

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS  
APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO. SA13-0002 TO CONVERT AN  
EXISTING LAUNDRY ROOM INTO AN OFFICE AND CONSTRUCT A 121 SQUARE FOOT  
ADDITION TO A HILLSIDE HOME LOCATED AT 1609 COUNTRY CLUB DRIVE**

**WHEREAS**, on July 29, 2013, an application was submitted by Suresh Hosakoppal, 1609 Country Club Drive, Milpitas, CA 95035, for a Site Development Permit Amendment to convert the existing laundry room into an office and construct a 121 square foot addition for a new laundry room at 1609 Country Club Drive. The property is zoned Single Family Residential with Hillside Combining District. The property is located within the Single Family Hillside Zoning District (APN: 029-53-030) and a Planned Unit Development (PUD 21) was approved by the City of Milpitas (“City”) in 1978; 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 is exempt under CEQA; and

**WHEREAS**, on December 11, 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 Amendment No. SA13-0002 to the City Council; and

**WHEREAS**, on January 7, 2014, 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 15301(e) because the addition to the existing home is less than fifty percent (50%) of the floor area of the home before the addition and therefore qualifies to be categorically exempt pursuant to the CEQA Guidelines (Additions to Existing Structures).

**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 addition are consistent with the colors and materials used for the existing home and are compatible and aesthetically harmonious with the adjacent and surrounding development. The 121 square foot addition will remove an existing paved area and will not obstruct current landscaping.

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

The addition is located at the rear of the property, is consistent with the development standards of the Zoning Ordinance as described below, and will not obstruct views from neighboring residence in that the building is shorter and smaller in mass than the existing home.

**Summary of Development Standards**

	<b>Zoning Ordinance</b>	<b>Proposed</b>
<u>Setbacks (Minimum)</u>		
Front	20'	No change
Street Side	5' minimum, 15' in between homes	Proposed Addition is 31' at closest point
Rear	10'	Proposed Addition is 52' at closest point
<u>Size of Main Residence (Maximum)</u>	6,000 sq. ft.	4,835 sq. ft.
<u>Building Height (Maximum)</u>	30' at eave line	Proposed Addition 9' at tallest point
<u>Impervious Surface Coverage (Maximum)</u>	8,000 sq. ft.	6,586 sq. ft.

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

The addition is consistent with the General Plan in that the property is a part of an approved Planned Unit Development which subdivided lots planned for clustered housing. The addition is located at the rear of the property, designed to match the existing home, and will not obstruct views from neighboring properties.

**Section 4. Hillside Ordinance Findings (Section XI-10-45.09-7)**

a. *Avoid unreasonable interference with view 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.*

The addition is located at the rear of the existing home. Due to the proposed location, the height and placement of the addition will not interfere with neighbors' views or privacy. Additionally, the proposed project meets all of the required development standards in the Zoning Code as described above.

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.*

The proposed addition will be attached to the main home and located over an existing paved patio area and will not remove natural landscaping.

*c. Minimize perception of excessive bulk. The design of the proposed main and/or accessory structure in relation to the immediate neighborhood should minimize the perception of excessive bulk.*

The proposed project is for an addition of a one-story, nine-foot tall, 121-square-foot new laundry room to the existing two-story, thirty-foot tall home. The addition is located at the rear of the property and will minimize the perception of excessive bulk due to the location and size.

*d. Impairment of light and air. The proposed main or accessory structure shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.*

The proposed one-story attached addition will not impair the light or air for any adjacent property owners due to the size and location of the addition as described above.

**Section 5.** Based on the foregoing, the City Council of the City of Milpitas hereby approves Site Development Permit Amendment No. SA13-0002, based on the above Findings and subject to the Conditions of Approval set forth in the attached Exhibit 1.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

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

## EXHIBIT 1

### CONDITIONS OF APPROVAL SITE DEVELOPMENT PERMIT AMENDMENT NO. SA13-0002

#### General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials approved by the Planning Commission on December 11, 2013 and City Council on January 7, 2014, in accordance with these Conditions of Approval.

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

Site Development Permit Amendment No. SA13-0002 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 64.07 of the Milpitas Zoning Code, the owner or designee shall have the right to request an extension of Site Development Permit Amendment No. SA13-0002 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 any 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. (P)
  4. Prior to the issuance of any 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. It is the responsibility of the owner or designee to obtain any necessary encroachment permits from affected agencies and private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
  6. 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)

7. 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)
8. An automatic fire sprinkler system shall be provided for this home and/or addition as required by the California Fire Code Section 903.2 as amended by the Milpitas Municipal Code Section V-300-2.25. (E)
9. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation or alteration. CFC Section 901.2. (E)
10. Indemnification. To the fullest extent permitted by law, 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 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)
11. The owner or designee shall comply with all local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. (CA/P)

