

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS  
 APPROVING SITE DEVELOPMENT PERMIT NO. SD13-0018 TO CONSTRUCT A NEW HILLSIDE HOME  
 LOCATED AT 826 CALAVERAS RIDGE DRIVE**

**WHEREAS**, on September 24, 2013, an application was submitted by Architect Nadia Pichko, 401 East Taylor Street #175, San Jose, CA 95112, to allow the construction of a new 6,000 square-foot home with a three-car garage on the hillside at 826 Calaveras Ridge Drive. The property is located within the Single Family Hillside Zoning District (APN: 029-6-031) and a Planned Unit Development (PUD 23.5) approved by the City of Milpitas (“City”) in 1981 for a 17 lot subdivision, allowing for the construction of a single family home development known as Calaveras Ridge Estates; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and determined this project exempt under CEQA; and

**WHEREAS**, on November 13, 2013, 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 of Site Development Permit No. SD13-0018 to the City Council; and

**WHEREAS**, on December 3, 2013, the City Council held a hearing to consider the Planning Commission’s recommendation and evidence regarding the project.

**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 project is categorically exempt from further environmental review pursuant to CEQA Guidelines 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.” The project is for the construction of one new single-family residence and therefore meets the definition for this exemption.

**Section 3. Site Development Permit Findings (Section XI-10-57-03(F))**

*a. 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 style and architectural design of the proposed home fits into the natural contours of the hill and are aesthetically compatible with the neighboring homes. The proposed home utilizes earth tone colors as to not draw attention to it when viewing the hillside from the valley floor.

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

The table below demonstrates how the project is consistent with the City’s Zoning Ordinance.

**Development Standards**

	<b>Zoning Ordinance &amp; PUD 23.5</b>	<b>Proposed</b>
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	40’	130’ at closest point

	<b>Zoning Ordinance &amp; PUD 23.5</b>	<b>Proposed</b>
Side Yard Set Back	40'	40' at closest point
Rear	40'	54'8" at closest point
<u>Impervious Surfaces</u> (Maximum)	8,000 sq.ft.	7,515 sq.ft.
<u>Main Dwelling Size</u> (Maximum)	6,000 sq.ft.	6,000 sq.ft.
<u>Building Height</u> (Maximum)	17'	17'
<u>Parking</u> (Minimum)	3 Car Garage Required, plus additional parking in driveway.  Driveway shall be a minimum of 14' in width	3 car garage with additional parking in driveway.  Driveway is a minimum of 14' in width.

Site and Architecture

The proposal is similar to a Mediterranean style. The main façade is of stucco material and will be painted cream/tan color with white trim and multi-colored stone veneer base. The clay tile roof is a blend of brownish red colors with white gutter and roof trim. The entry way columns near the front and rear door will be painted a white and the window mullions will be painted a dark brownish color. All materials and colors are complementary to the neighboring residence and within an earth tone range.

Because of 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. The home is consistent with the Hillside Architectural Guidelines. The table below demonstrates consistency:

**Hillside Zoning Ordinance Compliance**

<b>Site and Architectural Guidelines</b> <i>Section 45.09-7</i>	<b>Consistency Finding</b>
<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>	<b>Consistent.</b> 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.

<b>Site and Architectural Guidelines</b> <i>Section 45.09-7</i>	<b>Consistency Finding</b>
<i>(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>	<b>Consistent.</b> The project site is currently undeveloped with minimal trees. The applicant proposes the addition of approximately 32 trees along with shrubbery and natural ground cover.
<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>	<b>Consistent.</b> The proposed home is stepped along the natural contours of the property and as a result minimizes the perception of excessive bulk for a larger home.
<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>	<b>Consistent.</b> 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.
<i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	<b>Consistent.</b> The proposed grading plan shows how the proposed home is stepped along the natural contours of the property 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)

Grading and Landscaping

The grading plan shows the layout of the proposed home and how it steps along the natural contours of the property, resulting in an acceptable amount of cut and fill for the construction of a new home. The proposed landscape plan includes a variety of shrubs and trees. These plans are consistent with the grading/landscaping requirements within the Hillside Ordinance. The table below demonstrates consistency with the Zoning Ordinance:

**Section 10-45.18 for Grading Requirements in Hillside Zones**

<b>Grading and Landscape</b>	<b>Conformance</b>
Grading will “blend” in with the natural land forms and native vegetation to the maximum extent feasible.	<b>Conforms</b>
No grading cut or embankment with a slope greater than three (3) feet horizontal to one (1) foot vertical shall be located adjacent to a publicly maintained right-of-way.	<b>Conforms</b>
The overall shape, height, grade or any cut-or-fill slopes	<b>Conforms</b>

Grading and Landscape	Conformance
shall be developed in concert with existing natural contours and scale of the natural terrain of a particular site.	
Provide sites which fit into the terrain and allow for minimal amount of grading.	<b>Conforms</b>
Stepped building foundations shall be required to minimize grading on building pads.	<b>Conforms</b>
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	<b>Conforms</b>
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.	<b>Conform &amp; Condition of Approval</b>
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.	<b>Conform &amp; Condition of Approval</b>
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 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.	<b>Condition of Approval</b>
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.	<b>Condition of Approval</b>
Where two cut-or-fill slopes intersect, the intersection shall be horizontally rounded and blended	<b>Condition of Approval</b>
Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended	<b>Condition of Approval</b>
Development Plan with Grading under five hundred (500) Cubic Yards. Where the aggregate volume of grading on any site or contiguous group of sites is under five hundred (500) cubic yards, the Community Development Manager shall review the proposed Grading Plan. If the plan is found to be in conformance with the provisions of this chapter, the Grading Plan shall be approved. In approving	<b>Condition of Approval</b>

Grading and Landscape	Conformance
the plan, such conditions are reasonably necessary to ensure compliance with the objectives of the chapter may be imposed.	

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

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.

**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 \_\_\_\_\_, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
SITE DEVELOPMENT PERMIT NO. SD13-0018**

**General Conditions**

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on November 13, 2013 and City Council on December 3, 2013, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission and City Council, in accordance with the Zoning Ordinance. **(P)**

Site Development Permit No. SD13-0018 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) of the Milpitas Zoning Code, the owner or designee shall have the right to request an extension of Site Development Permit No. SD13-0018 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**
  3. Prior to the issuance of a building permit, the owner or designee shall pay in full the project account balance and establish a remaining balance of 25% of the initial deposit.
  4. Prior to the issuance of a building permit, 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. 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)**
  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. **(P)**
  8. Within six months 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. **(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. Development Plan with grading under five hundred (500) Cubic Yards. Where the aggregate volume of grading on any site or contiguous group of sites is under five hundred (500) cubic yards, the City Engineer shall review the proposed Grading Plan for approval. **(P)**
12. 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)**
13. At the time of building permit plan check submittal, the owner or designee 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 owner or designee shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. **(E)**
14. Prior to building permit issuance, owner or designee 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 *Geotechnical investigation* by Wayne Ting & Associates dated 3/11/1999. **(E)**
15. Prior to building permit issuance, owner or designee must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), park in-lieu fees, treatment plant fee, plan check and inspection deposit, and 2.5% building permit automation fee. **(E)**
16. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrub are permitted within City utility easements, where the easement is located within landscape areas. **(E)**
17. The owner or designee shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping, and signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. **(E)**
18. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. **(E)**
19. The design of this project shall include adequate Best Management Practices (BMPs) to eliminate pollutant from entering the offsite drainage systems. **(E)**
20. The owner or designee 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 **\$3594**, water connection fee of **\$1910**, sewer connection fee of **\$1908** 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. If the existing services (water, sewer and storm) are not adequately sized to serve this development, plans showing new services must be submitted and approved prior to building permit issuance. **(E)**

