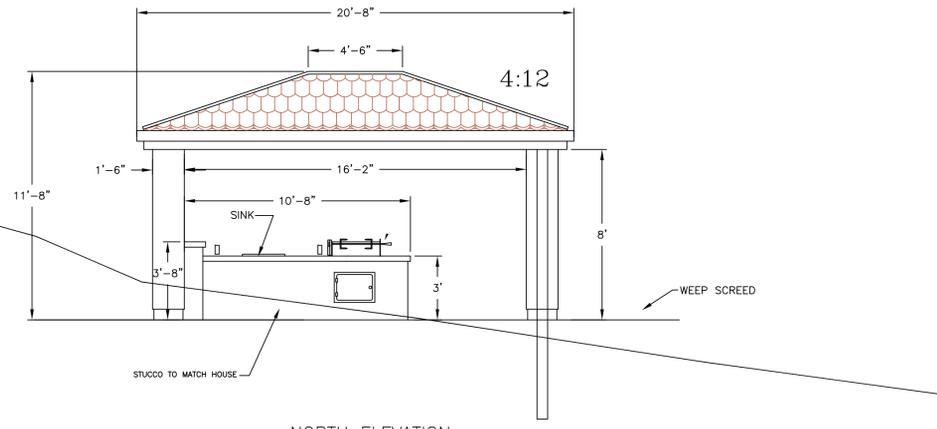
SHEET NO:
L-3
 OF 5 SHEETS

PAVILLION ELEVATIONS

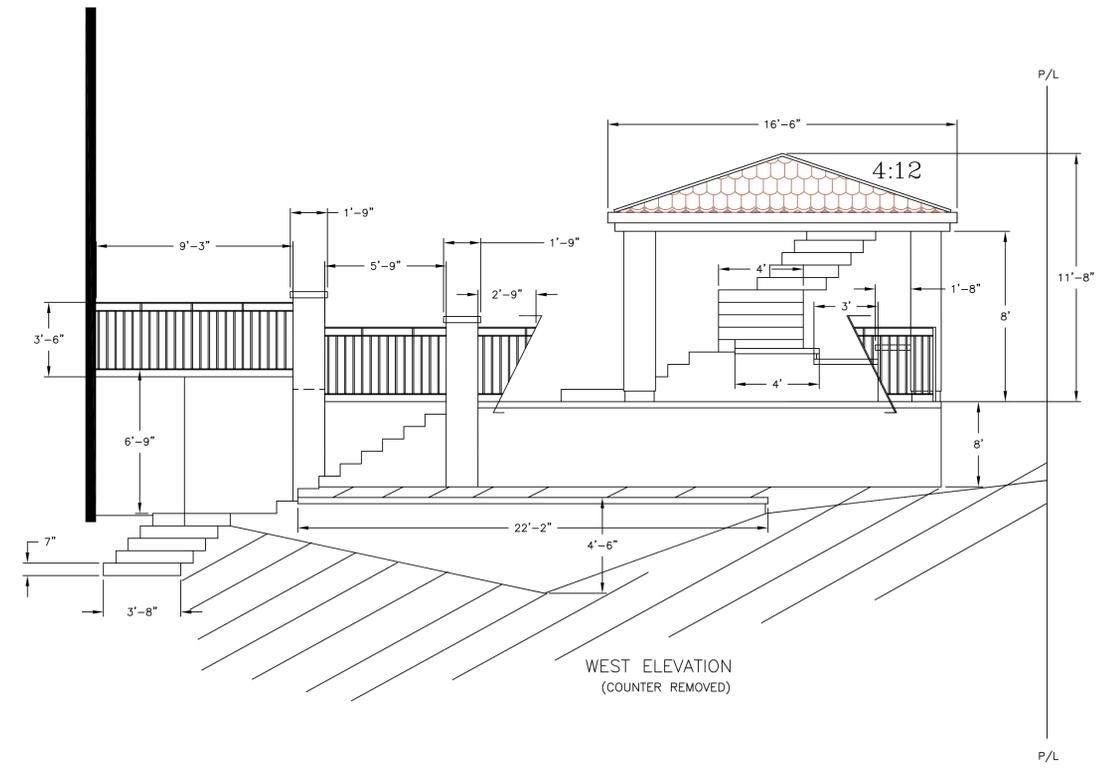