(P) = Planning  
(E) = Engineering  
(CA) = City Attorney

**GENERAL NOTES**

ALL DETAILS AND DIMENSIONS ON THESE DRAWINGS SHALL BE VERIFIED AT THE CONSTRUCTION SITE BY THE CONTRACTOR, AND ANY DISCREPANCIES BETWEEN THE PLAN AND SITE CONDITIONS SHALL BE PROMPTLY REPORTED TO THE DESIGNER OR ENGINEER OF RECORD. SHOULD ANY ERRORS OR INCONSISTENCIES APPEAR OR OCCUR IN THE DRAWING, THE CONTRACTOR BEFORE PROCEEDING WITH THE WORK, SHALL NOTIFY THE OWNER AND DESIGNER OR ENGINEER OF RECORD FOR PROPER ADJUSTMENT, AND IN NO CASE SHALL PROCEED WITH THE WORK IN UNCERTAINTY.

NO CHANGE OR ALTERATION OF DESIGN OR PLAN SHALL BE MADE WITHOUT THE APPROVED CONSENT FROM ENGINEER OF RECORD OR DESIGNER. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR SUCH CHANGES OR ALTERATIONS MADE BY OR AGREED UPON BETWEEN THE OWNER AND CONTRACTOR.

ALL WORK SHALL COMPLY WITH THE REQUIREMENTS OF LOCAL, COUNTY AND FEDERAL AGENCIES HAVING JURISDICTION. SAFETY METHODS AND TECHNIQUES ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. IN PROCURING ALL ITEMS USED IN THIS WORK, IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE DETAILS REQUIREMENTS OF THE SPECIFICALLY NAMED CODES AND STANDARDS TO VERIFY THAT THE ITEMS PROCURED FOR USE IN THIS WORK MEET OR EXCEED THE SPECIFIED REQUIREMENTS. OWNER APPROVAL IS REQUIRED FOR ALL MATERIAL CHOICES.

DIMENSIONS SHALL TAKE PRECEDENCE OVER THE SCALE ON THE DRAWINGS. WHERE NO DETAILS ARE SHOWN, CONSTRUCTION SHALL CONFORM TO SIMILAR WORK ON PROJECT.

NOTES AND DETAILS SHALL TAKE PRECEDENCE OVER GENERAL NOTES, AND TYPICAL NOTES

THESE DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE. THEY DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE ALL MEASURES NECESSARY TO PROTECT THE STRUCTURE DURING CONSTRUCTION. SUCH MEASURES SHALL INCLUDE BUT NOT BE LIMITED TO BRACING AND SHORING FOR LOAD DUE TO CONSTRUCTION EQUIPMENT, ETC.

THE CONTRACTOR IS RESPONSIBLE FOR ALL JOB SITE CONDITION SAFETY OF PROPERTY AND PEOPLE DURING THE COURSE OF THE PROJECT, NOT JUST DURING WORKING HOURS. THE CONTRACTOR SHALL DEFEND AND HOLD HARMLESS THE DESIGNER OR OWNER FROM ANY LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY THROUGH DIRECT NEGLIGENCE OF THE OWNER OR DESIGNER.

