



MILPITAS PLANNING COMMISSION STAFF REPORT

August 23, 2023

APPLICATION: **NEW IN-GROUND SWIMMING POOL AND LEGALIZING SITE IMPROVEMENTS** - Site Development Permit No. SD20-0015: A request for a Site Development Permit to develop a new in-ground swimming pool, legalize the unpermitted patio, deck, and porch around the main residence comprised of pervious paver materials, 42-inch tall rod iron fence, artificial grass, and 120-square foot storage shed at an existing single-family residence on a 2.96-acre site located in the R1-H Single-family Residential-Hillside Zoning District at 640 Evans Road.

RECOMMENDATION: **Staff recommends that the Planning Commission adopt Resolution No. 23-013, recommending City Council approve Site Development Permit No. SD20-0015, subject to the attached Conditions of Approval.**

LOCATION:

Address/APN:

640 Evans Road (APN: 029-06-009)

Area of City:

Northeastern portion of the City of Milpitas in the hillside area

PEOPLE:

Project Applicant/Owner:

Joe Custer

Project Planner:

Avery Stark, Acting Senior Planner

LAND USE:

General Plan Designation:

Hillside Low-Density (HLD)

Zoning District:

Single-Family Residential-Hillside (R1-H)

Site Area:

2.90 acres

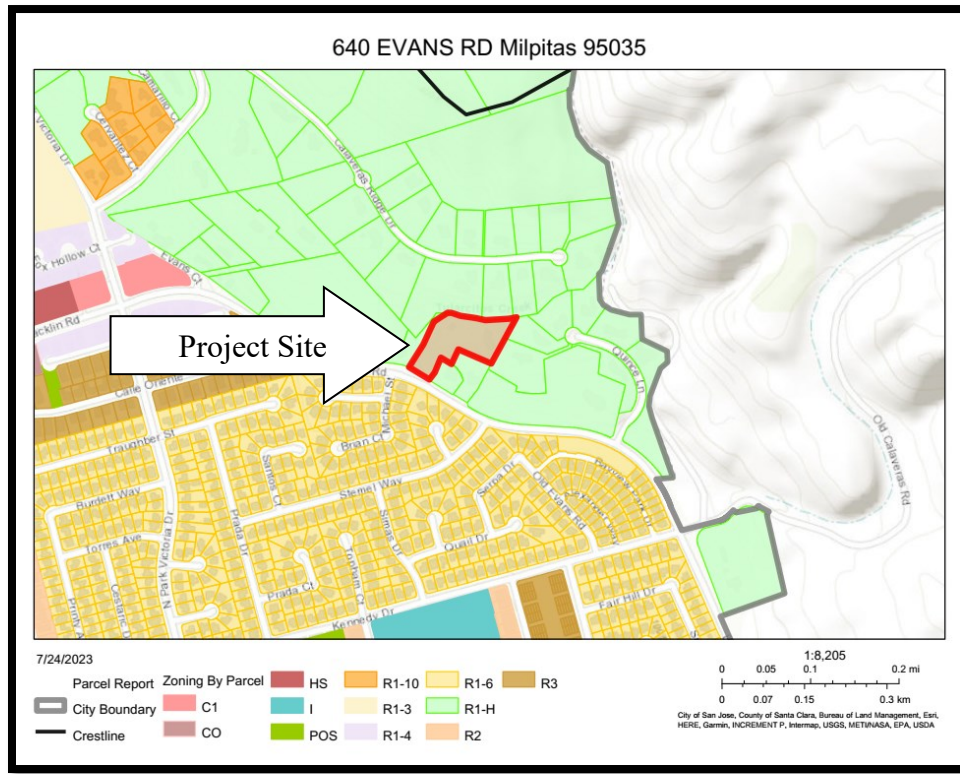
ENVIRONMENTAL:

Categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Map 1
Aerial Project Location



Map 2
Zoning Map



PROJECT DESCRIPTION

History

- On April 6, 1979, the Milpitas Planning Commission approved a one-story, single-family residence.
- On June 11, 1996, the Planning Commission approved Use Permit No. 1357, Variance No. 503, and an “S” Zone Approval Amendment to allow the development of a guest house and the addition of 1,020 square feet of impervious surface on a site which already exceeded the maximum impervious surface area allowed by 2,387. Allowing a total of 16,301 square feet of impervious surface.

Application

The applicant is requesting a Site Development Permit to develop a new in-ground swimming pool, legalize the unpermitted patio, deck, and porch around the main residence comprised of pervious paver materials, 42-inch tall rod iron fence, artificial grass, and 120-square foot storage shed at an existing single-family residence with an attached two-car garage. Separate from this application, pursuant to Milpitas Municipal Code (MMC) Section XI-10-13.08 - Accessory Dwelling Units, the existing one-story guest house with a kitchen area, living room, bedroom, and bathroom will be converted into a limited detached ADU, subject to a streamlined review and building permit only.

Context and Location

The project site is a developed 2.96-acre parcel located off Evans Road, in the northeastern portion of the City of Milpitas, in the hillside area approximately a quarter mile north of the Evans Rd/Quince Lane intersection. The project site is located on the east side of the crestline. A vicinity map of the subject site location is shown on Map 1. The site shares a portion of its access with two adjacent lots; each developed with single-family residences. The property and neighboring properties are zoned Single-Family Residential – Hillside (R1-H). Map 2 on the previous page and Table 1 on the following page summarize the Zoning and Land Uses surrounding the site.

Process

In addition to satisfying the substantive and procedural requirements typically applicable to a Site Development Permit, because of the project’s location within the Hillside Combining District (“H”), the application must be considered by both the Planning Commission and the City Council (Milpitas Municipal Code (MMC) Section XI-10-45.09) for conformance with the Hillside Site and Architectural Guidelines.

Table 1
Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Use
Subject Site	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Single-family home
North	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Single-family home
South	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Single-family home
East	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Single-family home
West	Hillside Low Density (HLD)	Single-Family Residential-Hillside (R1-H)	Single-family home

PROJECT ANALYSIS

Milpitas General Plan 2040

The General Plan designation for the project site is Hillside Low Density (HLD). The General Plan details the City's Hillside Area's goals, objectives, and policies. It is characterized by gentle to steep slopes, grassy terrain with some chaparral and trees, wildlife, geologically unstable areas, the Ed R. Levin County Regional Park, and a feeling of remoteness from the more urban portions of the city. The Hillside Low-Density designation allows a maximum of one (1) housing unit per gross acre. The project is in conformance with the policies and standards in the City's General Plan policies, as outlined in the following table:

Table 2
General Plan Consistency

Policy	Conformance
<i>CD 7-1 Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.</i>	Consistent. The proposed in-ground pool will not significantly impact the visual character of the hillside from the valley floor or other viewpoints, as the project site is located over 500 feet west and approximately 300 feet lower than the crestline.
<i>CD 7-2 Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.</i>	Consistent. The proposed in-ground pool will be situated at the flattest portion of the lot to limit the disruption to the existing natural topography by limiting the volume of grading only to require a net export of 170 cubic yards to be removed from the site. This is designed to accommodate the footprint of the pool and meet the required grade at the patio.

Policy	Conformance
CD 7-3 <i>Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.</i>	Consistent. Minimal contour grading will be required to construct the in-ground pool due to its location on the flattest areas of the lot, a plateau adjacent to the residence. All new contours will be designed to blend with the natural existing site contours as demonstrated in the civil drawings in the plan set.
CD 7-4 <i>Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.</i>	Consistent. The in-ground pool is proposed at the flattest portion of the lot and will only necessitate minimal grading requiring a net export of 170 cubic yards to be removed from the site. Grading has been substantially minimized in the Project because the work follows the site's natural contours to preserve the natural terrain quality.
CD 7-5 <i>Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed especially with respect to runoff and erosion.</i>	Consistent. No change in land use is proposed; the site will remain a developed single-family residence, with adequate fire safety measures to allow fire apparatus access. The existing deck, Astroturf, and patio are designed to be pervious to inhibit excess runoff and erosion.