HELPING HAND LANDSCAPE DESIGN, INC.
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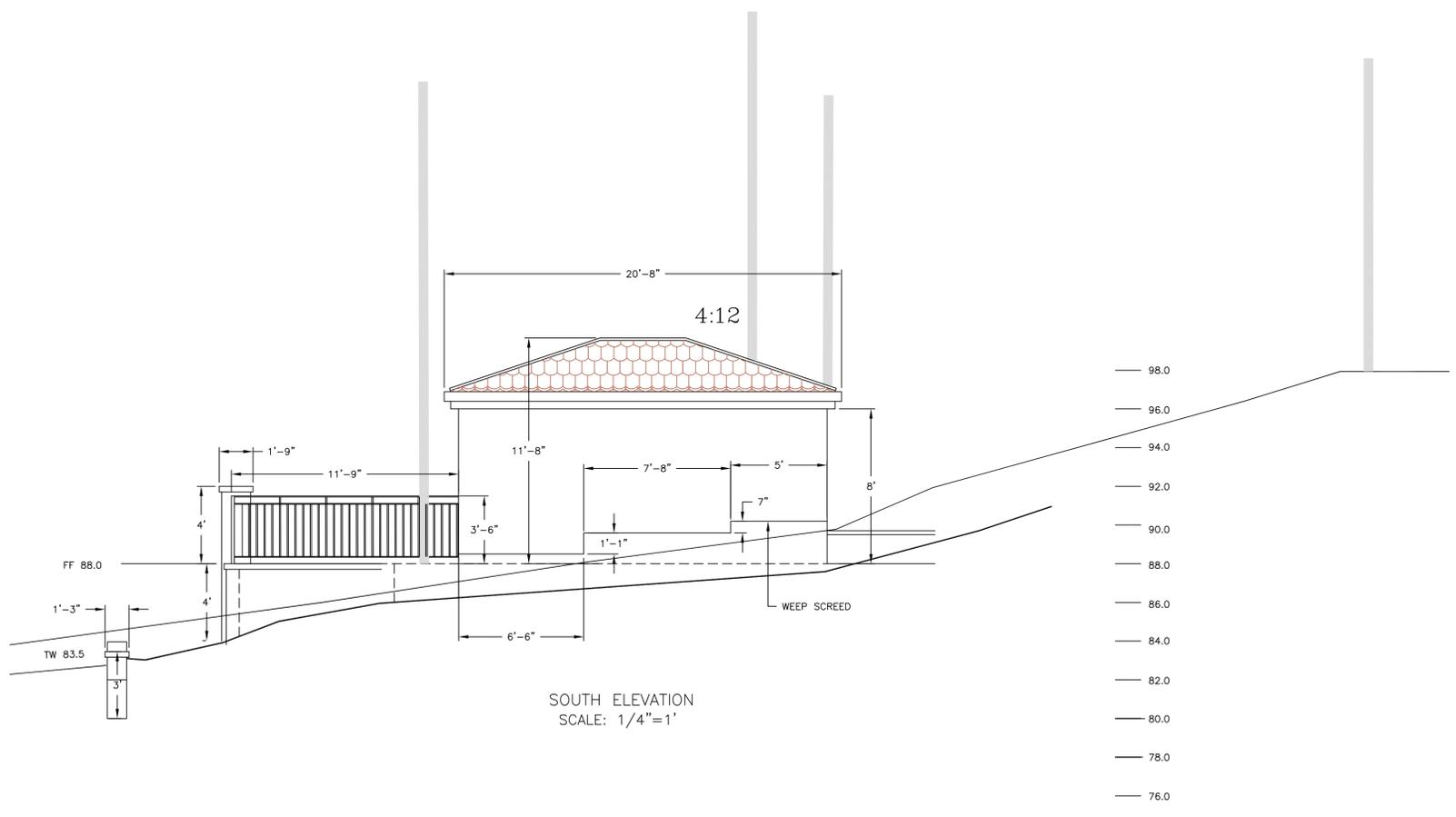
SHEET NO:
L-3
 OF 5 SHEETS