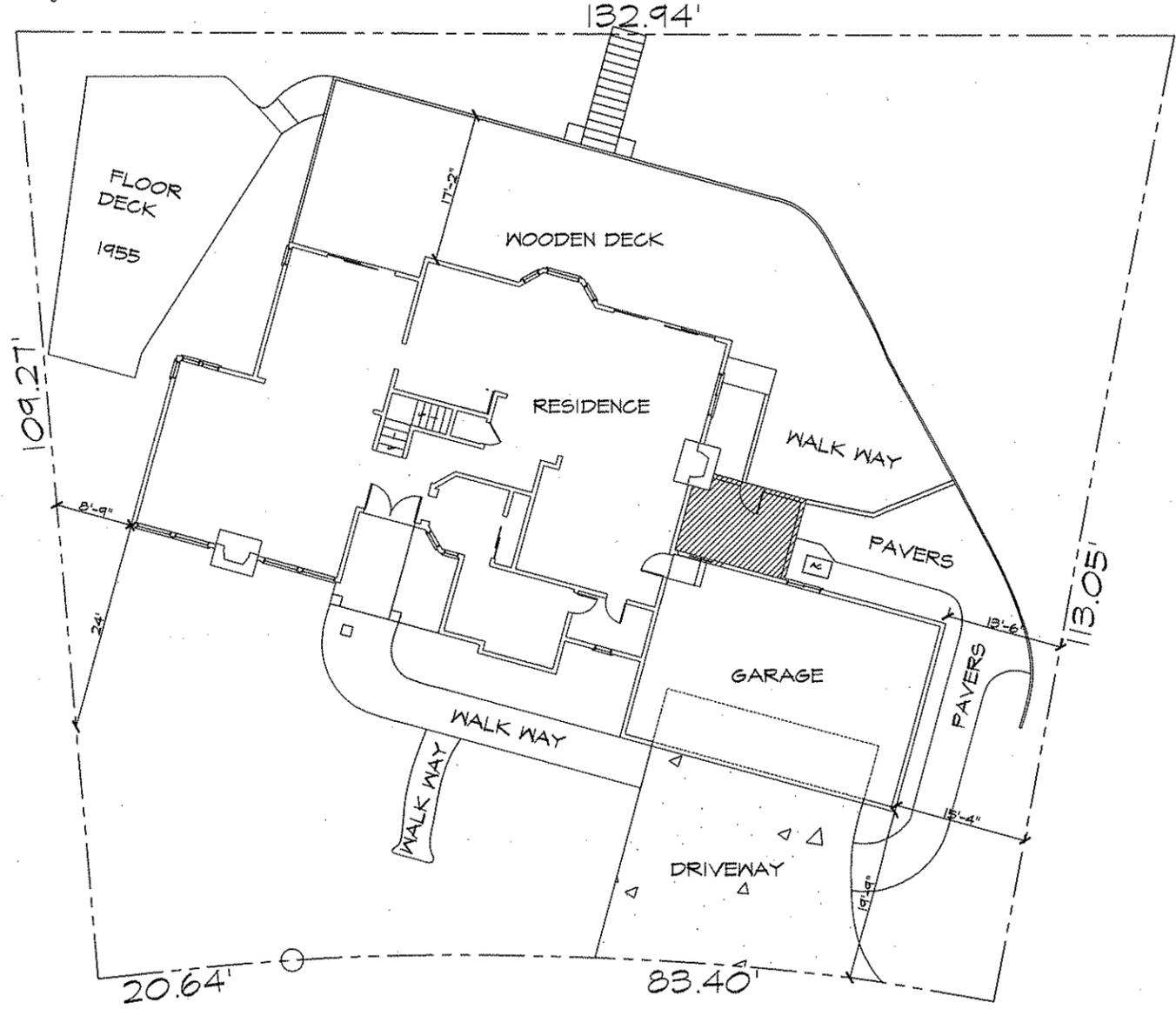
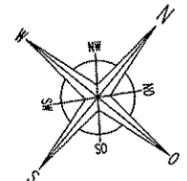
- CALIFORNIA BUILDING CODE 2010
- CALIFORNIA MECHANICAL CODE 2010
- CALIFORNIA PLUMBING CODE 2010
- CALIFORNIA ELECTRIC CODE 2010
- CALIFORNIA ENERGY CODE 2008
- CALIFORNIA RESIDENTIAL CODE 2010

PROJECT INFORMATION	
APN	029-58-030
ZONING	R-1
LOT AREA	14,520
(E) FIRST FLOOR LIVING SPACE	2,126
(E) SECOND FLOOR LIVING SPACE	1,908
(E) GARAGE	675
TOTAL EXISTING FIRST LIVING SPACE	2801
TOTAL EXISTING LIVING SPACE	4,835
LOT COVERAGE	3106
TOTAL IMPERVIOUS SPACE	6465
ADDED LIVING SPACE @ 1ST FLOOR	121
OVERALL LIVING SPACE	4,956
F.A.R.	34.1%

**CONSULTANTS**

**SCOPE OF WORK**

ADDING NEW LAUNDRY  
CONVERTING LAUNDRY TO OFFICE



SITE PLAN  
1/8" = 1'-0"