Development Standards

The site is in the R1-H Single-Family Residential - “H” - Hillside Combining District. It is designed 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 constraints associated with the development of hillside areas, including, but not limited to, geologic problems, slope, safe access, and visibility.

Per MMC Section XI-10-45.17-3, the subject parcel is less than 3.0-acres, which allows for the smallest maximum size for the main residence and the least amount of impervious surface coverage compared to parcels over this acre threshold. The project applicant will conform to development standards within its maximum limitations of the approved Variance. This is accomplished by a Condition of Approval that will limit impervious surface coverage to 16,301 square feet as set by Variance No. 503. Table 3 demonstrates the Project’s consistency with the applicable development standards of the R1-H zone, with the exception of the total impervious surface coverage to be reminded by a condition of approval. Images 1 & 2 demonstrate the site plan and building configuration.

Table 3
Summary of Development Standards

Standards	Hillside Requirements	Proposed	Complies
Front Setback	25 ft. minimum when avg. slope is <16%; otherwise, a 40 ft. minimum	(e) 74"	Yes
Side Yard Setback	40 ft. minimum	(e) 43' - 2" (west side) (e) 311' - 10" (east side)	Yes
Rear	40 ft. minimum	(e) 58' - 6"	Yes
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres)	(e) 3,360 sq. ft.	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres) 30,000 sq. ft. maximum (lots > 3 acres)	17,680 sq. ft. (1,379 square feet over the allowed Variance No. 503)	Not as presented. This will be achieved with Condition No. 24
Building Height (Max.)	West of crestline – 17 ft.	(e) 1-story or 14' – 10"	Yes
Parking	Three spaces required	Five spaces (two inside garage & three on the driveway)	Yes
Crestline Zone of Protection	Within three hundred (300) feet easterly of the crestline, structure heights shall be restricted so that no structure extends above the crestline site line.	(e) West of the crestline	Yes

(e) = Existing

The Planning Commission approved Variance No. 503 on August 14, 1996, to increase the maximum impervious surface lot coverage to 16,301 square feet. As proposed, the application and site configuration creates an increase of 1,379 square feet of impervious coverage, comprising of the new swimming pool, existing storage shed, an existing concrete pad, and a new asphalt radius area for emergency vehicle access. This increase over the limit of the Variance will be remedied by Condition Number 24 in the proposed Site Development Permit, which will prohibit the applicant from exceeding this limit and require the applicant to submit revised site plans that limit the total impervious surface area to 16,301 square feet. This could be accomplished by converting a portion of the existing asphalt driveway into pervious paves or by other uses of pervious materials or reductions in project components that have impervious surface area.

Image 1
Site Plan

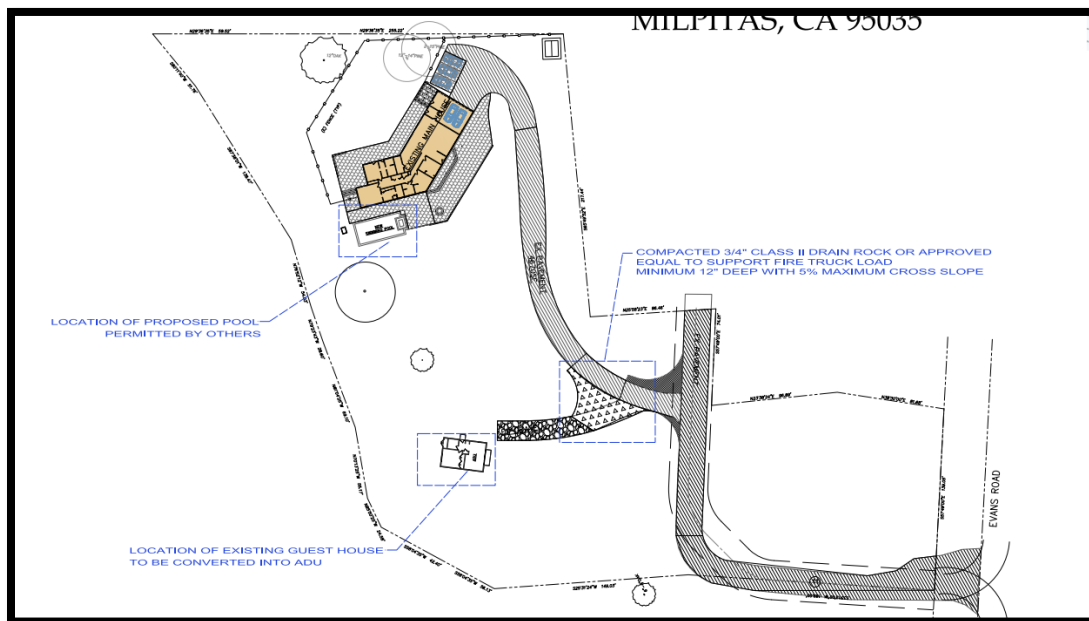
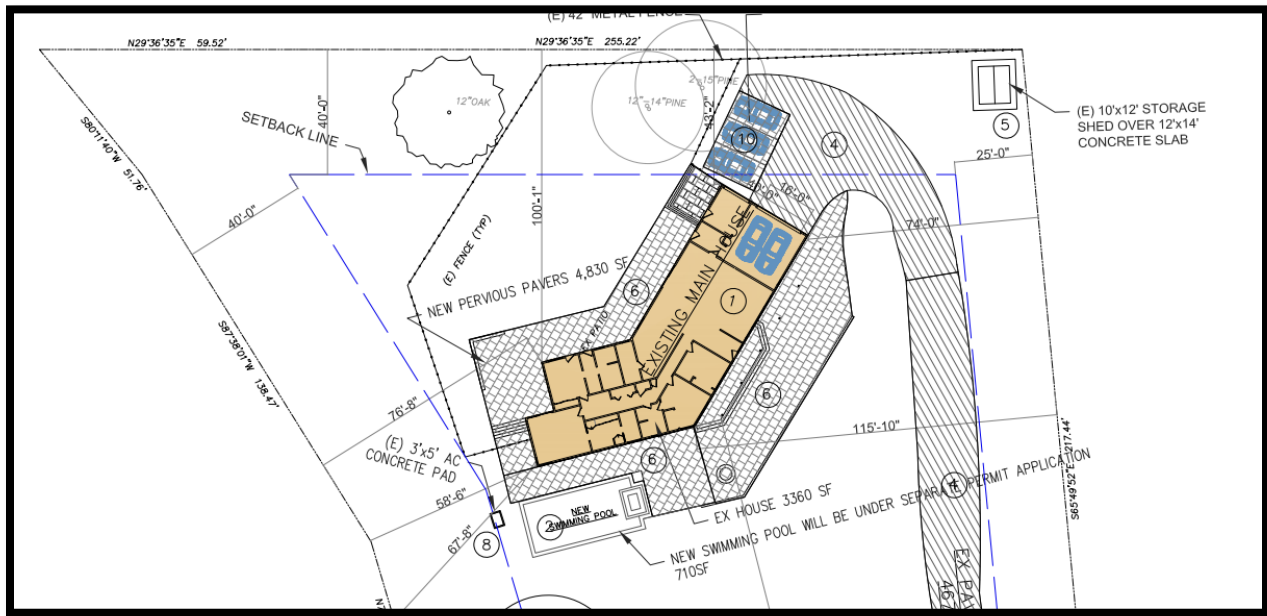


Image 2 Site Plan



Due to the subject property's location, the project must also comply with the development standards in the City's Hillside Combining District. Per MMC Section XI-10-45.09-7 of the Zoning Ordinance, the Planning Commission and City Council shall consider the following guidelines in their review. Staff has determined the Project to be consistent with the Hillside Architectural Guidelines, as demonstrated in Table 4 below.