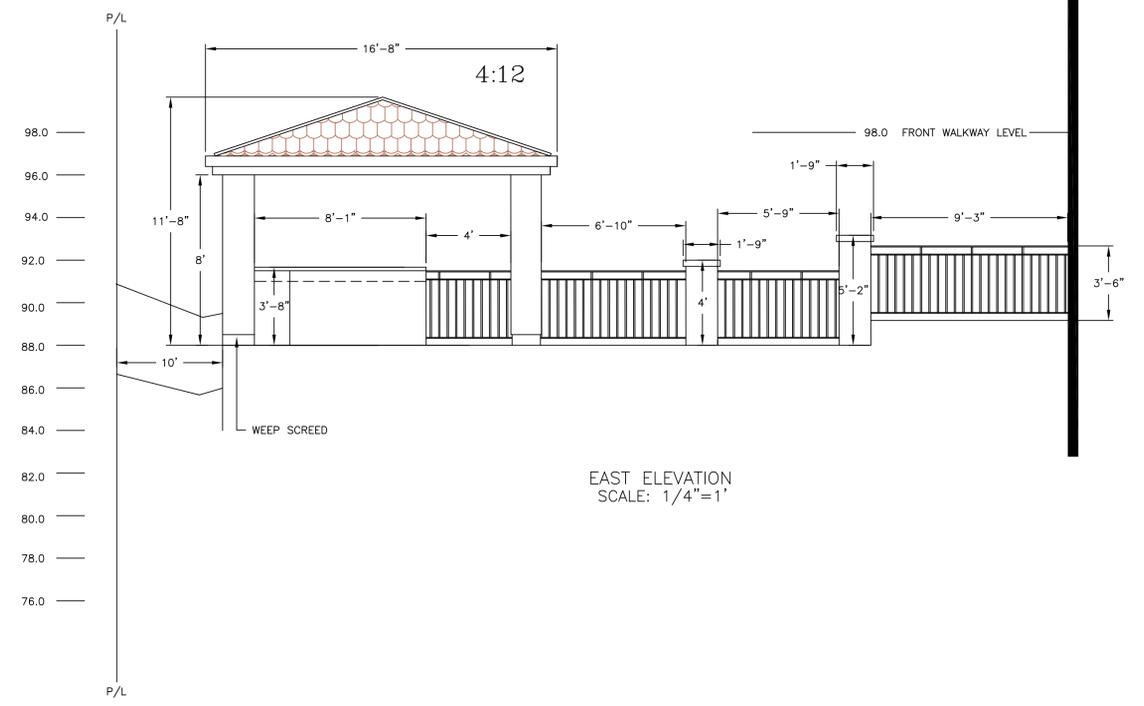
NORTH ELEVATION
SCALE: 1/4"=1'
SOLID ROOF PATIO COVER/BBQ DETAIL
SEE ENGINEERING PLANS FOR STRUCTURAL & PIER DETAILS
(COVER 393 SQ. FT.)



WEST ELEVATION
(COUNTER REMOVED)



SOUTH ELEVATION
SCALE: 1/4"=1'



EAST ELEVATION
SCALE: 1/4"=1'

SCALE: 1"=4'-0"

| | |
|---------------|------------|
| ④ | BL |
| ③ | BL |
| ② | 6-03-13 BL |
| ① | 1-22-13 BL |
| REVISIONS BY | |
| DATE: 11-1-12 | |

SHEET NO:
L-4
OF 5 SHEETS

DIMENSIONS

HELPING HAND
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MILPITAS, CALIFORNIA
408-956-8680 408-838-8749

SHEET NO:
L-4
OF 5 SHEETS







MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: August 14, 2013

APPLICATION: Site Development Permit No. SD13-0006, Saxena Residence

APPLICATION
SUMMARY:

A request to replace a concrete patio deck, install 397 square foot outdoor patio cover, retaining walls, 6-foot tall wooden wire mesh fence, and new landscaping to an existing hillside residence

LOCATION:

1800 Pinehurst Ct. (APN 29-53-0007)

APPLICANT:

Sunil and Rashmi Saxena, 1900 Pinehurst Ct. Milpitas, CA 95035

OWNER:

Same as above.