REVISIONS	BY

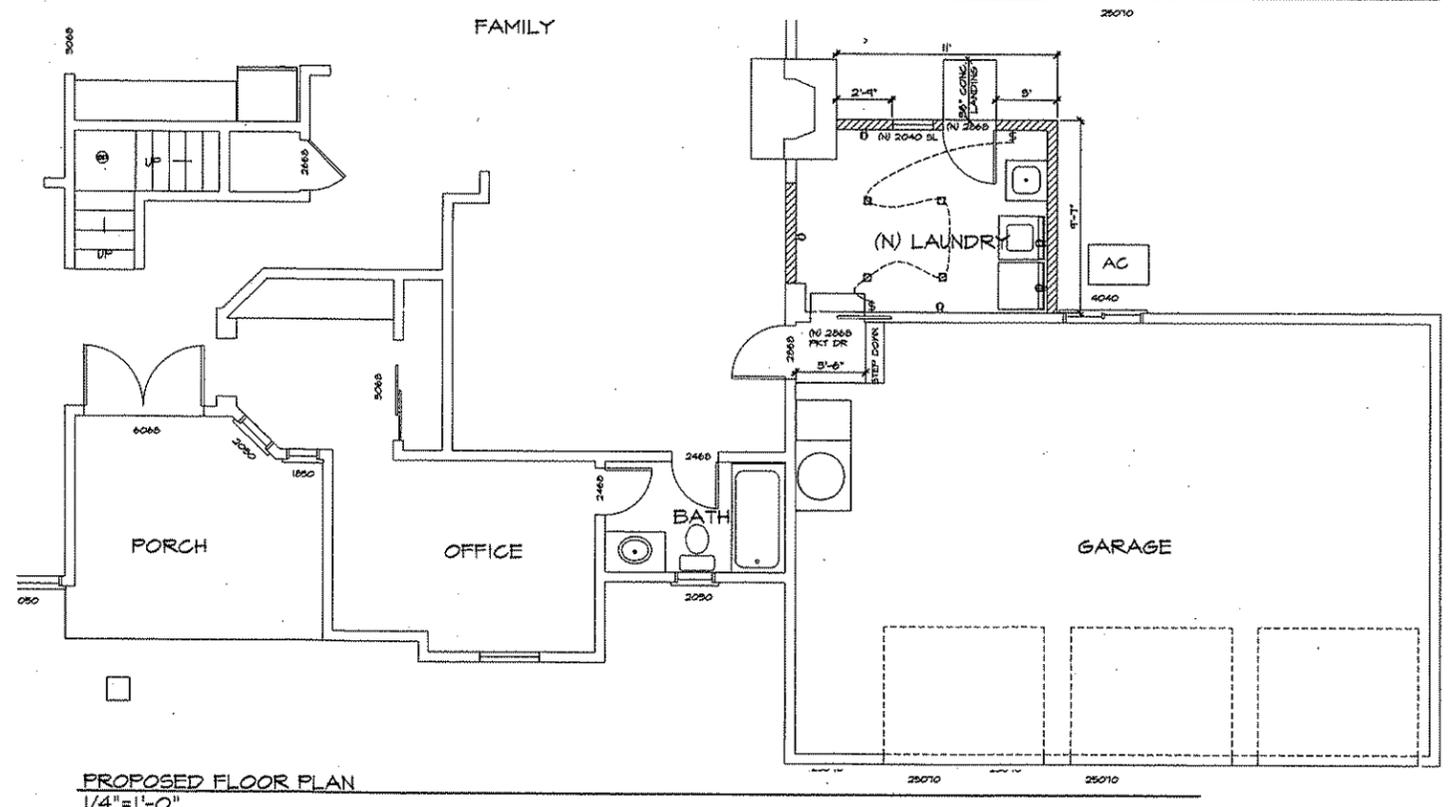
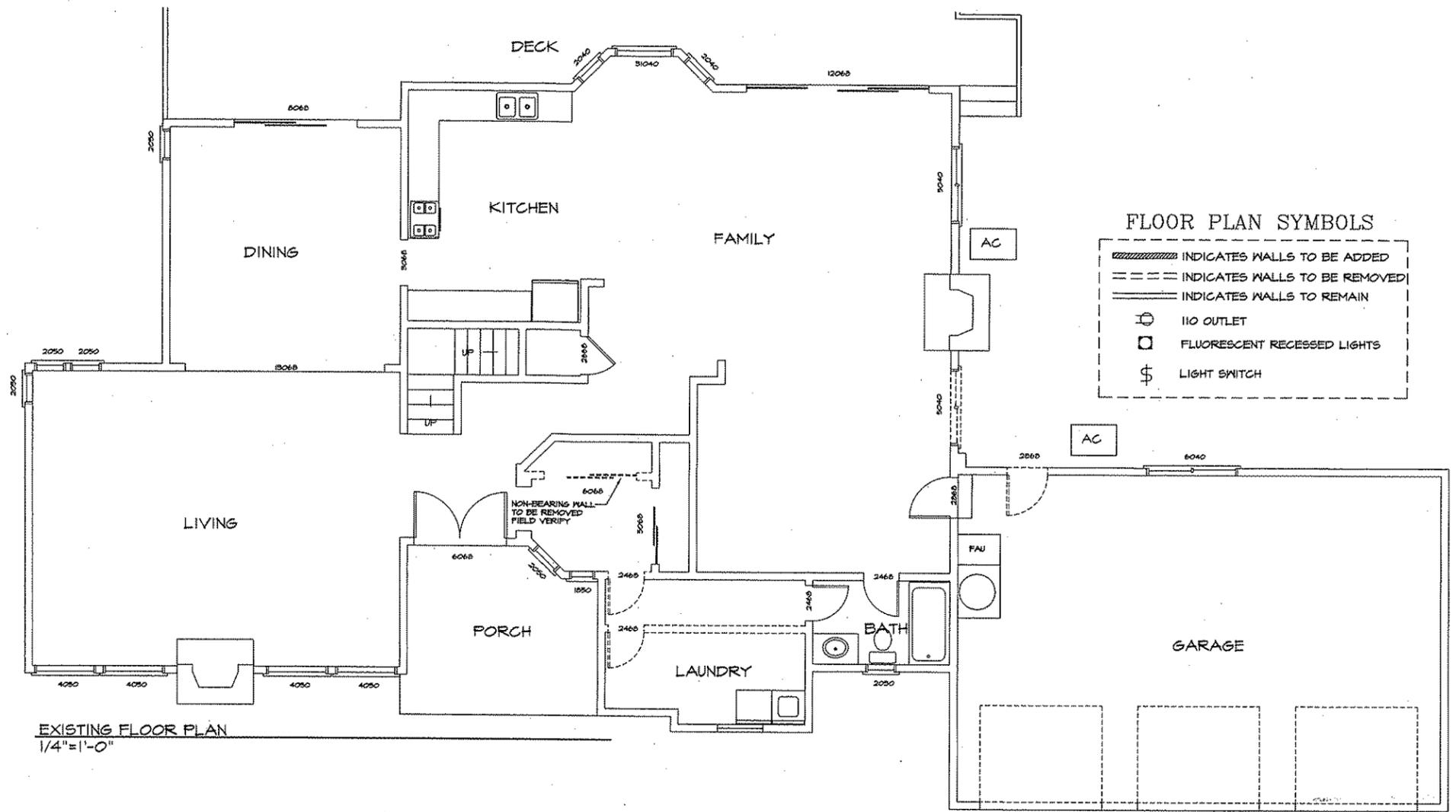
SAN JOSE, CALIF.  
**WILLIAMS DESIGN**  
 DRAFTING AND DESIGNS BY:  
 715 N. FIRST ST. ste. 34  
 E-MAIL ADDRESS: KEETFW@AOL.COM  
 FAX (408) 694-3332 CELL (408) 667-2446