Table 4
Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines Section 45.09-7	Consistency Finding
<i>(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.</i>	Consistent. Based on the existing location and minimal scale of the home in consideration of its maximum allowable size outlined in Table 3, developing a new in-ground pool and site improvements will not substantially interfere with views and privacy to adjacent lots. The existing residence exceeds all setback requirements, meets the maximum 17-foot, one-story height limit, and minimizes interference with views and privacy through substantial setbacks from adjacent residences to the north and south.

Site and Architectural Guidelines <i>Section 45.09-7</i>	Consistency Finding
<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>	Consistent. The project site is developed with a few shrubs on the higher-sloped southern portions of the lot and existing trees. The proposed project will not remove any existing trees. As proposed, the design of the in-ground pool is carefully sited to be built on the flattest portions of the lot, following the existing contours of the site to limit the amount of imported soil.
<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>	Consistent. The existing one-story design is predominantly horizontal and includes a single roofline, a clear delineation of different colors and materials, and punctuation of certain front and side-facing elevations to minimize the perception of bulk within the main structure and the detached ADU. Furthermore, as described above and shown in Table 3, the scale of the proposed main residence is similar to the immediate neighbors' residences built on similar lots of less than 3.0-acres in size.
<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>	Consistent. The existing home will not exceed 17 feet in height as permitted for homes west of the crestline and exceeds all minimum setbacks as required by the Hillside development standards. As such, the proposed in-ground pool will not cause an impairment to the adjacent properties' access to light and air.
<i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	Consistent. The siting of the main dwelling on the existing lot is relatively flat; the new-inground pool is limited to the export of 170 cubic yards off-site.

Site & Architectural Design

The project has an existing single-family residence with various exterior materials and finishes, a palette of earth-tone colors, and an asphalt shingled roof. The existing detached guest house, considered a limited detached ADU, was designed with the same materials to complement the main residence.

Grading and Landscaping

In an effort to limit the amount of ground to be removed, the applicant has proposed a site plan which locates the proposed in-ground pool on the flattest portion of the site, which will result in 170 cubic yards of export for the construction of the pool. No existing trees will be removed.

Site Improvements without permits

The applicant also requests to legalize the unpermitted patio, deck, and porch around the main residence, comprised of pervious paver materials, a 42-inch tall rod iron fence, artificial grass, and a 120-square-foot storage shed. See Image 2 above for the locations and Sheet ST2 of Attachment B for more details.

The fence deviation of construction materials from an all-wooden post and supporting framework materials to rod iron requires the Planning Commission's approval of this Site Development permit. Otherwise, the fence conforms to the height limit of 54-inches and the required open work design, which results in a minimum of seventy-five percent (75%) visual transparency within every square foot area, posts excluded. See the existing fence detail on Sheet ST2 of Attachment B.

Crestline Zone of Protection

To protect the quality of views of the hills from the valley floor, development standards related to the crestline have been incorporated into the Zoning Code. Per MMC Section XI-10-45.06, the purpose of the crestline zone of protection is to preserve the natural quality of the crestline and the slopes 100 feet immediately below when viewed from the valley floor. The proposed project is located 500 feet west of the crestline and approximately 300 feet lower in elevation; the project is further restricted to a height of seventeen (17) feet and one (1) story (excluding basements) from the lowest finished grade to the highest ridgeline of the building. The project conforms to these development standards outlined in Table 3.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Based on substantial evidence in the public record, Staff has found that the proposed project is consistent with the General Plan, Zoning Ordinance, and all required Findings.

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.*

The existing home's architectural design and site planning are aesthetically compatible with the neighboring homes, emphasizing minimal changes to the natural topography and minimal visual impacts. The existing home incorporates earth-tone colors and is sited so as not to draw attention when viewed from the valley floor.

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

As described within the staff report, the proposed development of an in-ground pool and site improvements will be conditioned to conform to the R1-H Single-Family Residential Hillside Zoning District standards for setbacks, height requirements, and landscaping.

3. The project is consistent with the Milpitas General Plan in that:

The proposed project is consistent with the Milpitas General Plan, particularly with Policy CD 7-5, which states that new development in the Hillside Area should be limited to only Very Low Density Residential, open space, and park uses. The project site is a legal lot with an approved single-family residence. The proposed home is designed to fit in with the natural topographic features of the hillside property and reduce the visual impact as viewed from the valley floor.

ENVIRONMENTAL REVIEW

The proposed Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), as the scope of work includes a new in-ground swimming pool, patio, fence, deck, and associated earth work in a residential zone. As a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning). The proposed Project is consistent with the established Milpitas 2040 General Plan and R1-H Single-Family Residential Hillside Zoning District.

PUBLIC COMMENT/OUTREACH

Staff provided public notice for the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on August 11, 2023. In addition, 34 notices were sent to owners and occupants within 300 feet of the project site. A public notice was also posted on the project site, on the City's Website, www.milpitas.gov, and posted at City Hall.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolution No. 23-015, approving and recommending the City Council approve Site Development Permit No. SD20-015, to allow the development of a new in-ground swimming pool and legalize the unpermitted site improvements at an existing single-family residence in the R1-H Single-Family Residential Hillside Zoning District, subject to the findings and attached Conditions of Approval.

ATTACHMENTS

A: Resolution 23-015

B: Project Plans

RESOLUTION NO. 23-015

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
APPROVING AND RECOMMENDING APPROVAL OF SITE DEVELOPMENT
PERMIT NO. SD20-0015 TO THE MILPITAS CITY COUNCIL TO DEVELOP A NEW
IN-GROUND SWIMMING POOL AND LEGALIZE THE UNPERMITTED SITE
IMPROVEMENTS AT AN EXISTING SINGLE-FAMILY RESIDENCE ON 2.69-ACRE
SITE AT 640 EVANS ROAD (APN: 029-06-009)**

WHEREAS, on November 17, 2020, an application was submitted by Lisa Pendleton, of Artisan Home Resorts Inc. (“Applicant”), for a development proposal to allow the development of a new in-ground swimming pool, legalize the unpermitted patio, deck, and porch around the main residence comprised of pervious paver materials, 42-inch tall rod iron fence, artificial grass, and 120-square foot storage shed (“Project”) on a 2.96 acre site with an existing single-family residence at 640 Evans Road (APN: 029-06-009). The Project site is zoned R1-H Single-family Residential-Hillside Zoning District; and

WHEREAS, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), which assessment determined that the Project is exempt from CEQA review pursuant to Section 15303 (New Construction and Conversion of Small Structures) of the CEQA Guidelines and, as a separate and independent basis, pursuant to Section 15183 of the CEQA Guidelines; and

WHEREAS, on August 23, 2023 the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on Project; and

WHEREAS, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision; and

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1: Recitals.

The Planning Commission 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 incorporated herein by reference.

SECTION 2: Record

The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is within the Planning Department, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California 95035

SECTION 3: CEQA Finding

The proposed Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), as the scope of work includes a new in-ground swimming pool, patio, fence, deck, and associated earth work in a residential zone. As

a separate and independent basis, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning). The proposed Project is consistent with the established Milpitas 2040 General Plan and R1-H Single-Family Residential Hillside Zoning District.