22. Prior to any work within public right of way or City easement, the owner or designee shall obtain an encroachment permit from City of Milpitas Engineering Division. **(E)**
23. Apply applicable Guidelines for New Developments and Hillside Landscaping Water Conservation Policy (Resolution # 6066). **(E)**
24. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), owner or designee may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. **(E)**
25. The owner or designee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities. **(E)**
26. It is the responsibility of the owner or designee 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)**
27. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "D". **(E)**
28. Indemnification. To the fullest extent permitted by law, applicant 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 applicant, City, and/or the parties initiating or bringing such proceeding. The applicant 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 applicant 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. **(CA)**
29. The development of the Project shall comply with all local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

**(P)** = Planning

**(E)** = Engineering

**(CA)** = City Attorney

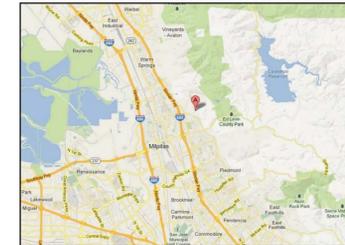
**ART DAVE RESIDENCE**  
826 CALAVERAS RIDGE DR., MILPITAS, CA, 95035



VINICITY MAP



LOCATION MAP

**DRAWING INDEX**

A1	COVER SHEET
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A1.2	CREST LINE PROJECTION
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A3.2	ELEVATIONS
A4	ROOF PLAN
A5	LANDSCAPE PLAN
A6	RENDERING

**GENERAL PROJECT INFORMATION**

OWNER: ART DAVE  
 ADDRESS: 826 CALAVERAS RIDGE DR., MILPITAS, CA, 95035  
 TYPE: SINGLE FAMILY RESIDENCE  
 CONSTRUCTION TYPE: V/B  
 A.P.N.: 029-06-031  
 LOT SIZE: 44,294 SQ.FT.  
 ZONING REGULATIONS: R1-H-S  
 OCCUPANCY GROUP: R-3

SETBACKS	PROVIDED	MINIMUM REQUIRED
Front	74'-10"	40'-0"
Back	115'-5"	40'-0"
Right Side	40'-0"	40'-0"
Left Side	40'-0"	40'-0"

**BUILDING SITE COVERAGE**

Building(s):	6,000.0	sq. ft.
Porch(s):	383.0	sq. ft.
Deck(s):	0.0	sq. ft.
Total:	<b>6,383.0</b>	sq. ft.

**BUILDING FLOOR AREA**

First Floor:	4,225.0	sq. ft.
Second Floor:	1,162.0	sq. ft.
Total Conditioned:	<b>5,383.0</b>	sq. ft.
Garage*:	610.0	sq. ft.
Total:	5,997.0	sq. ft.

(\*) unconditioned space

Maximum allowable floor area: **6,000.00** sq. ft.**CODES AND RESTRICTIONS**

THE CONSTRUCTION SHOULD BE IN STRICT ACCORDANCE WITH THE FOLLOWING:

- 2010 CBC, 2010 CPC, 2010 CEC, 2010 CMC, 2010 CFC, 2010 CRC, 2010 NEC STANDARDS
- 2010 CALIFORNIA ENERGY CODE
- 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE
- ALL APPLICABLE CODES AND REGULATIONS OF 2011 MILPITAS MUNICIPAL CODE (MMC) AND THE STATE OF CALIFORNIA

**STANDARD NOTES:**

1. ANY CONFLICTS BETWEEN ACTUAL ON SITE CONDITIONS AND THE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO RESOLVE WITH THE OWNER/DESIGNER IMMEDIATELY, PRIOR TO PROCEEDING WITH THE WORK IN QUESTION OR ANY PORTION OF THE WORK, EITHER AT THE START OF CONSTRUCTION OR AT ANY TIME THROUGHOUT THE COURSE OF THE CONSTRUCTION TO COMPLETION.
2. ALL CONTRACTORS AND SUBCONTRACTORS SHALL IMPLEMENT CONSTRUCTION BEST MANAGEMENT PRACTICES TO PROTECT STORM QUALITY AND PREVENT POLLUTANTS ENTERING THE PUBLIC STORM DRAIN. FAILURE TO IMPLEMENT AND COMPLY WITH THE APPROVED CONSTRUCTION BEST MANAGEMENT PRACTICES WILL RESULT IN THE ISSUANCE OF CORRECTION NOTICES, CITATIONS, OR STOP ORDERS.
3. CARE SHOULD BE TAKEN NOT TO GENERATE PAINT FLAKES AND/OR DEBRIS. IF PAINT DEBRIS IS LEFT ON THE PROPERTY AFTER DEMOLITION, THEN PROPER DISPOSAL OF THE PAINT-IMPACTED SOIL MUST BE PERFORMED.
4. CONTRACTOR SHALL REVIEW CITY DETAILS ON TREE PROTECTION PRIOR TO ACCOMPLISHING ANY WORK OR REMOVING ANY TREES.
5. CONTACT PUBLIC WORKS FOR INSPECTION OF GRADING, STORM DRAINAGE, AND PUBLIC IMPROVEMENTS.
6. ALL PUBLIC IMPROVEMENTS MUST BE COMPLETED PRIOR TO OCCUPANCY.
7. ALL NEW ELECTRICAL SERVICE (POWER, PHONE, AND/OR CABLE) SHALL BE UNDERGROUND.
8. UTILIZE BEST MANAGEMENT PRACTICES (BMP's), AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD, FOR ANY ACTIVITY, WHICH DISTURBS THE SOIL.
9. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS PREVAIL.
10. CONTRACTOR TO LAYOUT BUILDING OUTLINE TO VERIFY ALL REQUIRED SETBACKS, PRIOR TO POURING THE FOUNDATION.
11. ALL EXTERIOR AND INTERIOR MATERIALS AND COLORS TO BE APPROVED BY THE OWNER BEFORE ORDERING AND INSTALLATION.
12. ALL PLUMBING, MECHANICAL, ELECTRICAL, LIGHTING FIXTURES AND APPLIANCES TO BE APPROVED BY THE OWNER.

**PROJECT SCOPE:**

NEW 6,000 SQ. FT. SINGLE FAMILY HILLSIDE RESIDENCE ON A 44,298 SQ FT VACANT LOT WITHIN THE BOUNDARIES OF FUD 23.5 IN THE CALAVERAS RIDGE ESTATES.

THE DESIGN OF THE HOME WILL UTILIZE CONSTRUCTION MATERIALS AND ELEMENTS COMMONLY USED IN CALIFORNIA SUCH AS STUCCO, STONE, CONCRETE ROOF TILES AND HIPPED ROOF STRUCTURES AND WILL BE FOLLOWING MEDITERRANEAN STYLE GUIDELINES.

PROJECT DESIGNER:  
 NADIA PICHKO  
 1953 OTOOLE WAY, SAN JOSE, CA, 95131  
 (408) 646-2195

SURVEYOR:  
 AL PASCUAL & ASSOCIATES, INC.  
 841 MONTEVINO DR., PLEASANTON, CA, 94566  
 (925) 425-9398

**AUTOMATIC FIRE SPRINKLER SYSTEM**

AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM MEETING THE REQUIREMENTS OF CFC SEC. 903.2 IS REQUIRED TO BE INSTALLED IN THIS PROJECT, INCLUDING ATTACHED AND DETACHED GARAGES AT OR ABOVE 1,000 SQFT. PLANS SHALL BE DESIGNED BY A LICENSED SPRINKLER SYSTEM DESIGNER AND SUBMITTED TO THE MILPITAS FIRE DEPARTMENT FOR REVIEW AND APPROVAL.