SITE PLAN

ADDITION:  
**HOSAKOPPAL RESIDENCE**  
 1609 COUNTRY CLUB DR.  
 MILPITAS, CA

DRAWN JDJC
DATE 7/8/13
CHECKED
SCALE AS SHOWN
SHEET #
<b>SP</b>

**RECEIVED**  
 OCT 29 2013  
 CITY OF MILPITAS  
 PLANNING DIVISION



REVISIONS	BY

DRAFTING AND DESIGNS BY:  
**WILLIAMS DESIGN**  
 SAN JOSE, CALIF.  
 E-MAIL ADDRESS: KEEFBW@AOL.COM  
 FAX (408) 694-3332 CELL (408) 667-2446

715 N. FIRST ST. ste. 34

EXISTING 1ST FLOOR PLAN  
 PROPOSED 1ST FLOOR PLAN

ADDITION:  
**HOSAKOPPAL RESIDENCE**  
 1609 COUNTRY CLUB DR.  
 MILPITAS, CA

DRAWN JC/RD  
 DATE 10/21/13  
 CHECKED  
 SCALE AS SHOWN

SHEET #  
**1**



# UNAPPROVED

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

### MEETING MINUTES Wednesday, December 11, 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, Commissioners John Luk, Rajeev Madnawat, Garry Barbadillo and Alternate Member Demetress Morris  
**Absent:**      Commissioners Sandhu and Mohsin  
**Staff:**      Steve McHarris, Scott Ruhland, Cindy Hom, Johnny Phan, and Mary Lavelle
- Alternate Member Morris was seated for voting due to absence of two Commissioners.
- 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 November 13, 2013 meeting minutes of the Planning Commission.  
**Motion** to approve Planning Commission meeting minutes, as submitted  
Motion/Second:      Commissioner Madnawat / Vice Chair Ciardella  
AYES:      6  
NOES:      0
- V. ANNOUNCEMENTS**      None
- 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 Commissioners had any changes to the agenda.  
**Motion** to approve the December 11, 2013 agenda as submitted  
Motion/Second:      Vice Chair Ciardella / Commissioner Madnawat  
AYES:      6  
NOES:      0

## VIII. PRESENTATION

Senior Planner Scott Ruhland introduced Dr. Hemalata Dandekar and Dr. Vicente Del Rio of the School of Planning from California Polytechnic State University. The professors came to the Planning Commission with students to present their study reports on two development sites in Milpitas (1) at California Circle and (2) Main Street at Serra. Mr. Ruhland stressed what would be presented were visioning plans, concepts and ideas. Following the student presentations, feedback and comments were sought from Commissioners.

Dr. Del Rio, Director of School of Planning, reported that seven teams of students would present concepts for the study areas and distributed handouts of powerpoint slides. Three teams gave concepts for California Circle, and then four teams provided site plans for the Main Street corridor. For example, Team 5 suggested a LEED certified design plan for a “Downtown Milpitas” with five development phases for “The Core” concept.