SECTION 4: Site Development Permit (Section XI-10-57.03(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in approving Site Development Permit No. SD21-00105:

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

The existing home's architectural design and site planning are aesthetically compatible with the neighboring homes, emphasizing minimal changes to the natural topography and minimal visual impacts. The existing home incorporates earth-tone colors and is sited so as not to draw attention when viewed from the valley floor.

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

As described in Table 1 below, the proposed development of an in-ground pool and site improvements will be conditioned to conform to the R1-H Single-Family Residential Hillside Zoning District standards for setbacks, height requirements, and landscaping.

Table 1:
Summary of Development Standards

Standards	Hillside Requirements	Proposed	Complies
Front Setback	25 ft. minimum when avg. slope is <16%; otherwise, a 40 ft. minimum	(e) 74"	Yes
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Rear	40 ft. minimum	(e) 58' - 6"	Yes
Size of Main Residence	6,000 sq. ft. maximum (lots < 3 acres)	(e) 3,360 sq. ft.	Yes
Impervious Surfaces	8,000 sq. ft. maximum (lots < 3 acres) 30,000 sq. ft. maximum (lots > 3 acres)	17,680 sq. ft. (1,379 square feet over the allowed Variance No. 503	Not as presented. This will be achieved with

Standards	Hillside Requirements	Proposed	Complies
			Condition No. 24
Building Height (Max.)	West of crestline – 17 ft.	(e) 1-story or 14' – 10"	Yes
Parking	Three spaces required	Five spaces (two inside the garage & three on the driveway)	Yes
Crestline Zone of Protection	Within three hundred (300) feet easterly of the crestline, structure heights shall be restricted so that no structure extends above the crestline site line.	(e) West of the crestline	Yes

(e) = Existing

Due to the subject property's location, the project must also comply with the development standards in the City's Hillside Combining District. Per MMC Section XI-10-45.09-7 of the Zoning Ordinance, the Planning Commission and City Council shall consider the following guidelines in their review. Staff has determined the Project to be consistent with the Hillside Architectural Guidelines, as demonstrated in Table 2 below.

Table 2:
Hillside Zoning Ordinance Compliance

Site and Architectural Guidelines <i>Section 45.09-7</i>	Consistency Finding
<i>(a) Avoid unreasonable interference with Views and Privacy. The height, elevations and placement on the site of the proposed main or accessory structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy.</i>	Consistent. Based on the existing location and minimal scale of the home in consideration of its maximum allowable size outlined in Table 3, developing a new in-ground pool and site improvements will not substantially interfere with views and privacy to adjacent lots. The existing residence exceeds all setback requirements, meets the maximum 17-foot, one-story height limit, and minimizes interference with views and privacy through substantial setbacks from adjacent residences to the north and south.
<i>(b) Preserve Natural Landscape. The natural landscape will be preserved insofar</i>	Consistent. The project site is developed with a few shrubs on the higher-sloped

Site and Architectural Guidelines <i>Section 45.09-7</i>	Consistency Finding
<i>as practicable by designing structures to follow the natural contours of the site and minimizing tree and soil removal.</i>	southern portions of the lot and existing trees. The proposed project will not remove any existing trees. As proposed, the design of the in-ground pool is carefully sited to be built on the flattest portions of the lot, following the existing contours of the site to limit the amount of imported soil.
<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>	Consistent. The existing one-story design is predominantly horizontal and includes a single roofline, a clear delineation of different colors and materials, and punctuation of certain front and side-facing elevations to minimize the perception of bulk within the main structure and the detached ADU. Furthermore, as described above and shown in Table 3, the scale of the proposed main residence is similar to the immediate neighbors' residences built on similar lots of less than 3.0-acres in size.
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<i>(e) Grading. All grading shall be kept to an absolute minimum and shall comply with the grading ordinance criteria.</i>	Consistent. The siting of the main dwelling on the existing lot is relatively flat; the new-inground pool is limited to the export of 170 cubic yards off-site.

Site & Architectural Design

The project has an existing single-family residence with various exterior materials and finishes, a palette of earth-tone colors, and an asphalt shingled roof. The existing detached guest house, considered a limited detached ADU, was designed with the same materials to complement the main residence.

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In an effort to limit the amount of ground to be removed, the applicant has proposed a site plan which locates the proposed in-ground pool on the flattest portion of the site, which will result in 170 cubic yards of export for the construction of the pool. No existing trees will be removed.

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The applicant also requests to legalize the unpermitted patio, deck, and porch around the main residence, comprised of pervious paver materials, a 42-inch tall rod iron fence, artificial grass, and a 120-square-foot storage shed. See Sheet ST2 of Attachment B for more details.

The fence deviation of construction materials from an all-wooden post and supporting framework materials to rod iron requires the Planning Commission's approval of this Site Development permit. Otherwise, the fence conforms to the height limit of 54-inches and the required open work design, which results in a minimum of seventy-five percent (75%) visual transparency within every square foot area, posts excluded. See the existing fence detail on Sheet ST2 of Attachment B.

Crestline Zone of Protection

To protect the quality of views of the hills from the valley floor, development standards related to the crestline have been incorporated into the Zoning Code. Per MMC Section XI-10-45.06, the purpose of the crestline zone of protection is to preserve the natural quality of the crestline and the slopes 100 feet immediately below when viewed from the valley floor. The proposed project is located 500 feet west of the crestline and approximately 300 feet lower in elevation; the project is further restricted to a height of seventeen (17) feet and one (1) story (excluding basements) from the lowest finished grade to the highest ridgeline of the building. The project conforms to these development standards outlined in Table 1.

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

The proposed project is consistent with the Milpitas General Plan, particularly with Policy CD 7-5, which states that new development in the Hillside Area should be limited to only Very Low Density Residential, open space, and park uses. The project site is a legal lot within an existing and approved single-family residence. The proposed in-ground swimming pool, the unpermitted patio, deck, and porch around the main residence comprised of pervious paver materials, 42-inch tall rod iron fence, artificial grass, and 120-square foot storage shed are designed to fit in with the natural topographic features of the hillside property and reduce the visual impact as viewed from the valley floor. As outlined in Table 3 below.

Table 3:
General Plan Consistency

Policy	Conformance
<i>CD 7-1 Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from off-site public views and the importance of providing panoramic public views from and of hillsides.</i>	Consistent. The proposed in-ground pool will not significantly impact the visual character of the hillside from the valley floor or other viewpoints, as the project site is located over 500 feet west and approximately 300 feet lower than the crestline.
<i>CD 7-2 Minimize the alteration of existing landforms and maintain the natural topographic characteristics of the hillside areas, allowing only minimal disruption.</i>	Consistent. The proposed in-ground pool will be situated at the flattest portion of the lot to limit the disruption to the existing natural topography by limiting the volume of grading only to require a net export of 170 cubic yards to be removed from the site. This is designed to accommodate the footprint of the pool and meet the required grade at the patio.
<i>CD 7-3 Protect the natural character of hillside areas by means of contour grading to blend graded slopes and terraces with the natural topography.</i>	Consistent. Minimal contour grading will be required to construct the in-ground pool due to its location on the flattest areas of the lot, a plateau adjacent to the residence. All new contours will be designed to blend with the natural existing site contours as demonstrated in the civil drawings in the plan set.
<i>CD 7-4 Avoid mass graded pads within hillside areas. Smaller steps or grade changes should be used over single, large, slope banks to the greatest extent feasible.</i>	Consistent. The in-ground pool is proposed at the flattest portion of the lot and will only necessitate minimal grading requiring a net export of 170 cubic yards to be removed from the site. Grading has been substantially minimized in the Project because the work follows the site's natural contours to preserve the natural terrain quality.
<i>CD 7-5 Ensure that any change in hillside land use is accompanied by appropriate safety measures and that the environmental constraints are adequately addressed especially with respect to runoff and erosion.</i>	Consistent. No change in land use is proposed; the site will remain a developed single-family residence, with adequate fire safety measures to allow fire apparatus access. The existing deck, Astroturf, and patio are designed to be pervious to inhibit excess runoff and erosion.