REVISIONS

MILPITAS, CA, 95035

ART DAVE RESIDENCE

826 CALAVERAS RIDGE DR.

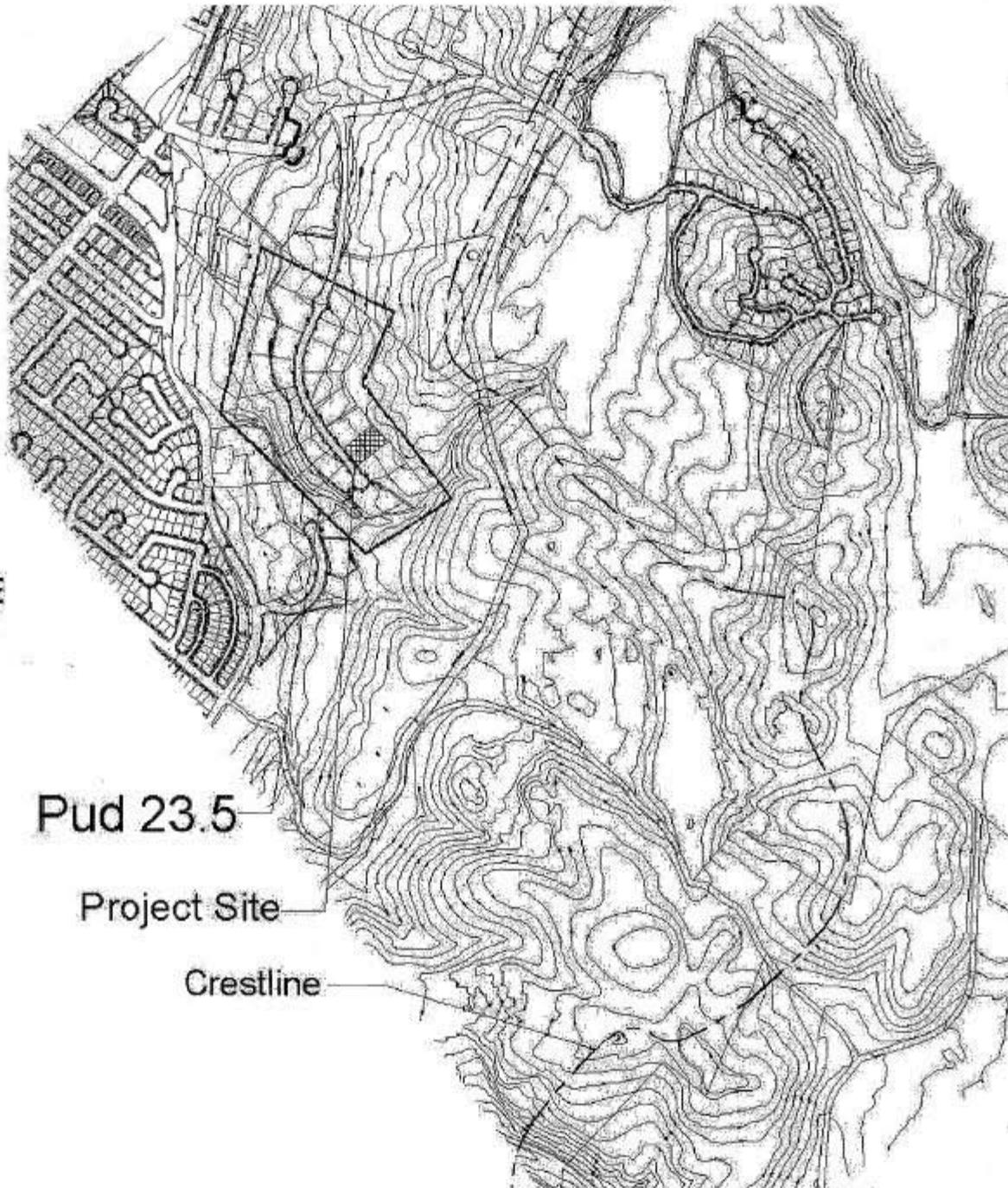
NADIA PICHKO  
 401 E Taylor St. #175  
 San Jose, CA, 95112  
 Bolsstudio@yahoo.com  
 (408) 646-2195

DATE 12/10/2012

SCALE

SHEET

**A1**



SITE

Pud 23.5

Project Site

Crestline



**SITE CRESTLINE ELEVATION**

SCALE : 1/16" = 1' - 0"

No.	Revised/Issue	Date	

THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION DRAWINGS.

ALL WORK SHALL CONFORM TO APPLICABLE REQUIREMENTS OF LOCAL, STATE, AND FEDERAL AGENCIES HAVING JURISDICTION. DESIGNER ASSUMES NO RESPONSIBILITY FOR THE SUPERVISION NOR PROPER EXECUTION FOR THE WORK SHOWN ON THESE DRAWINGS, NOR FOR ANY EXISTING CONSTRUCTION. ANY REPRODUCTION IN ANY FORM OR PART THERE OF, IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF DESIGNER.

CONTRACTORS TO VERIFY ALL CONDITIONS AND REPORT ANY DISCREPANCIES TO OWNER, DESIGNER, AND ENGINEER.

PAGE:  
SITE &  
CRESTLINE  
LOCATION

Project Name and Address  
MR. ART DAVIS  
823 CALIFORNIA BOULE DRIVE  
MILPITAS CA 95035

Project Name	Sheet
CUSTOM HOME	A1.1
Date	
05-23-2011	
Drawn By	
ADL/NOTES	

CONTRACTORS TO VERIFY ALL CONDITIONS AND REPORT ANY DISCREPANCIES TO OWNER, DESIGNER, AND ENGINEER.

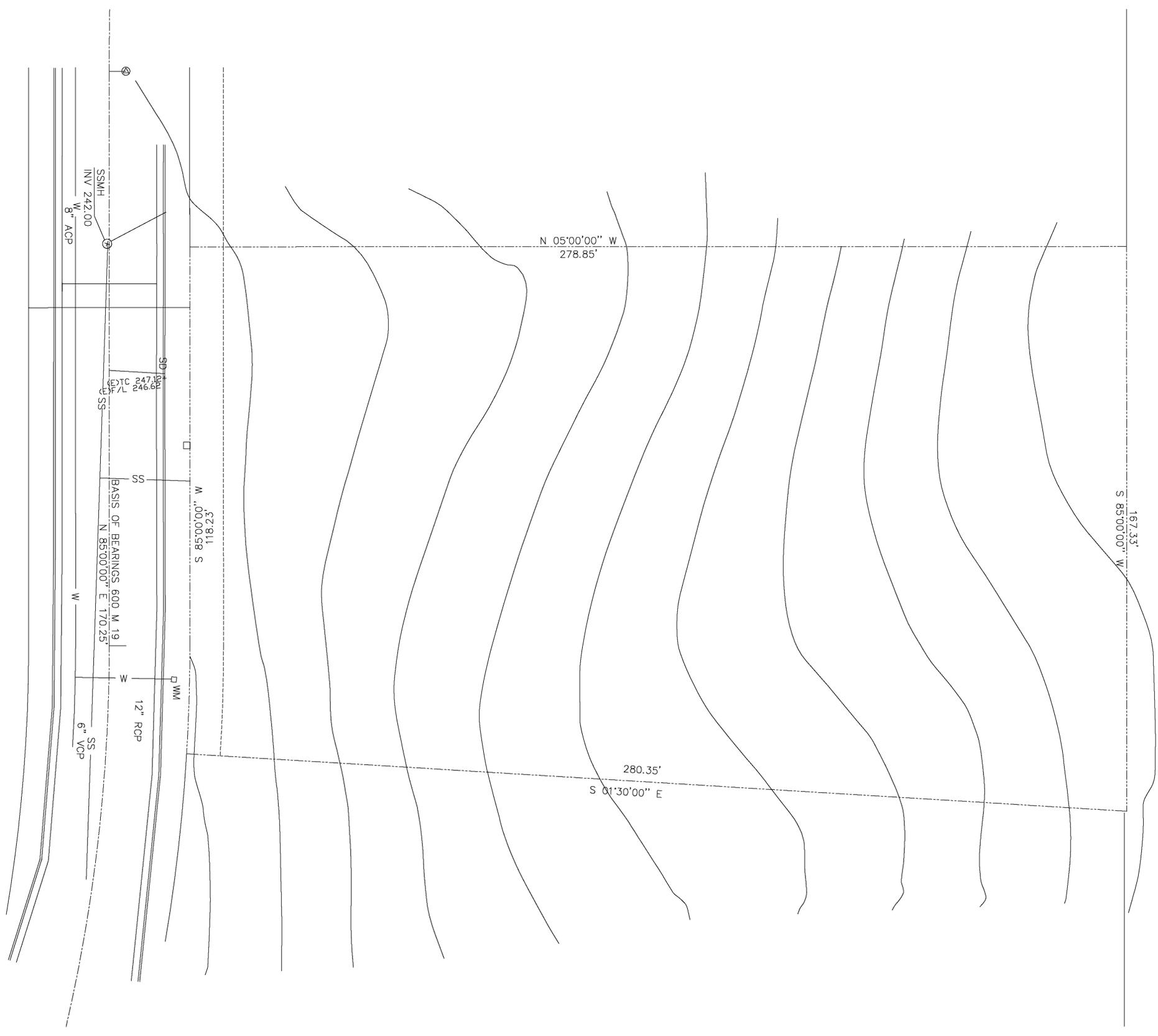
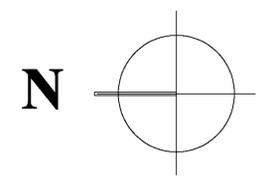