RECOMMENDATION:

**Staff recommends that the Planning Commission:
Adopt Resolution No. 13-019 recommending the City Council
approve Site Development Permit No. SD13-0006, subject to
conditions of approval.**

PROJECT DATA:

General Plan/

Zoning Designation:

Hillside Medium Density (HMD)/Single Family Residential (R1)
with Hillside Combining District (-H)

Overlay District:

Site and Architectural Overlay (-S)

CEQA Determination:

Categorically Exempt from further environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the Guidelines for the California Environmental Quality Act (CEQA).

PLANNER:

Cindy Hom, Assistant Planner

PJ:

2904

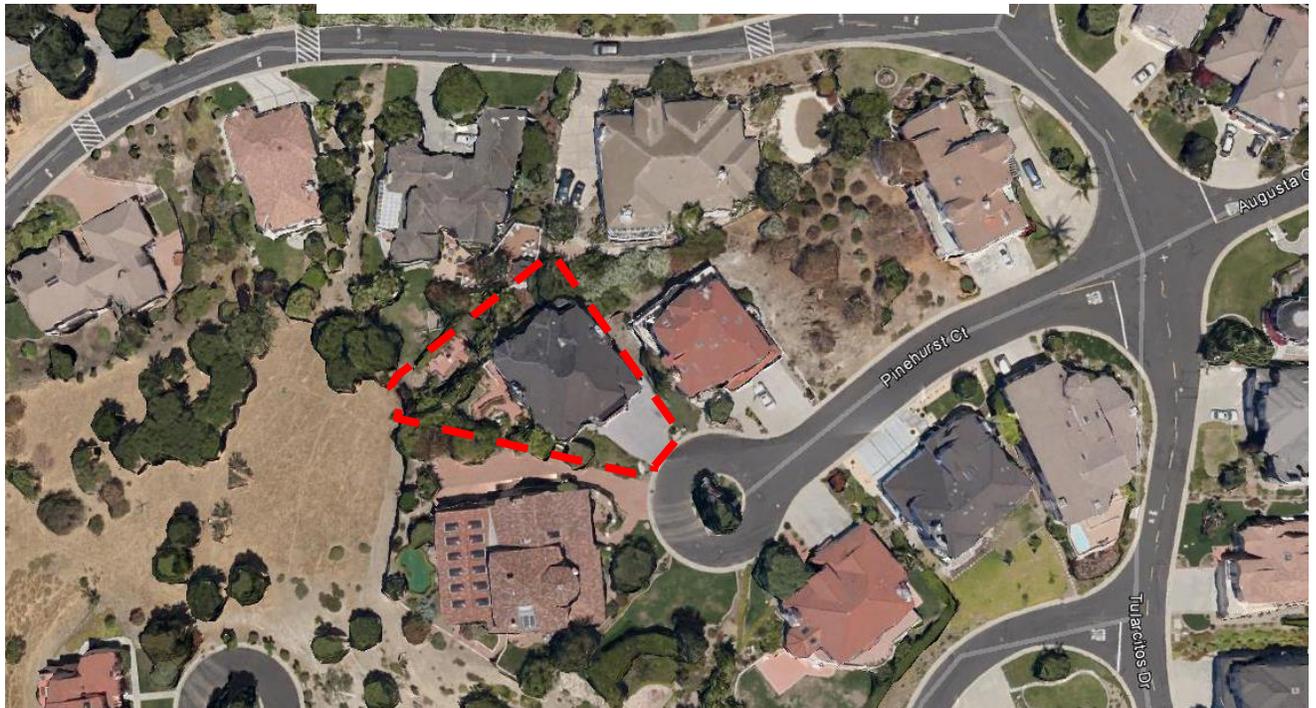
ATTACHMENTS:

- A. Resolution No. 13-019
- B. Project Plans
- C. Story Pole Study

PROJECT LOCATION



PROJECT SITE



Not to Scale.

BACKGROUND

On February 15, 2013, Sunil and Rashimi Saxena submitted an application to allow for minor site modifications to an existing hillside residence. The application is submitted pursuant to Milpitas Municipal Code XI-10-54.02 (Hillside Combining District, Site and Architectural Approval, Applicability) and XI-10-54.08 (Accessory Building and Structure), which requires Planning Commission and City Council review and approval for exterior modifications in the Hillside Combining District.