As described above, the Project is compatible and consistent with the surrounding uses and has been found to conform to the intent of the Milpitas 2040 General Plan designation. The in-ground pool 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 5: The Planning Commission of the City of Milpitas hereby approves and recommends the City Council approve Site Development Permit No. SD20-0015 and adopt a resolution to allow the development of a new in-ground swimming pool and legalize the unpermitted site improvements at an existing single-family residence in the R1-H Single-Family Residential Hillside Zoning District, based on the above findings and subject to the Conditions of Approval in the proposed Site Development Permit No. SD20-0015 attached hereto as **Exhibit 1** incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 23, 2023.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 23, 2023, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Bill Chuan				
Larry Ciardella				
Mercedes Albana				
Alexander Galang				
Dipak Awasthi				
Zeya Mohsin				
Sonia Medina-Ashby				

EXHIBIT 1

**SITE DEVELOPMENT PERMIT NO. P-SD20-0015
640 EVANS ROAD (APN 029-06-009)**

The City of Milpitas Planning Commission and City Council approve Site Development Permit No. SD20-0015 in accordance with Section X1-10-45.09 of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This permit is to allow the issuance of building permits for a new in ground swimming pool and previously constructed patio, deck, and porch, 42-inch tall rod iron fence, artificial grass, and 120-square foot storage shed appurtenant to an existing single-family residence on a 2.96-acre site located in the R1-H Single-family Residential-Hillside Zoning District at 640 Evans Road (APN 029-06-009), subject to all necessary reviews, approvals, studies, and inspections for the issuance of such building permits.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

General Conditions

1. General Compliance. The applicant and owner, including all successors in interest (collectively “Permittee”) shall comply with each and every condition set forth in this Permit. **Site Development Permit No. SD20-0015** (“Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County’s Recorder Office. **(P)**
2. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee 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 Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**
3. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
4. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
5. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the

Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project:

- a. Completes a foundation associated with the project; or
- b. Dedicates any land or easement as required from the zoning action; or
- c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

This permit shall become null and void if the work is added to, modified, or otherwise deviated from in any significant way from the approved site plan, building plan, floor plans, or other approved submittal as determined by the Planning Director or designee.

6. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
7. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P)**
8. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(P)**
9. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to City. There is no vesting of any fees or charges with the adoption of this Resolution. **(P)**
10. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution. **(P)**
11. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
12. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**

13. Indemnification. To the fullest extent permitted by law, Permittee 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 (i) 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, and (ii) Permittee's construction, operation, use, or related activity under this Permit. 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. Permittee 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. Permittee 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)**
14. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**
15. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
16. Permittee shall develop the approved project in conformance with the approved plans dated June 8, 2023 approved by the Planning Commission on August 23, 2023, in accordance with these Conditions of Approval. **(P)**

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 Permittee 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, Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**
17. Response to Conditions of Approval. The permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. **(P)**
18. 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)**

PROJECT SPECIFIC CONDITIONS

Planning Department Conditions

19. 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)**
20. 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)**
21. 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 Community Development Manager. **(P)**
22. Where two cut-or-fill slopes intersect, the intersection shall be horizontally rounded and blended. **(P)**
23. 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)**
24. The total lot impervious surface shall not exceed 16,301 square feet as approved by Variance No. 503; at the Building Permit submittal, the site plans shall be revised to limit the total impervious surface to 16,301 square feet. **(P)**

Fire Department

The plans approved by the Planning Department process are not building plans and have not been reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). Do not consider this set of plans as final building plans approved by the Fire Department. Building plans must be submitted for review and approval before construction is to commence. The following notes are a general list of the applicable code requirements (2016) and are provided to assist with the building permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building permit approvals or related construction.

25. Electronic documents. The fire code official may require electronic base documents for all construction documents and operational permits. The fire code official shall designate the software base format for the electronic documents. CFC Section 105.4.2.2, added by MMC Section V-300-2.11, and CFC Section 102.9
26. Fire Department access. Sheets ST2 shows an acceptable Fire Dept. apparatus access. Fire apparatus access roads shall be provided for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building. Fire apparatus access shall meet the following:

- a. Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1.
- b. The proposed driveway shall be designed for fire apparatus access. Fire Access Dimensions, fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm). CFC Section 503.2.1

Exception:

Milpitas Municipal Code XI-45.11

45.11-1 Privately owned and maintained access from the public road to each single-family dwelling shall be a minimum of fourteen (14) feet in width. Turning radius shall be designed to meet the Fire Department's requirements.

45.11-2 Turnout space shall be provided on driveways over one hundred fifty (150) feet in length with a maximum spacing of one hundred fifty (150) feet if driveway is less than eighteen (18) feet wide.

45.11-3 Turnaround. All dwelling units shall provide an on-site area for vehicles to turn around if served by a driveway over one hundred fifty (150) feet in length to meet Fire Department's requirements.

45.11-4 Vertical Clearance. All privately owned and maintained roads and drives shall assure a minimum fourteen (14) foot vertical clearance.

- c. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Bearing capacity for the driveway and the entry drive court shall be designed to provide a minimum of 60,000 lbs bearing capacity for the fire apparatus. CFC Section 503.2.3
- d. When there is a dead-end condition, means for fire apparatus turn-around shall be provided as per the CA Fire Code Section 503.2.5. The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.
- e. The grade (maximum 15%) of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. CFC Section 503.2.7
- f. Electric gates. Where provided, gates shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. CA Fire Code Section 503.5

Electric gates shall also be provided with a Milpitas Fire Department approved "Knox" electronic switch in addition to the keypad. CA Fire Code Section 102.9

Premises identification. New and exiting buildings shall have approved address numbers. Address numbers shall be illuminated and located where they are clearly visible from the street. CFC Section 505.

Building Department

27. Compliance with California Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department **(B)**

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(CA) = City Attorney

ACCEPTANCE

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this permit.