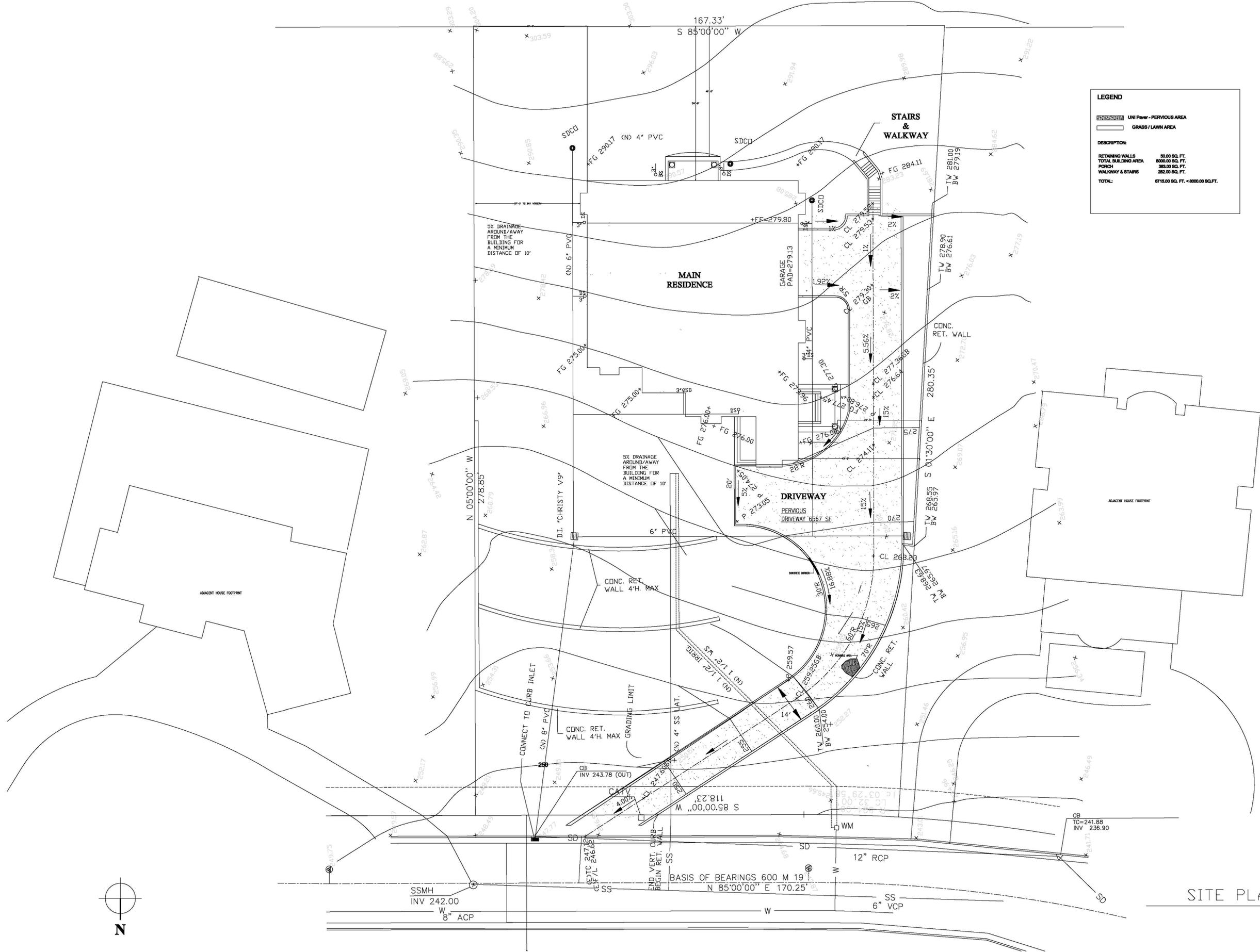
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NADIA PICHKO  
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San Jose, CA, 95112  
Boltstudio@yahoo.com  
(408) 646-2195

DATE 12/10/2012  
SCALE 1/16"=1'-0"

SHEET  
**A1.3**





**LEGEND**

	UNI Paver - PERVIOUS AREA
	GRASS / LAWN AREA

**DESCRIPTION**

RETAINING WALLS	80.00 SQ. FT.
TOTAL BUILDING AREA	6000.00 SQ. FT.
PORCH	288.00 SQ. FT.
WALKWAY & STAIRS	392.00 SQ. FT.
<b>TOTAL:</b>	<b>6715.00 SQ. FT. &lt; 8000.00 SQ.FT.</b>