Following all seven presentations, Commissioners asked questions of the students on their plans and commented.

Alternate Member Morris asked if the hotels suggested were new or added. Staff replied there was an existing Marriott at California Circle, and one plan added a hotel. Along Main Street, one hotel was existing, and some plans proposed bigger scale hotels, which would add buildings to the sites.

Commissioner Barbadillo complimented the students on their work and vision designs.

Commissioner Madnawat noted that on California Circle, with a circulation element for traffic coming in, they needed to go all the way around the roadway to exit, too.

Commissioner Luk liked the contemporary urban designs. He’d lived in Milpitas since 1975 and these proposed plans seemed exciting for the city, making it more modern and current for the times.

Vice Chair Ciardella thanked staff and the students for bringing these concepts to the Commission. He asked the City staff on vision: could this plan give developers an idea what the City wanted? Planning Director Steve McHarris replied this will be presented to City Council. So, for developers, all this information was available to them now on the City’s planning section of the website. Professionals could get an early look at these areas of the city, prior to any plan submittal.

Chair Mandal liked the focus on the good design with mass transit and vehicular traffic. Students used water features to great highlight, effectively. Those with the water fountain in the middle of designs, he really liked. He thought the 3D images with video was terrific. Suggestions for a museum, theatre, and open spaces all were needed in Milpitas. He thanked City staff for involving and inviting Cal Poly students and staff.

Professor Dandekar said their plan was to return to Planning Commission, discuss revenue streams along with specific designs, expose the work widely, and to shape a community attitude. Every city needed a heart or a core to celebrate and interact.

Commissioner Luk remarked that California Circle would look brighter if there were a connection from southern Fremont directly to Milpitas in a positive way. High tech, the

### Planning Commission Meeting Minutes

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Silicon Valley, with mixed use buildings, would all connect then.

**IX. CONSENT CALENDAR**

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

**1) SITE DEVELOPMENT PERMIT AMENDMENT NO. SA13-0002:** request to amend the Site Development Plans approved in 1983 to allow conversion of existing laundry room into an office and construct a 121 sq. ft. addition for new laundry room at 1609 Country Club Drive, zoned Single Family Residential Hillside with Site and Architectural Overlay and within a Planned Unit Development for applicant Suresh Hosakoppal.

**Action:** *Adopted Resolution No. 13-036 amending the "S" Zone application for the 121 square foot addition at 1609 Country Club Drive, subject to the conditions of approval.*

2) **Conditional Use Permit No. UP 13-0015** for proposed Farmer's Market at Kaiser Permanente parking lot

**Action:** This item was removed from the agenda, to be re-noticed for another date.

3) **General Plan Amendment** and related actions for the Pacific Mall and Hotel development project at McCarthy Ranch Marketplace

**Action:** This item was continued to the January 7, 2014 meeting date.

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 Item No. 1 and continuing Items No. 2 and No. 3 as noted

Motion/Second: Commissioners Madnawat / Luk

AYES: 6

NOES: 0

**X. PUBLIC HEARING**

**CONDITIONAL USE PERMIT NO. UP 13-0014 AND MINOR SITE DEVELOPMENT PERMIT NO. MS13-0039,** a request to operate a 9,983 sq. ft. daycare center including a pre-school and after school care programs, install minor site and building modifications, and allow for shared parking at 451 Los Coches Street, zoned Town Center with Site and Architectural Overlay,

Assistant Planner Cindy Hom presented the request for a CUP for a shared use daycare center and bilingual preschool/afterschool center, with shared parking in the Town Center zoning area on Los Coches with a 2,087 square foot outdoor play area planned, along next to a 9,983 square foot existing building.

Commissioner Barbadillo departed the meeting at 8:25 PM.

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Commissioner Madnawat inquired the prior use of the facility, and staff responded it had been a martial arts studio. He asked about hazmat possibility. Staff explained the nearby businesses use of chemicals.

Vice Chair Ciardella wanted to know if the owner planned installation of smaller toilets for the children and staff replied the applicant could respond.

Chair Mandal asked if there were any police reports of any incidences in that area. Staff responded no crime, to staff's knowledge and that the police department did review the application.

Vice Chair Ciardella noticed the play area was there already, so he wondered if the business was open already. Staff replied yes.

Alternate Member Morris asked whether there was no ability to create more parking spaces and thus the shared parking agreement, and staff said yes.

Chair Mandal invited the applicant to come forward. Mr. Eddie Shen, architect representing the owner, came to the podium and responded to the Vice Chair that child toilets would be installed in the daycare center.