Signature: _____

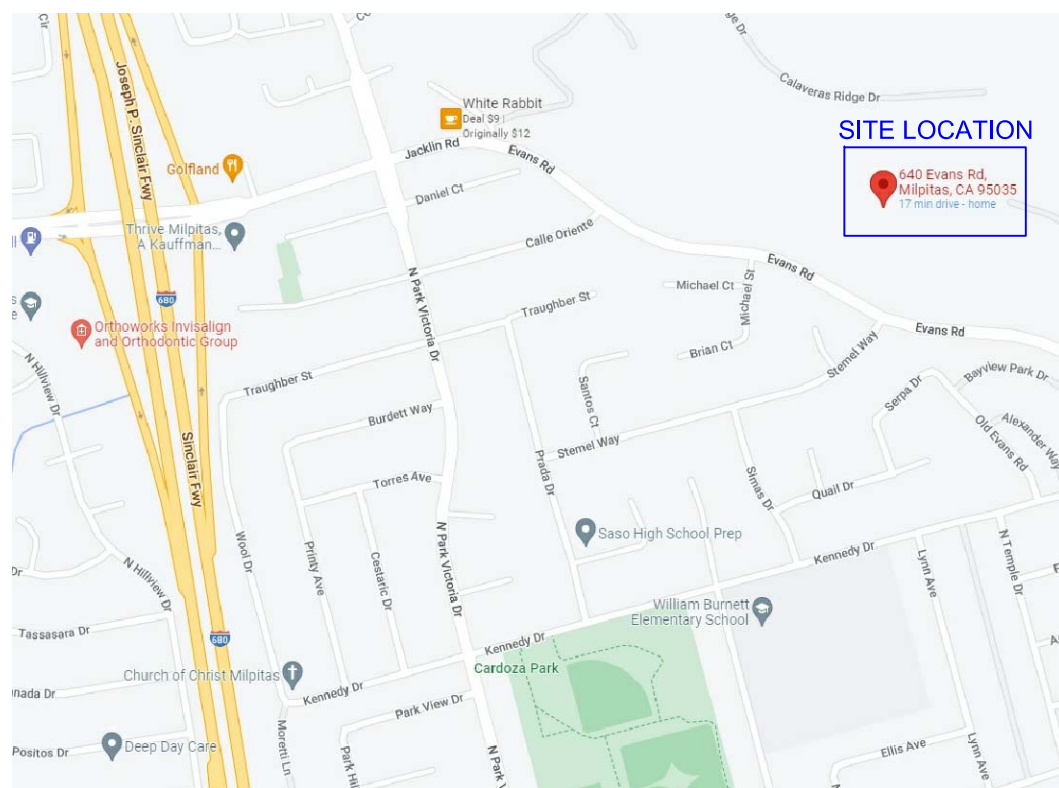
Printed Name: _____

Relationship to Property: _____

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

RESIDENTIAL SITE PLAN IMPROVEMENT AND CONVERT GUEST HOUSE TO ADU 640 EVANS ROAD MILPITAS, CA 95035



PROJECT DATA

- A.P.N. #	02906009
- ZONING	R1-RH
- OCCUPANCY	R3/U
- TOTAL PARCEL SIZE	129,024.7 SQFT
- TYPE OF CONSTRUCTION	V-B
- FIRE SPRINKLER	NO

EXISTING MAIN HOUSE

1 STORY HOUSE	3,360 SQFT.
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EXISTING GUEST HOUSE - TO BE CONVERTED TO ADU