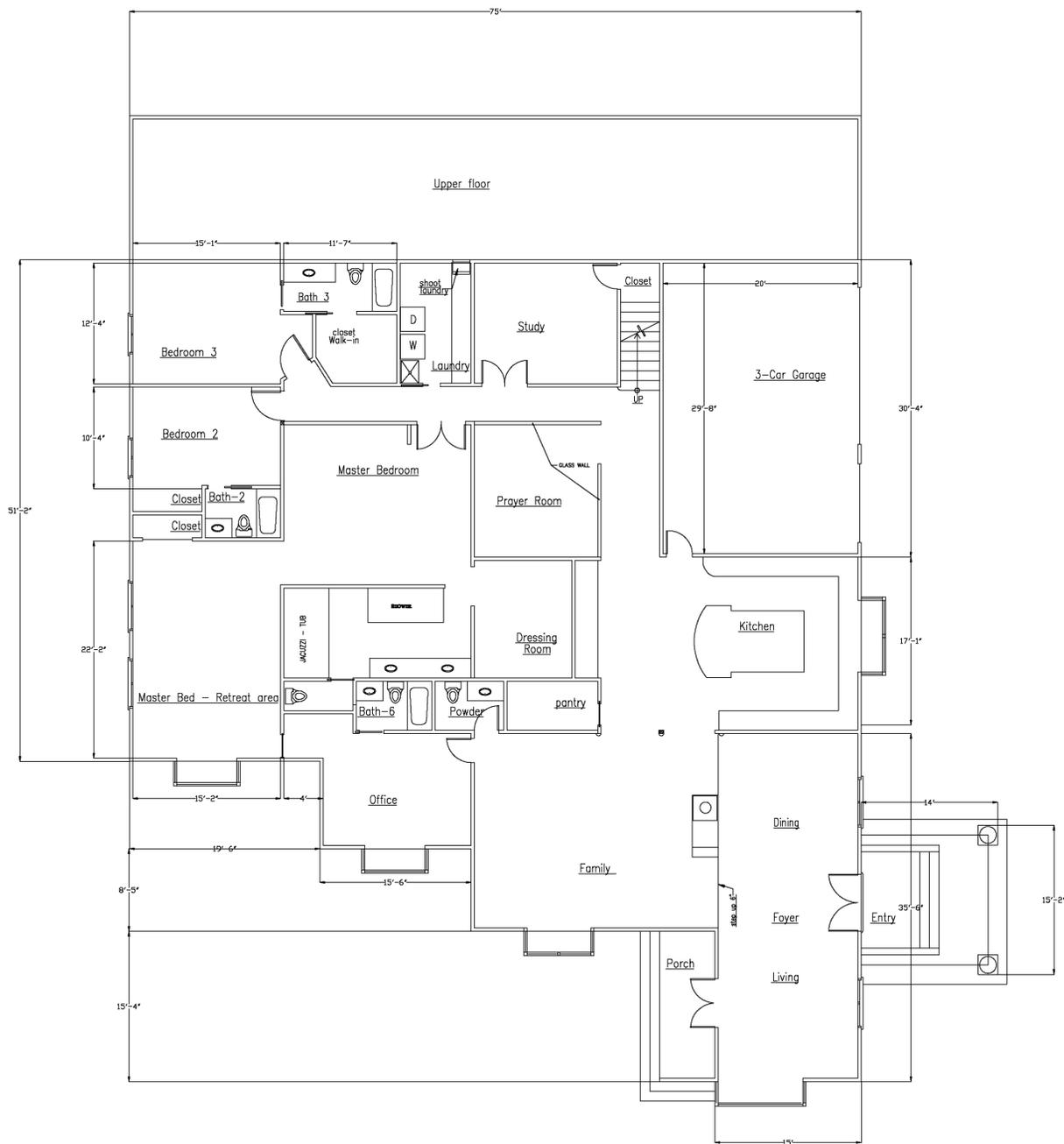
SITE PLAN

**ART DAVE RESIDENCE**  
 826 CALAVERAS RIDGE DR. MILPITAS, CA, 95035

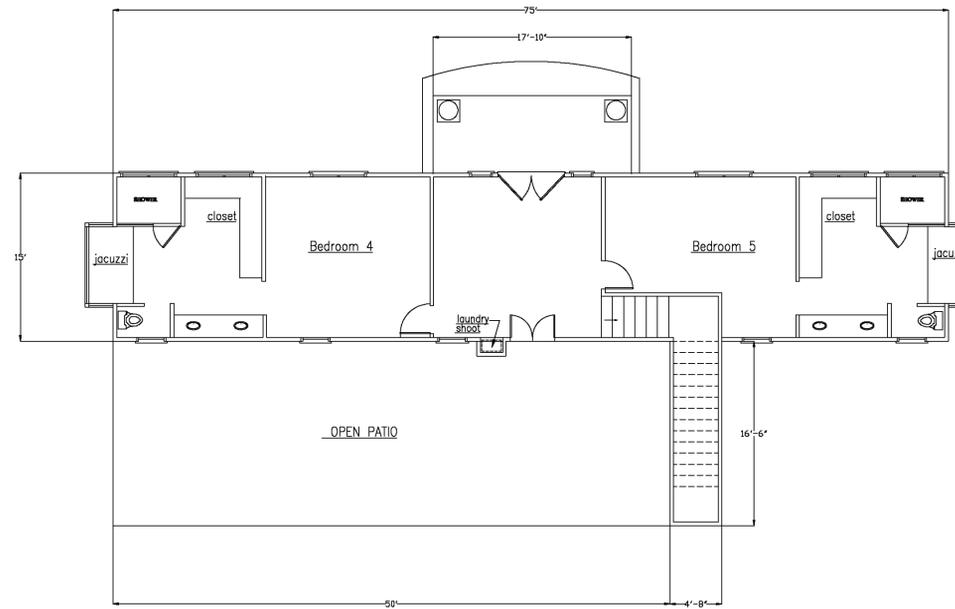
NADIA PICHKO  
 401 E Taylor St. #175  
 San Jose, CA, 95112  
 Boltstudio@yahoo.com  
 (408) 646-2195

DATE 12/10/2012  
 SCALE 1/16"=1'-0"

SHEET **A1.4**



PROPOSED LOWER FLOOR PLAN



PROPOSED UPPER FLOOR PLAN

WALL LEGEND  
 = NEW WALLS

ART DAVE RESIDENCE  
 826 CALAVERAS RIDGE DR. MILPITAS, CA, 95035

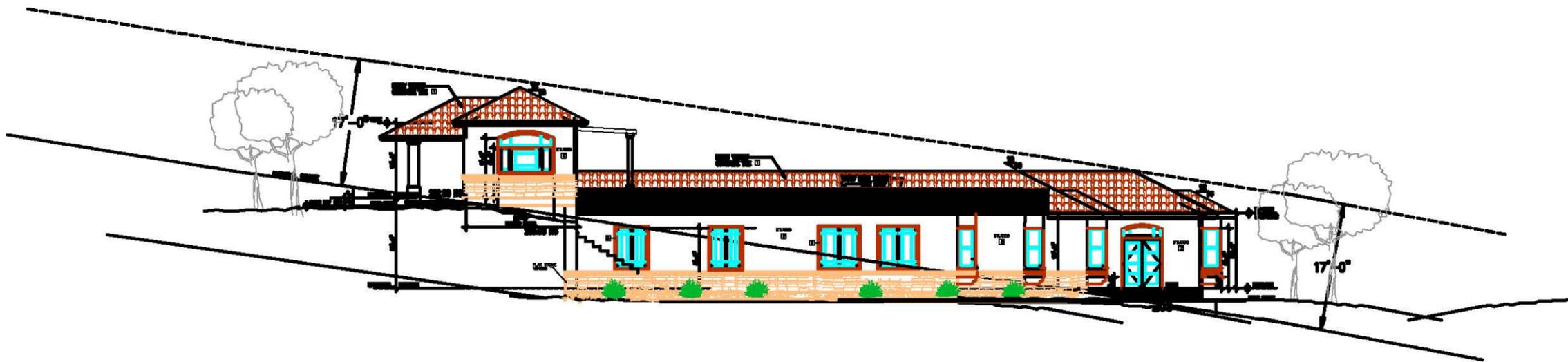
NADIA PICHKO  
 401 E Taylor St. #175  
 San Jose, CA, 95112  
 Boltstudios@yahoo.com  
 (408) 646-2195

DATE 12/10/2012  
 SCALE 1/8"=1'-0"

SHEET  
**A2**



FRONT ELEVATION (WEST)



LEFT SIDE ELEVATION (NORTH)

REVISIONS

**ART DAVE RESIDENCE**  
 826 CALAVERAS RIDGE DR. MILPITAS, CA, 95035

NADIA PICHKO  
 1953 Pringle Way  
 San Jose, CA, 95131  
 Boltstudio@yahoo.com  
 (408) 646-2195

DATE 12/10/2012

SCALE 1/8"=1'-0"

SHEET  
**A3.1**

260

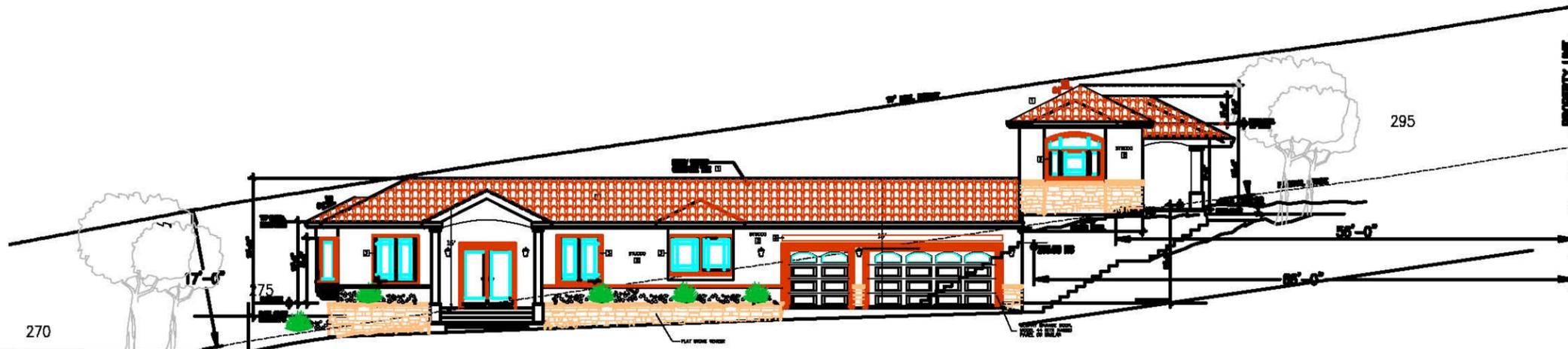
265

270

75

295

PROPERTY LINE



RIGHT SIDE ELEVATION (SOUTH)