Alternate Member Morris asked about gases and potential dangers. Fire Marshal Albert Zamora responded what could occur at a business and the protocol that the Fire Department would follow.

Chair Mandal inquired about the covering on top of the outdoor play area and the material, size, and standards. Staff replied that would be included on the building permit application and reviewed by an inspector.

Chair Mandal then opened the public hearing for comments.

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

Motion/Second: Alternate Member Morris / Vice Chair Ciardella

AYES: 5

NOES: 0

**Motion** to adopt Resolution No. 13-037 approving Conditional Use Permit No. UP-13-0014 and Minor Site Development Permit No. MS13-0039 to operate a daycare center, minor site modifications and shared parking, subject to conditions of approval.

Motion/Second: Commissioner Madnawat / Vice Chair Ciardella

AYES: 5

NOES: 0

## **XI. NEW BUSINESS**

The City's 60<sup>th</sup> Anniversary of Incorporation is occurring in 2014. Planning Director Steve McHarris reminded Commissioners that the City was planning events for the anniversary including Family Day on Sunday, January 26, 2014 from 1 to 4 PM, and all staff and Commissions were invited to participate. Economic Development and

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Planning Commissions would be able to use the City Hall Committee Room on first floor for that day, to provide information to visitors/residents. Commissioners could attend and hear comments from the public on the study ideas presented at this meeting. Fiscally sustainable ideas were always sought, along with planning proposals and ideas. Staff would provide copies of the General Plan, Specific Plans, and other materials on the tables for the visitors to view.

Vice Chair Ciardella asked if the Planning Director wanted Commissioners to be there. Mr. McHarris said yes. Mr. Ciardella noted that nametags and business cards would be valuable for any Commissioners who don't have those already. Staff would order those.

Alternate Member Morris noted that the City Council approved discussion on housing in the visionary section. Mr. McHarris confirmed that the City Council approved the Trumark Waterstone project for building. That would be integrated with what was in the visions presented.

Commissioner Madnawat stated that outreach would make a good effort at an event like this. He wanted to encourage more input from residents on the planning process and applications that the Commission votes on.

Commissioner Luk thought it would be a good event for the City. He inquired how many people would attend. Staff replied many, with dozens throughout the afternoon coming through City Hall.

Vice Chair Ciardella felt the BART station renderings would be helpful to display. Also, a display to show the housing being built in the south end of the City would be helpful for residents to see.

Chair Mandal hoped all Commissioners should be there, but perhaps assign a few by specific hours on a schedule. Staff could poll Commissioners and then assign times. Some video showing on the screen would be very valuable to attract visitors.

Alternate Member Morris suggested use of the word "innovative" when discussing vision and plans.

## **X. ADJOURNMENT**

Commissioner Madnawat moved and Alternate Member Morris seconded a motion to adjourn the meeting at 8:55 to the next regular meeting date of January 8, 2014. Motion was approved unanimously.

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



# MILPITAS PLANNING COMMISSION AGENDA REPORT

**PUBLIC HEARING**

Meeting Date: December 11, 2013

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**APPLICATION:** **SITE DEVELOPMENT PERMIT AMENDMENT NO. SA13-0002**

**APPLICATION  
SUMMARY:**

**A request to amend the Site Development Plans approved in 1983 to allow for the conversion of an existing laundry room into an office and construct a 121 square foot addition for a new laundry room located at 1609 Country Club Drive.**

**LOCATION:** 1609 Country Club Drive (APN: 029-53-030)  
**APPLICANT:** Suresh Hosakoppal, 1609 Country Club Drive, Milpitas, CA 95037  
**OWNER:** Suresh Hosakoppal, 1609 Country Club Drive, Milpitas, CA 95037

**RECOMMENDATION:** **Staff recommends that the Planning Commission:  
Adopt Resolution No. 13-036 Amending the Site Development Plans approved in 1983 for the 121 square foot addition and office conversion located at 1609 Country Club Drive, subject to the 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 Class 1, Section 15301(e) (Additions to Existing Structures) of the California Environmental Quality Act (CEQA).

**PLANNER:** Tiffany Brown, Assistant Planner

**PJ:** 2966

**ATTACHMENTS:** A. Resolution No. 13-036  
B. Site Plans

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



Map 2  
Project Site



## BACKGROUND

In July 1978, the City reviewed and approved a Planned Unit Development (PUD No. 21) for a golf course with an 88 single family subdivision on approximately 195 acres within the east hills of Milpitas called Summitpointe. The Hillside Combining District requires each hillside home to receive review and approval of an 'S' Zone (Site Development Permit) application for architectural review of the home and to ensure compliance with the hillside development standards.

In 1983, an 'S' Zone application was approved for a Single Family Residence within the Summitpointe PUD (LOT 42) for 1609 Country Club Drive. The approval was for a two-story 4,835 square foot home on a 0.34 acre lot.