1 STORY	810 SQFT.
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NUMBER OF BEDROOMS	4
NUMBER OF BATHROOM	3

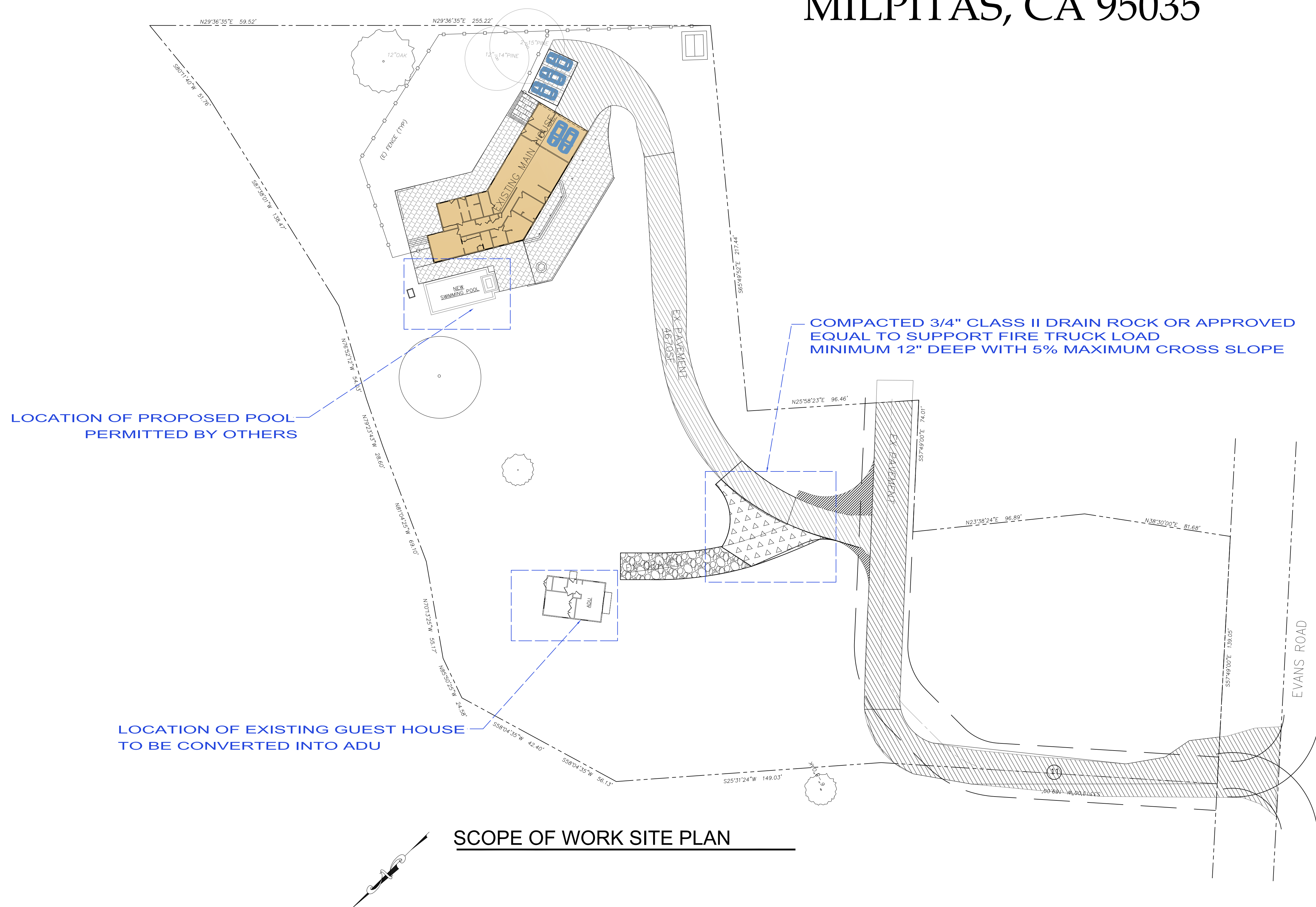
CODES

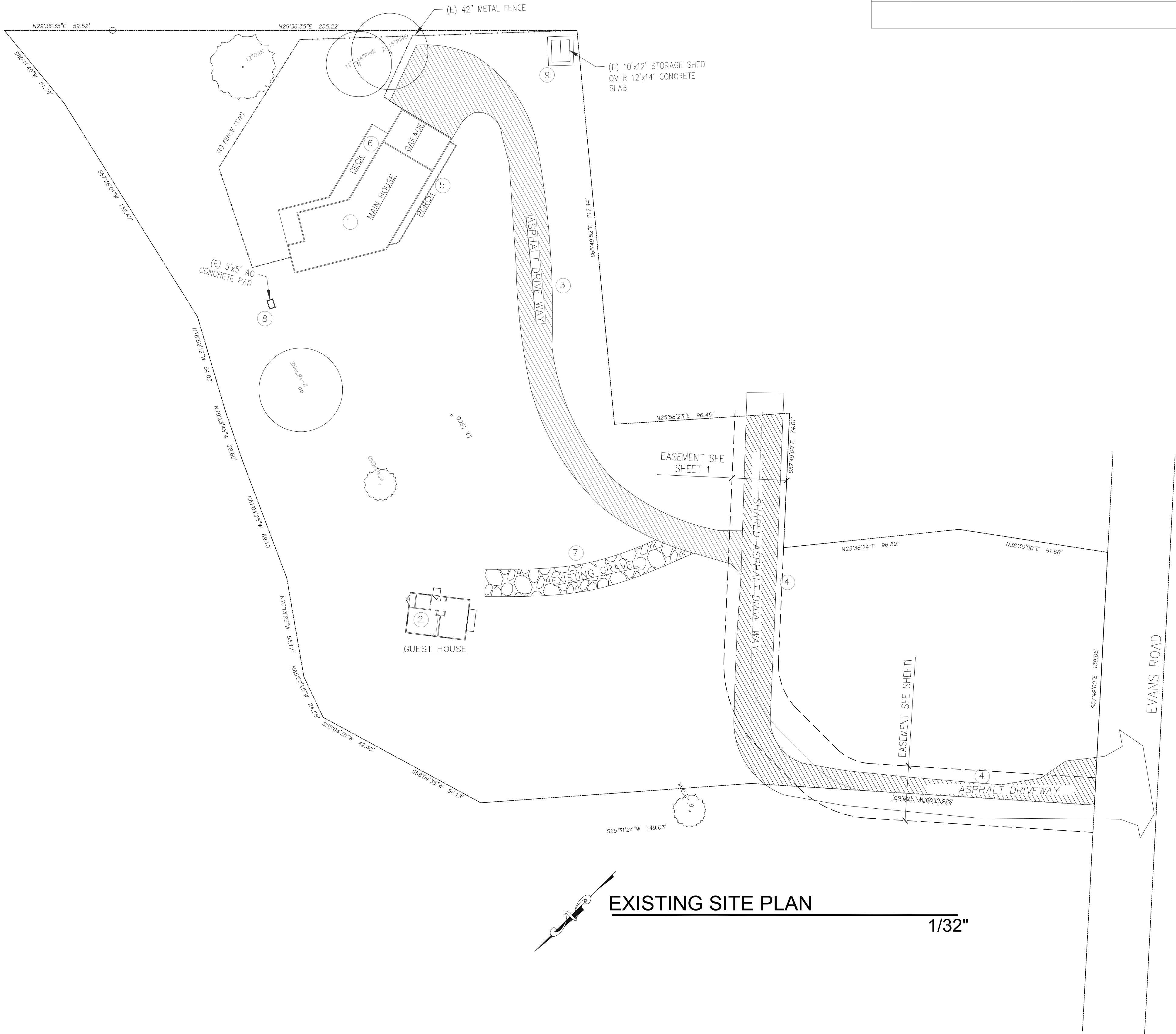
CALIFORNIA RESIDENTIAL CODE (CRC)	2019
CALIFORNIA BUILDING CODE (CBC)	2019
CALIFORNIA ELECTRICAL CODE (CEC)	2019
CALIFORNIA MECH. CODE (CMC)	2019
CALIFORNIA PLUMBING CODE (CPC)	2019
CALIFORNIA ENERGY CODE	2019
CALIFORNIA FIRE CODE (CFC)	2019
CITY OF MILPITAS MUNICIPAL CURRENT CODE	

DRAWING INDEX

CS	COVER SHEET & PROJECT DATA
ST1	EXISTING SITE PLAN
ST2	NEW SITE PLAN
A1	MAIN HOUSE FLOOR PLAN
A2	ADU FLOOR PLAN
A3	ADU EXTERIOR ELEVATIONS

PROJECTOWNER
OWNER: JOE CUSTER
640 EVANS ROAD
MILPITAS, CA 95035
Joe@foinc.net





EXISTING IMPERVIOUS AREA TABLE (APPROVED PER PLAN IN 1996)				
AREA	TITLE	DESCRIPTION	AREA (SQFT)	REMARKS
	PARCEL SIZE	PARCEL LOT SIZE	129,024.70	2.962 ACRES
	ALLOWABLE IMPERVIOUS SURFACE	10% OF LOT SIZE	12,902.00	IMPERVIOUS AREA
1	MAIN HOUSE	ONE STORY MAIN HOUSE	3,360.00	IMPERVIOUS AREA
2	GUEST HOUSE	ONE STORY GUEST HOUSE	810.00	IMPERVIOUS AREA
3	DRIVEWAY	ASPHALT/CONCRETE DRIVEWAY	7,296.00	IMPERVIOUS AREA
4	SHARED DRIVEWAY	SHARED ASPHALT DRIVEWAY	6,140.00	IMPERVIOUS AREA
5	PORCH	FRONT PORCH OF THE MAIN HOUSE	384.00	IMPERVIOUS AREA
6	DECK	REAR DECK OF THE MAIN HOUSE	828.00	IMPERVIOUS AREA
7	GUEST HOUSE DRIVEWAY	GRAVEL	1,630.00	PERVIOUS AREA
8	EXISTING AC CONCRETE PAD	EXISTING 3'X5' CONCRETE PAD	15.00	IMPERVIOUS AREA
9	EXISTING STORAGE SHED	EXISTING 10'X12' STORAGE SHED W/ 12'X14' CONCRETE PAD	168.00	IMPERVIOUS AREA
TOTAL IMPERVIOUS AREA			19,001.00	14.7 % OF LOT SIZE
TOTAL PERVIOUS AREA			1,630.00	
6,009 SQFT OVER ALLOWABLE				

SITE PLAN IMPROVEMENT
& CONVERT GUEST HOUSE TO ADU
640 EVANS ROAD
MILPITAS, CA 95035

NO.	DATE	ISSUE

JOB NO.	1122
SCALE	AS NOTED
DRAWN BY	FH
SHEET NO.	

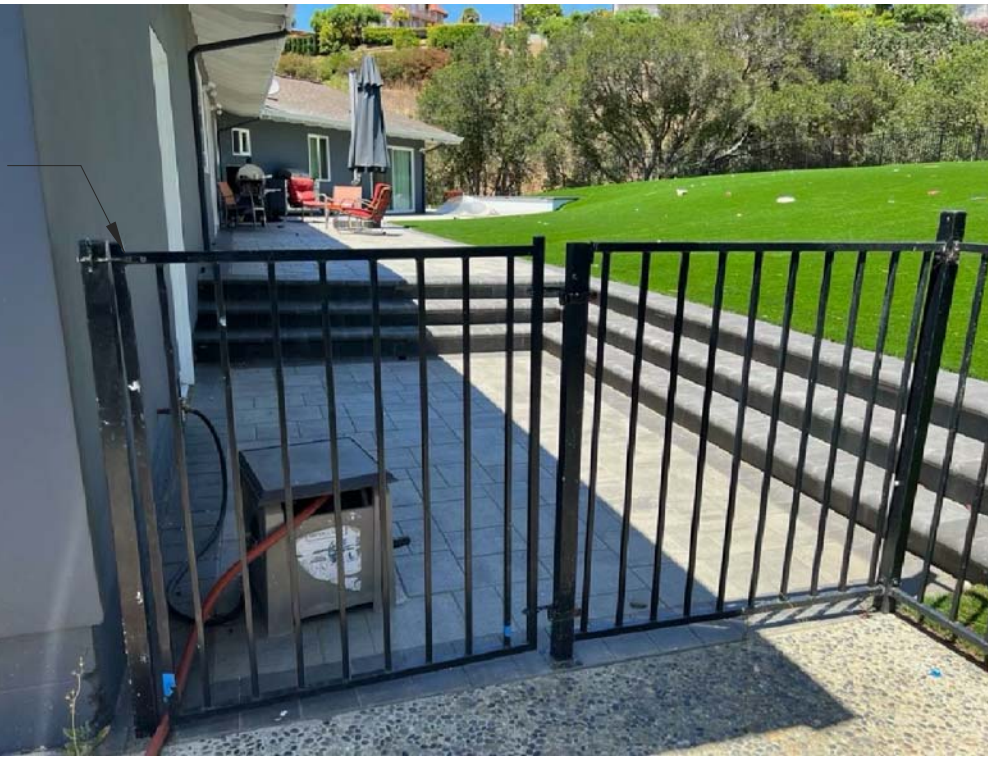
FAHED HABAYEB
PLANNING & DESIGN
2640 SENTER CREEK CT.
SAN JOSE, CA. 95111
408 483-0302
habayeb3@aol.com