PROJECT DESCRIPTION

The project site is located within the SummitPointe Planned Unit Development (Planned Unit Development (PUD 21)) on an 11,086 square foot residential parcel located at the end of a cul-de-sac on the north side of Pinehurst Court. Currently, the site is developed with a 3,585 square foot, two-story residence and existing decking with pond feature, seat walls, built-in BBQ and landscaping. The project site is zoned Single Family Residential with Hillside Combining District and is surrounded by other hillside residential homes. The project site is located approximately 360 feet east of the crest line zone of protection. An aerial photo of the project site is provided on the previous page.

The applicant requests to permit site modifications to the rear yard that includes replacement of concrete patio decking, installation of a 397 square foot patio cover, 6-foot tall wooden mesh fence, retaining walls, and new landscaping to as described in more detail below:

Deck

Approximately 1,477 square feet of existing concrete tile decking located along the side and rear yard is proposed to be removed and replaced with 1,507 square feet of earthy gray tone concrete pavers and a 285 square foot gravel walk area with five garden beds. The new paving extends from the front yard walkway to the first level patio deck located on the left side yard. The revised patio deck includes a new patio cover and outdoor room amenities such as a built in BBQ unit and patio furniture. The new paving terminates at the lower level deck at the garden area and gravel walk proposed in the rear yard.

Patio Cover

The applicant proposes to construct a new 12-foot tall, 397 square foot patio cover that consists of a solid stucco wall on the south elevation and stucco columns on the north, east, and west elevation. The patio cover proposes a gray concrete flat tile roof that matches the existing roof tiles on the main residence.

Retaining Walls

The project would install new retaining walls with stucco finish around the perimeter of the patio deck. The retaining walls vary from 1-foot to 4-feet in height. The retaining walls on the west and north side would include a new 42-inch decorative wrought iron fence railing.

Fencing

The existing perimeter fencing consists of a wrought iron fence. The applicant proposes to retain the existing wrought iron fence and gate at the front yard and the segment along the west side

yard. The applicant proposes to replace existing fencing with a 6-foot tall wooden fence with a wire mesh screen along rear and east side yard.

Development Standards

The project does not propose any modifications to the existing home and is limited to installation of accessory structures and landscaping. Compliance with Hillside development standards from the Zoning Code are demonstrated in Table 1 below:

Table 1:
Hillside Development Standards

| Hillside Development Standard | Proposed Project | Complies? |
|---|---------------------------|------------------|
| Accessory Structure Height - 17 feet | Patio Cover = 12' | Yes |
| Maximum Accessory Structure Size – 1,200 sq. ft. | Patio Cover = 397 sq. ft. | Yes |
| Impervious Surface Coverage – 8,000 sq. ft. | 6,747 sq. ft. | Yes |
| Roof Material – ceramic or concrete tile metal, tri-laminate asphalt composition | Concrete flat tile | Yes |

Site & Architectural Guidelines

Section 45.09-7 of the Zoning Code sets forth guidelines for the Commission and Council to consider in their review of Hillside homes. These guidelines are summarized below along with comments regarding the proposed plan's conformance with them.

Table 2:
Site and Architectural Guidelines

| Site & Architectural Guidelines | Comments Regarding Subject Proposal |
|--|--|
| (a) Avoid Unreasonable Interference with Views and Privacy | <ul style="list-style-type: none"> Complies with 17' height limit for accessory structures. The proposed structures outside of the Crestline zone of protection (approximately 360-feet away) and therefore will not visually intrude or extend into the crestline site line. Based on the story pole study of the proposed patio cover, the height and size of structure will not interfere with views or privacy. Landscaping provides privacy and screening of the proposed outdoor room from the adjacent neighbors. |
| (b) Preserve Natural Landscape | <ul style="list-style-type: none"> Site is already developed. Installation of the retaining walls and structures will not greatly disturb existing contours (<i>natural & man-made</i>). |

| Site & Architectural Guidelines | Comments Regarding Subject Proposal |
|---|---|
| (c) Minimize Perception of Excessive Bulk | <ul style="list-style-type: none"> • The structures will not create excessive bulk or massing since these are detached structures. • The patio cover is well portioned in that it is secondary to the main dwelling. |
| (d) Impairment of Light & Air | <ul style="list-style-type: none"> • The proposed patio cover is approximately 40-feet from the adjacent residential structure. Based on the distance to other residential structures and the size and height of the proposed structures, the project will not significantly impair light & air. |
| (e) Grading | <ul style="list-style-type: none"> • The project proposes a minimal amount of grading on the site. Its impact on the natural contours will be minimal since most of the grading is in or around already developed portions of the site. |

To ensure compliance with design standard, staff recommends prior to building permit issuance, any proposed new landscaping shall demonstrate compliance with City Council Resolution 6066 for Hillside Landscaping Water Conservation and Fire Hazard Mitigation.