### *The Application*

On July 29, 2013, Suresh Hosakoppal submitted an application pursuant to Section 57 of the Milpitas Zoning Ordinance for a Site Development Permit Amendment. The following is a summary of the request:

- *Site Development Permit Amendment:* To evaluate the architecture of the 121 square foot addition for a new laundry room and office conversion per Section 10-45.09 of the Milpitas Hillside Ordinance.

## PROJECT DESCRIPTION

### *Overview*

The project site is located within the gated community to the northeast of the Summitpointe Spring Valley Golf Course in the Milpitas hillside area. The property is a developed .34 acre lot with a 4,835 square foot home, 3,106 square foot lot coverage, and 6,465 square feet of impervious surfaces. The General Plan designates this site as Hillside Medium Density (up to 3 units per gross acre) and the Zoning as Single Family Residential with Hillside combining District. See maps on page two and three of this report.

The applicant proposes to convert the existing laundry room into an office and construct a 121 square foot addition for a new laundry room located at the rear of the home. The parking and landscaping for the site will remain unchanged. No grading is required for the new addition.

***Development Standards***

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

**Table 1:**  
**Summary of Development Standards**

	<b>Zoning Ordinance</b>	<b>Proposed</b>
<u>Setbacks</u> (Minimum)		
Front	20'	No change
Street Side	5' minimum, 15' in between homes	Proposed Addition is 31' at closest point
Rear	10'	Proposed Addition is 52' at closest point
<u>Size of Main Residence</u> (Maximum)	6,000 sq. ft.	4,835 sq. ft.
<u>Building Height</u> (Maximum)	30' at eave line	Proposed Addition 9' at tallest point
<u>Impervious Surface Coverage</u> (Maximum)	8,000 sq. ft.	6,586 sq. ft.

***Site & Architectural Guidelines***

The existing home resembles a Spanish style home with beige stucco walls, terra cotta trim, and red clay roof tiles. The addition will be finished with the same color, stucco, and roof treatment to blend in with the existing home.

**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) and Section 10-45.09-7)***

- 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 addition is consistent with the colors and materials used for the existing home and are compatible and aesthetically harmonious with the adjacent and surrounding development. The 121 square foot addition will remove the existing paved area and will not obstruct current landscaping.

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

The addition is located at the rear of the property, is consistent with the development standards of the Zoning Ordinance as described above. The proposed addition will not obstruct views from neighboring residences in that the building is shorter and smaller in mass than the existing home.

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

The addition is consistent with the General Plan in that the property is a part of an approved Planned Unit Development which subdivided lots planned for clustered housing. The addition is located at the rear of the property, designed to match the existing home, and will not obstruct views from neighboring properties.

4. *Avoid unreasonable interference with view 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.*

The addition is located at the rear of the existing home. Due to the proposed location, the height and placement of the addition will not interfere with neighbors views or privacy.

5. *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.*

The addition is attached to the main home and will be located over an existing paved patio area and will not remove natural landscaping.

6. *Minimize perception of excessive bulk. The design of the proposed main and/or accessory structure in relation to the immediate neighborhood should minimize the perception of excessive bulk.*

The proposal is for a one story, nine feet tall, 121 square foot addition attached to the existing two story, thirty foot tall home. The addition is located at the rear of the property and will minimize perception of excessive bulk due to the location and size.

7. *Impairment of light and air. The proposed main or accessory structure shall not unreasonably impair the light and air of adjacent properties nor unreasonably impair the ability of adjacent properties to utilize solar energy.*

The proposal for the one story attached addition will not impair the light or air for adjacent property owner due to the size and location of the addition.

8. *Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.*

The proposed addition is attached to the main home and is 121 square feet. Due to the size and location of the proposed addition, the grading requirement for the new structure is minimal.

### **ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The addition for the existing home is less than 50% of the floor area of the home before the addition and therefore qualifies to be categorically exempt from further environmental review pursuant to Class 1, Section 15301(e) for Additions to Existing Structures.

### **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 2**  
**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>▪ Thirty (30) 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**

Pursuant to Section 10-45.09 of the Hillside Ordinance, after publicly heard at the Planning Commission meeting of December 11, 2013, the application will move forward with the Commission's recommendation to the January 7, City Council meeting.

### **CONCLUSION**

The laundry room addition is located at the rear of the property, is consistent with the development standards, and is aesthetically harmonious with the existing home. The proposal is consistent with both the General Plan and Zoning Ordinance.

### **RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 13-036 recommending the City council approve Site Development Permit Amendment No. SA13-0002 to construct a 121 square foot addition to the existing home and converting the existing laundry room to an office located at 1609 Country Club, subject to the conditions of approval.

#### *Attachments:*

- A. Resolution No. 13. 036
- B. Site Plans