REAR ELEVATION (EAST)

REVISIONS

ART DAVE RESIDENCE

MILPITAS, CA, 95035

826 CALAVERAS RIDGE DR.

NADIA PICHKO  
1953 Pringle Way  
San Jose, CA, 95131  
Boltstudio@yahoo.com  
(408) 646-2195

DATE 12/10/2012

SCALE 1/8"=1'-0"

SHEET  
**A3.2**





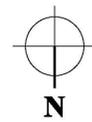
BUSH SCHEDULE

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SPACING	SIZE	GALS
1	GOBBLER SANTOOTH DAM	QUERCUS ACUTISSIMA	12'	7"	
2	RED GRAVENSTEIN APPLE TREE	MALUS DOMESTICA	12'	5"	
3	SWEET CHERRY	PRUNUS AVIUM	12'	15"	
4	FLOWERING PLUM TREE	PRUNUS CERASIFERA	12'	8"	
5	GLOSSY ABELIA	ABELIA GRANDIFLORA	4'	2"	

**LEGEND**

UNI Paver - PERVIOUS AREA  
 GRASS / LAWN AREA WITH IRRIGATION

**DESCRIPTION:**  
 MAXIMUM IMPERVIOUS AREA: 6,000  
 RETAINING WALLS: 50 SQ FT  
 TOTAL BUILDING AREA: 6000 SQUARE FT



LANDSCAPE PLAN

**ART DAVE RESIDENCE**  
 826 CALAVERAS RIDGE DR. MILPITAS, CA, 95035

NADIA PICHKO  
 401 E Taylor St. #175  
 San Jose, CA, 95112  
 Boltstudio@yahoo.com  
 (408) 646-2195

DATE: 12/10/2012  
 SCALE: 1/16" = 1'-0"

SHEET  
**A5**



FRONT ELEVATION (WEST)



LEFT SIDE ELEVATION (NORTH)



REAR ELEVATION (EAST)



RIGHT SIDE ELEVATION (SOUTH)

REVISIONS

**ART DAVE RESIDENCE**  
 826 CALAVERAS RIDGE DR. MILPITAS, CA, 95035

NADIA PICHKO  
 1953 O'roole Way  
 San Jose, CA, 95131  
 Boltstudio@yahoo.com  
 (408) 646-2195

DATE 12/10/2012

SCALE 1/8"=1'-0"

SHEET  
**A6**

# UNAPPROVED

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

### MEETING MINUTES Wednesday, November 13, 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, Gurdev Sandhu, Garry Barbadillo and Zeya Mohsin  
**Absent:**      Alternate Member Demetress Morris  
**Staff:**      Steve McHarris, Tiffany Brown, Johnny Phan, and Mary Lavelle
- 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 October 23 and 26, 2013 meeting minutes of the Planning Commission.  
  
One change was requested by staff for the October 23 minutes: add the following to Consent Calendar item VIII-1:  
  
*Motion:* adopt Resolution 13-029 approving Conditional Use Permit No. UP13-0018 subject to conditions of approval  
  
**Motion** to approve Planning Commission meeting minutes of October 23, 2013 as amended, and the meeting minutes of October 26, 2013, as submitted  
  
Motion/Second:      Commissioners Madnawat/Luk  
AYES:      7 (October 26)  
NOES:      0  
and  
AYES:      5 (October 23)  
NOES:      0  
ABSTAIN:      2 (Sandhu and Ciardella, due to their absence at the meeting)
- V. ANNOUNCEMENTS**      Planning Director Steve McHarris reminded Commissioners that there would not be a second meeting in November, due to the Thanksgiving holiday. The next meeting would be on December 11 when an item on the agenda would be related to details of the 60<sup>th</sup> Anniversary being planned in the City in 2014, and how the Commission may participate in a community event on Sunday, January 26. Staff had some ideas on how to provide information to the community on upcoming development projects.

On December 11 also, Dr. Shawn Spano - the City's consultant for Strategic Planning - will be on the agenda seeking input from Commissioners. Also, the California Circle and Main Street study areas report (Cal Poly students) was scheduled to be presented, with a final document due in January.

Chair Mandal announced the annual Holiday Tree lighting event on Sunday, December 1 at 7:00 PM behind City Hall.

Commissioner Madnawat suggested that the concept of public outreach for the Planning Commission projects may be a topic for the 60<sup>th</sup> event table.

**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 two items on the agenda (VIII-3 and VIII-5) were requested to be continued to December 11.

**Motion** to approve the November 13, 2013 agenda as submitted

Motion/Second: Commissioner Mohsin/Vice Chair Ciardella

AYES: 7

NOES: 0

**VIII. CONSENT**

Chair Mandal reviewed the consent calendar of five items, two of which were to be continued (re: Pacific Mall and Farmers Market).

**1) CONDITIONAL USE PERMIT NO. UP13-0019:** request to re-establish a discontinued auto repair use within the existing non-conforming building at 1636 South Main Street, (APN: 086-22-024) Zoned Multi-Family Residential with Site and Architectural Overlay (R3-S) located within the Midtown Specific Plan, from applicant Vu Doan.

*Action: Adopt Resolution No. 13-033 approving Conditional Use Permit No. P13-0019 re-establishing a discontinued non-conforming auto repair use located at 1636 South Main Street, subject to the conditions of approval.*

**2) SITE DEVELOPMENT PERMIT NO. SD13-0015 AND CONDITIONAL USE PERMIT AMENDMENT NO. UA13-0005:** request for façade modifications to the Great Mall incorporating the new Red Robin restaurant, along with amending Conditional Use Permit (UP1167.2) for the addition of a full service bar located at 248 Great Mall Drive, (APN: 86-24-060) Zoned General Commercial with Site and Architectural Overlay (C2-S), located within the Transit Area Specific Plan from applicant Red Robin International.

*Action: Adopt Resolution No. 13-031 approving Site Development Permit No. SD13-0015 and Amending Conditional Use Permit No. 1167.2 authorizing the façade modifications and a full service bar for the Red Robin Restaurant located at the Great Mall, subject to conditions of approval.*

Planning Commission Meeting Minutes

November 13, 2013

**4) SUMMARY VACATION OF UNNECESSARY PORTION OF OLD CAPITOL AVENUE PUBLIC RIGHT-OF-WAY (KNOWN AS “WHITE HOLE”) FOR ROADWAY PURPOSES PURSUANT TO STATE STREETS AND HIGHWAY CODE SECTION 8333(a):** Finding that the Summary Vacation of the unnecessary portion of Old Capitol Avenue Right-of-Way (known as “White Hole”) is in conformance with the State Streets and Highway Code Section 8333(a), and that the disposition of the property (“White Hole”) for the Integral McCandless Mixed Use Project (District 1 Building 1) is in conformance with the General Plan and Transit Area Specific Plan located adjacent to 1315 McCandless Drive.

*Action: Adopt Resolution No. 13-035 finding the summary vacation and disposition of 0.7 acres of Old Capitol Avenue Right-of-Way to be in conformance with the Transit Area Specific Plan and General Plan.*

Chair Mandal asked if anyone present would like to address the Commission on the Consent Calendar items, and no one came forward.

**Motion** to approve the consent calendar as presented, approving Items No. 1, No. 2 and No. 4, and continuing Items No. 3 and No. 5 to the December 11, 20123 agenda

Motion/Second: Commissioners Sandhu/Mohsin

AYES: 7

NOES: 0

## IX. PUBLIC HEARING

### IX-1.

**SITE DEVELOPMENT PERMIT NO. SD13-0018:** a request to construct a new 6,000 square foot home with a three-car garage on the hillside at 826 Calaveras Ridge Drive, within a Planned Unit Development, zoned Single Family Residential with Site and Architectural Overlay, along with Hillside Combining District, from applicant Nadia Pichko.