REQUIRED FINDINGS

A finding is a statement of fact relating to the information that the Planning Commission or City Council has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

To recommend approval the Site Development Permit application, the Planning Commission must recommend the City Council make the following findings pursuant to Milpitas Municipal Code Section XI-10-57-03-F:

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The proposed layout of the site and design of the structures and landscaping is compatible and harmonious with the adjacent and surrounding developments in that the location, height, and size of the proposed patio cover will not further obstruct or restrict views of the hillside and valley floor as demonstrated in the story pole study (Attachment C). The proposed landscaping provides adequate privacy and screening of the proposed outdoor room. As conditioned, the proposed landscaping shall comply with City Council Resolution 6066 for Hillside Landscaping Water Conservation and Fire Hazard Mitigation. The proposed style, colors, and material match the architecture of the existing residence. The concept plan was presented to the SummitPointe Home Owners Association (HOA) and received approval on December 12, 2012.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The project is consistent with the Milpitas Zoning Ordinance in that the proposed structures comply with the required development standards as well as site and architectural guidelines for hillside developments as demonstrated in Tables 1 and 2 above. The proposed modifications to

the perimeter fence is in conformance with the Zoning Ordinance and is consistent with MMC XI-10-54.10 (C) in that the fence posts and supporting framework must be wood in order to maintain the rural character of the hillside.

3. *The project is consistent with the Milpitas General Plan.*

The proposed project is consistent with the Milpitas General Plan in that it is in keeping with the natural character of the hillside and views are protected. As conditioned, the materials, and the design of the accessory structures and landscaping will be in keeping with the natural setting and view of the hillside. The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing policies in Table 3.

Table 3
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, in that the project was reviewed for site and architectural compliance 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 building envelope. 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> |

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 based on the scope of the project it is categorically exempt from further environmental review pursuant to Section 15303 (New Construction or Conversion of small Structures) of the Guidelines to the California Environmental Quality Act (CEQA).

PERMIT STREAMLINING ACT

The project is subject to the Permit Streamlining Act, requiring the City to deem the application complete or incomplete within 30 calendar days of project submittal.

Project Received: February 15, 2013

Deemed Incomplete: March 27, 2013

Project Resubmittal: June 6, 2013

Deemed Complete: July 9, 2013

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. Table 4 provides a summary of the City's public noticing for this project.

Table 4
Public Noticing Summary

| Notice of Public Hearing | Agenda |
|---|--|
| <ul style="list-style-type: none"> ▪ Posted on the site (<i>14 days prior to the hearing</i>) ▪ Twenty-nine (29) notices mailed to property owners and residents within 1,000 feet to the project site (<i>10 days prior to the hearing</i>) ▪ Posted on the City's official notice bulletin board (<i>10 days prior to the hearing</i>) | <ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>5 days prior to the hearing</i>) ▪ Posted on the City of Milpitas's Web site (<i>one week prior to the hearing</i>) |

CITY COUNCIL REVIEW

City Council approval is required for site and architectural for the construction or expansion of a single-family structure or accessory structure in any Hillside Combing District.

CONCLUSION

The proposed accessory structures are consistent with the Zoning Ordinance development standards in terms of height, size and impervious surface coverage. Section 10-45.09-7 of the Zoning Code related to "Site and Architectural" review guidelines, requires the avoidance of unreasonable interference with views and privacy. The height, elevations and placement of the accessory structures on the site, when considered with the location of residential structures on adjacent lots, avoids unreasonable interference with views and privacy. The proposed accessory structures will be placed on a flat area immediately behind the existing residence.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission conduct a public hearing and adopt Resolution No. 13-019 recommending City Council approval of Site Development Permit No. SD13-0006 subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 13-019
- B. Project plans
- C. Story pole study