Planner Tiffany Brown presented the request for this new residence to be constructed on the hillside property. She provided details on the design and construction planned, along with some visual displays of the home.

Commissioner Madnawat asked about the maximum height and how that was calculated for a hillside home. Staff explained it would not exceed the 17 feet limit.

Chair Mandal asked about trees and landscaping on the site. He wondered if there was any recycled water supply in that area of Milpitas and staff replied no.

Chair Mandal then opened the public hearing for comments.

**Motion** to close the public hearing after hearing no comments

Motion/Second: Commissioners Madnawat/Sandhu

AYES: 7

NOES: 0

### Planning Commission Meeting Minutes

November 13, 2013

**Motion** to adopt Resolution No. 13-032 recommending the Site Development Permit for the hillside home construction to the City Council

Motion/Second: Commissioners Madawat/Sandhu

AYES: 7

NOES: 0

**X. ADJOURNMENT**

Chair Mandal adjourned the meeting at 7:25PM to the next regular meeting date of December 11, 2013, noting there was no second meeting in November.

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



# MILPITAS PLANNING COMMISSION AGENDA REPORT

**PUBLIC HEARING**

Meeting Date: November 13, 2013

---

**APPLICATION: SITE DEVELOPMENT PERMIT NO. SD13-0018**

**APPLICATION  
SUMMARY:**

A request to construct a new 6,000 square foot home with three car garage on the hillside.

**LOCATION:**

826 Calaveras Ridge Drive (APN: 029-6-031)

**APPLICANT:**

Nadia Pichko, 401 E Taylor Street # 175, San Jose, CA 95112

**OWNER:**

Dave Mohini and Art Dave, 22356 Hartman Drive, Cupertino, CA 95014

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:  
Adopt Resolution No. 13-032 recommending the City Council  
approves Site Development Permit No. SD13-0018 for the  
construction of a new 6,000 square foot home in the hillside,  
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)

Planned Unit Development: PUD 23.5

CEQA Determination:

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.

**PLANNER:**

Tiffany Brown, Assistant Planner

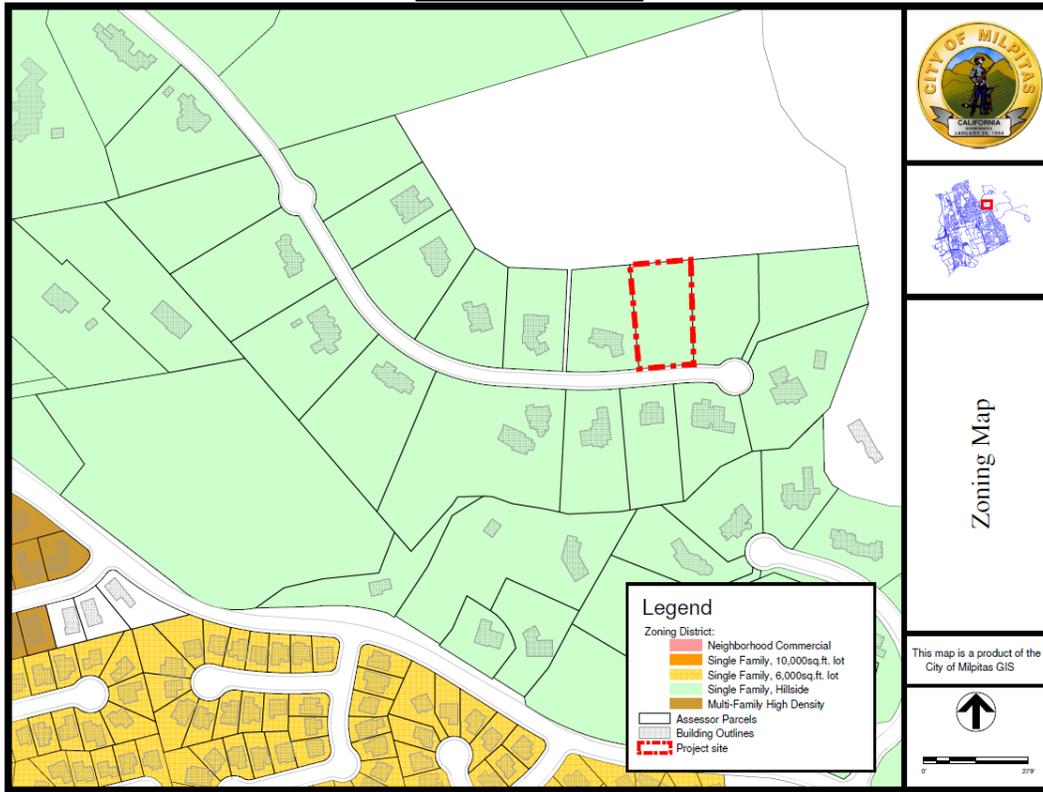
**PJ:**

2884

**ATTACHMENTS:**

- A. Resolution No. 13-032
- B. Site Plans

**Map 1**  
**Project Location**



**Map 2**  
**Project Site**



## BACKGROUND

### *History*

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 three lots have been developed.

In December of 2007, Pete Vararoutsos received approval (SZ2007-3) to construct a new one-story 4,140 square foot home located on a 1.2 acre parcel at 826 Calaveras Ridge Drive. In 2009, Pete Vararoutsos applied and received approval for a one-time 18 month time extension. The permits have since lapsed.

### *The Application*

On September 24, 2013, an application was submitted by Architect Nadia Pichko representing the new property owner Art Dave, pursuant to Section 57 of the Milpitas Zoning Ordinance for a Site Development Permit. The following is a summary of the request:

- *Site Development Permit:* To evaluate the site layout, architecture, massing, and Landscape for the request to construct a new 6,000 square foot home with three car garage on the hillside per Section 10-45.09 of the Hillside Ordinance.

## PROJECT DESCRIPTION

### *Overview*

The project site is an undeveloped 1.2 acre parcel located along Calaveras Ridge Drive within Calaveras Ridge Estates. The property and neighboring properties are zoned Single Family Residential - Hillside and the project site is more than 300 feet 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 6,000 square foot home including a three car garage with five bedrooms, office, study family room, kitchen, dining area, and living room. The location of the home and the design of the home follows the natural contours of the site and minimizes tree removal based on the proposed grading plans and elevations. The home is consistent with both the PUD 23.5 and Hillside development standards. See Table 1 below for compliance.

### *Development Standards*

The table below demonstrates how the project is consistent with the City's Zoning Code.

**Table 1**  
**Development Standards**

	<b>Zoning Ordinance &amp; PUD 23.5</b>	<b>Proposed</b>
<u>Setbacks (Minimum)</u>		
Front to Primary Structure	40'	130' at closest point

	<b>Zoning Ordinance &amp; PUD 23.5</b>	<b>Proposed</b>
Side Yard Set Back	40'	40' at closest point
Rear	40'	54'8" at closest point
<u>Impervious Surfaces</u> (Maximum)	8,000sq.ft.	7,515 sq.ft.
<u>Main Dwelling Size</u> (Maximum)	6,000sq.ft.	6,000 sq.ft.
<u>Building Height</u> (Maximum)	17'	17'
<u>Parking</u> (Minimum)	3 Car Garage Required, plus additional parking in driveway.  Driveway shall be a minimum of 14' in width	3 car garage with additional parking in driveway.  Driveway is a minimum of 14' in width.

Site and Architecture

The proposal is similar to a Mediterranean style. The main façade is of stucco material and will be painted cream/tan color with white trim and multi-colored stone veneer base. The clay tile roof is a blend of brownish red colors with white gutter and roof trim. The entry way columns near the front and rear door will be painted a white and the window mullions will be painted a dark brownish color. All materials and colors are complementary to the neighboring residence and within an earth tone range.

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. The home is consistent with the Hillside Architectural Guidelines. See Table 2 below for consistency.

**Table 2**  
**Hillside Zoning Ordinance Compliance**

<b>Site and Architectural Guidelines</b> <i>Section 45.09-7</i>	<b>Consistency Finding</b>
<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</i>	<b>Consistent.</b> 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

<b>Site and Architectural Guidelines</b> <i>Section 45.09-7</i>	<b>Consistency Finding</b>
<i>reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.</i>	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 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>	<b>Consistent.</b> The project site is currently undeveloped with minimal trees. The applicant is proposes the addition of approximately 32 trees along with shrubbery and natural ground cover.
<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>	<b>Consistent.</b> The proposed home is stepped along the natural contours of the property and as a result minimizes the perception of excessive bulk for a larger home.
<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>	<b>Consistent.</b> 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.
<i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	<b>Consistent.</b> The proposed grading plan shows how the proposed home is stepped along the natural contours of the property 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)

### Grading and Landscaping

The grading plan shows the layout of the proposed home and how it steps along the natural contours of the property, resulting in an acceptable amount of cut and fill for the construction of a new home. The proposed landscape plan includes a variety of shrubs and trees (See Attachment B., Landscape Plan). These plans are consistent with the grading/landscaping requirements within the Hillside Ordinance. See applicable standards and conformance in Table 3 below.

**Table 3**  
**Section 10-45.18 for Grading Requirements in Hillside Zones**

<b>Grading and Landscape</b>	<b>Conformance</b>
Grading will “blend” in with the natural land forms and native vegetation to the maximum extent feasible.	<b>Conforms</b>
No grading cut or embankment with a slope greater than three (3) feet horizontal to one (1) foot vertical shall be located adjacent to a publicly maintained right-of-way.	<b>Conforms</b>
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.	<b>Conforms</b>
Provide sites which fit into the terrain and allow for minimal amount of grading.	<b>Conforms</b>
Stepped building foundations shall be required to minimize grading on building pads.	<b>Conforms</b>
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.	<b>Conforms</b>
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.	<b>Conform &amp; Condition of Approval</b>
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.	<b>Conform &amp; Condition of Approval</b>
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 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.	<b>Condition of Approval</b>
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.	<b>Condition of Approval</b>
Where two cut-or-fill slopes intersect, the intersection shall be horizontally	<b>Condition of</b>

Grading and Landscape	Conformance
rounded and blended.	<b>Approval</b>
Where any cut-or-fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended .	<b>Condition of Approval</b>
Development Plan with Grading under five hundred (500) Cubic Yards. Where the aggregate volume of grading on any site or contiguous group of sites is under five hundred (500) cubic yards, the Community development Manager shall review the proposed Grading Plan. If the plan is found to be in conformance with the provisions of this chapter, the Grading Plan shall be approved. In approving the plan, such conditions are reasonably necessary to ensure compliance with the objectives of the chapter may be imposed.	<b>Condition of Approval</b>

### 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.

#### *Site Development Permit Findings (Section XI-10-57-03-1(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.*

As described in detail above, the style and architectural design of the proposed home fits into the natural contours of the property and is aesthetically compatible with the neighboring homes. The proposed home utilizes earth tone colors as to not draw attention to it when viewing the hillside from the valley floor.

- 2. The project is consistent with the Milpitas Zoning Ordinance in that:*

As described in detail above, the proposed home meets the Development Standards in the Single Family Hillside Zoning district and Calaveras Estates PUD 23.5 for setbacks, height requirements, impervious surfaces, parking, grading, and landscaping.

- 3. The project is consistent with the Milpitas General Plan, specifically Policy Number 2.a-I-14 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.

### 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**

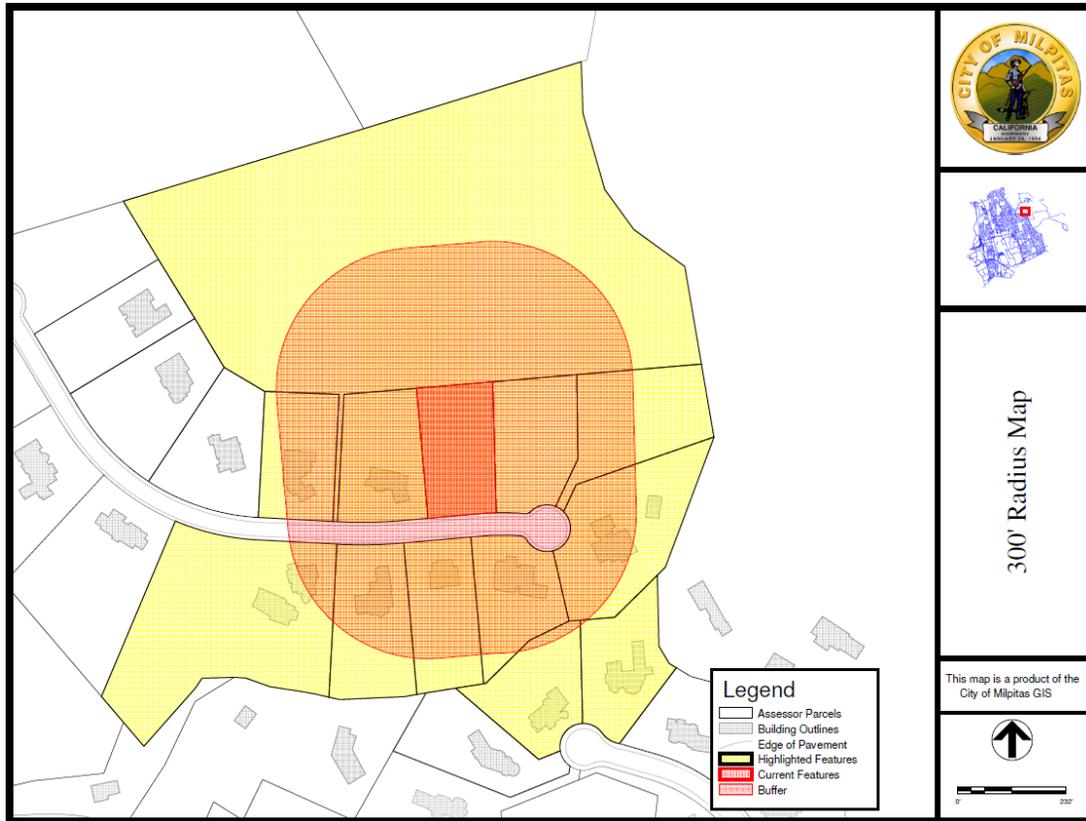
Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public. The table below provides a summary of the City's public noticing efforts for this project.

**Table 4**  
**Public Noticing Summary**

<b>Notice of Public Hearing</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>▪ Posted on the site (<i>14 days prior to the hearing</i>)</li> <li>▪ Twenty-four (24) notices mailed to property owners and residents within 300' feet to the project site (<i>10 days prior to the hearing</i>)</li> <li>▪ Posted on the City's official notice bulletin board (<i>10 days prior to the hearing</i>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Posted on the City's official notice bulletin board (<i>5 days prior to the hearing</i>)</li> <li>▪ Posted on the City of Milpitas's Web site (<i>one week prior to the hearing</i>)</li> </ul>

The map below illustrates the extent of the mailed notices.

**Map 3**  
**Public Notice Radius**



### CITY COUNCIL REVIEW

After publicly heard at the Planning Commission meeting of November 13, 2013, the application will move forward with the Commission's recommendation to the December 3, 2013 City Council meeting.

### CONCLUSION

The intent of the subdivision approved in the 1980's (Calaveras Estates PUD) was to allow for the construction of new homes with a district neighborhood characteristic. 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 property and is aesthetically pleasing. The home utilizes earth tone colors as to not draw 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 adopt Resolution No. 13-032 recommending **the City Council approves Site Development Permit No. SD13-0018 for the construction of a new 6,000 square foot home in the hillside, subject to conditions of approval.**

*Attachments:*

- A. Resolution No. 13-032
- B. Site Plans