FAHED HABAYEB
JUN. 8 2023

PROPOSED IMPERVIOUS AREA TABLE				
ITEM	TITLE	DESCRIPTION	AREA (SF)	REMARK
	PARCEL SIZE	PROPERTY LOT SIZE	129,024.70	2.962 ACRES
	ALLOWABLE IMPERVIOUS SURFACE	10% OF LOT SIZE	12,902.47	
1	EXISTING MAIN HOUSE	EXISTING ONE-STORY MAIN HOUSE	3,360.00	IMPERVIOUS AREA
2	NEW SWIMMING POOL	SWIMMING POOL FUTURE WORKS WITH SEPARATE PERMIT	710.00	IMPERVIOUS AREA
3	NEW CONVERTED GUEST HOUSE ADU	PROPOSED GUEST HOUSE CONVERT TO ADU (CREDIT TO PERVIOUS AREA)	810.00	CREDIT (NO IMPERVIOUS)
4	EXISTING ASPHALT DRIVEWAY	EX DRIVE WAY TO REMAIN	7,864.00	IMPERVIOUS AREA
5	EXISTING STORAGE SHED	EXISTING 10x12' SHORAGE SHED WITH 12x14' CONCRETE PAD	168.00	IMPERVIOUS AREA
6	BACK AND FRONT YARD CONCRETE EDGE	NEW PAVER AROUND THE MAIN HOUSE, PATIO AND PORCH	4,830.00	PERVIOUS AREA
7	ADU DRIVEWAY	EX GUSSET HOUSE (ADU) GRAVEL DRIVEWAY	980.00	PERVIOUS AREA
8	EXISTING AC CONCRETE PAD	EXISTING 3x5' CONCRETE PAD	15.00	IMPERVIOUS AREA
9	NEW RADIUS AREA FOR FIRE TRUCK	NEW ASPHALT	486	IMPERVIOUS AREA
10	PARKING AREA	NEW PAVERS	568	PERVIOUS AREA
11	EXISTING SHARED DRIVEWAY	EX SHARE DRIVEWAY TO REMAIN WITH NO CHANGE	1196	PERVIOUS AREA
12	GRAVEL SECOND FIRE TRUCK TURN AROUND	WIDEN PORTION OF EXISTING GRAVEL ADU DRIVEWAY		
PROPOSED ONSITE EXCLUSIVE IMPERVIOUS			12,603.00	10.2% OF LOT SIZE
TOTAL EXISTING IMPERVIOUS			12,861.00	
AMOUNT OVER IMPERVIOUS SURFACE LIMIT			-258	REMAINING ALLOWABLE AREA.

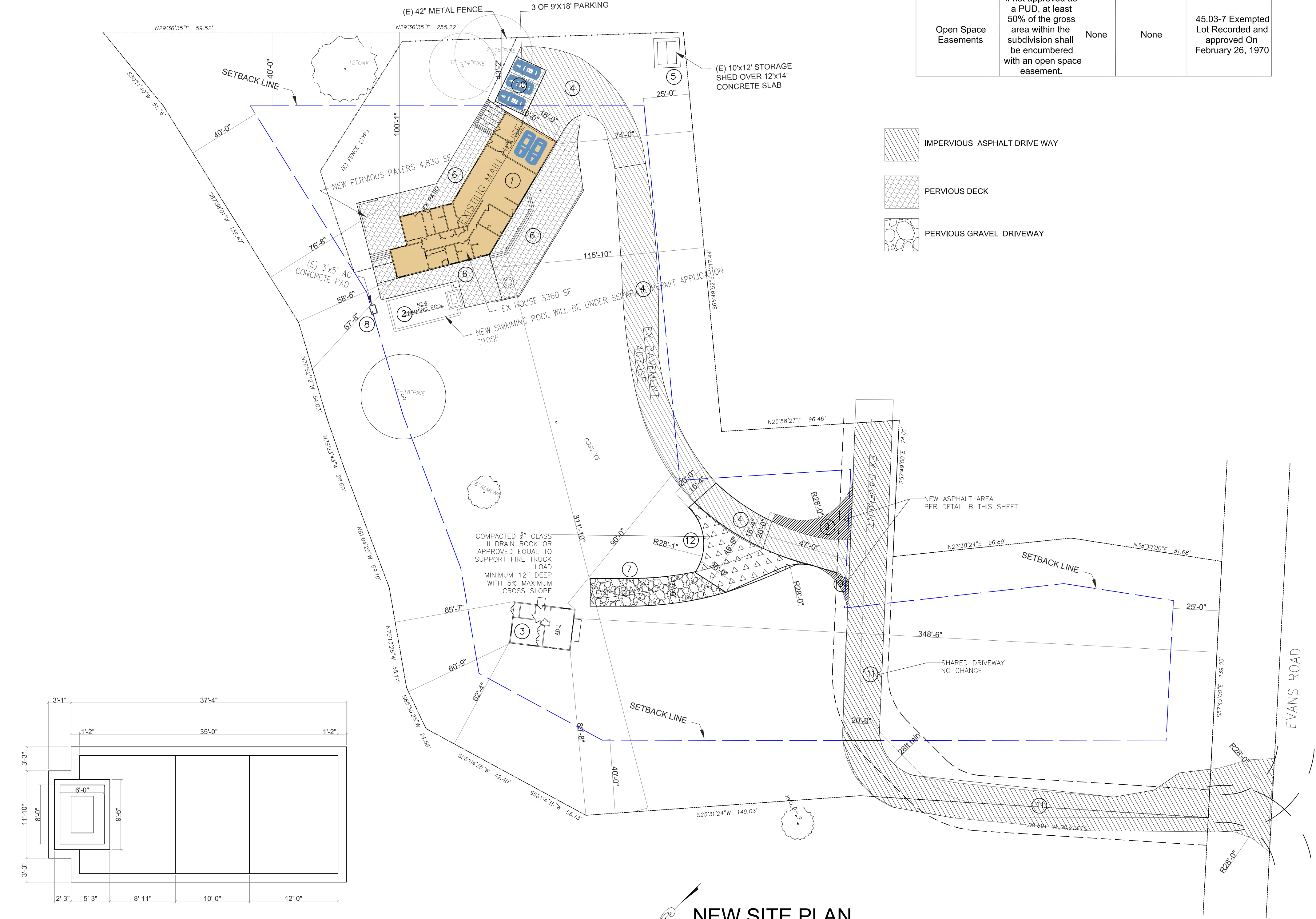
Table 1: Hillside Development Standards				
Development Standards	Required	Existing	Proposed	Complies
Setbacks				
Front	25'	Yes	(E) 74"	Yes
Side	40'	Yes	(E) 43'-2"	Yes
Rear	40'	Yes	(E) 58'-6"	Yes
Size of Main Dwelling	Max: 6,000 sq. ft.	Yes	(E) 3,360 sq. ft.	Yes
Size of Second Family Unit	Max: 1,200 sq. ft.	Yes	(E) 810 sq. ft.	Yes
Off-Street Parking	4 or more bedrooms = 3 per unit, plus 1 per each additional bedroom.	Yes	6	Yes

Development Standards	Required	Existing	Proposed	Complies
Impervious Surface Coverage	8,000 sq. ft. or 10% of lot total	Yes	12,853.00	Yes
Height	One-story, max. ht. 17' on the westside of crestline,	Yes	Main Home 14' - 10" 2nd family unit: 13' - 3"	Yes
Open Space Easements	If not approved as a PUD, at least 50% of the gross area within the subdivision shall be encumbered with an open space easement.	None	None	45.03-7 Exempted Lot Recorded and approved On February 26, 1970



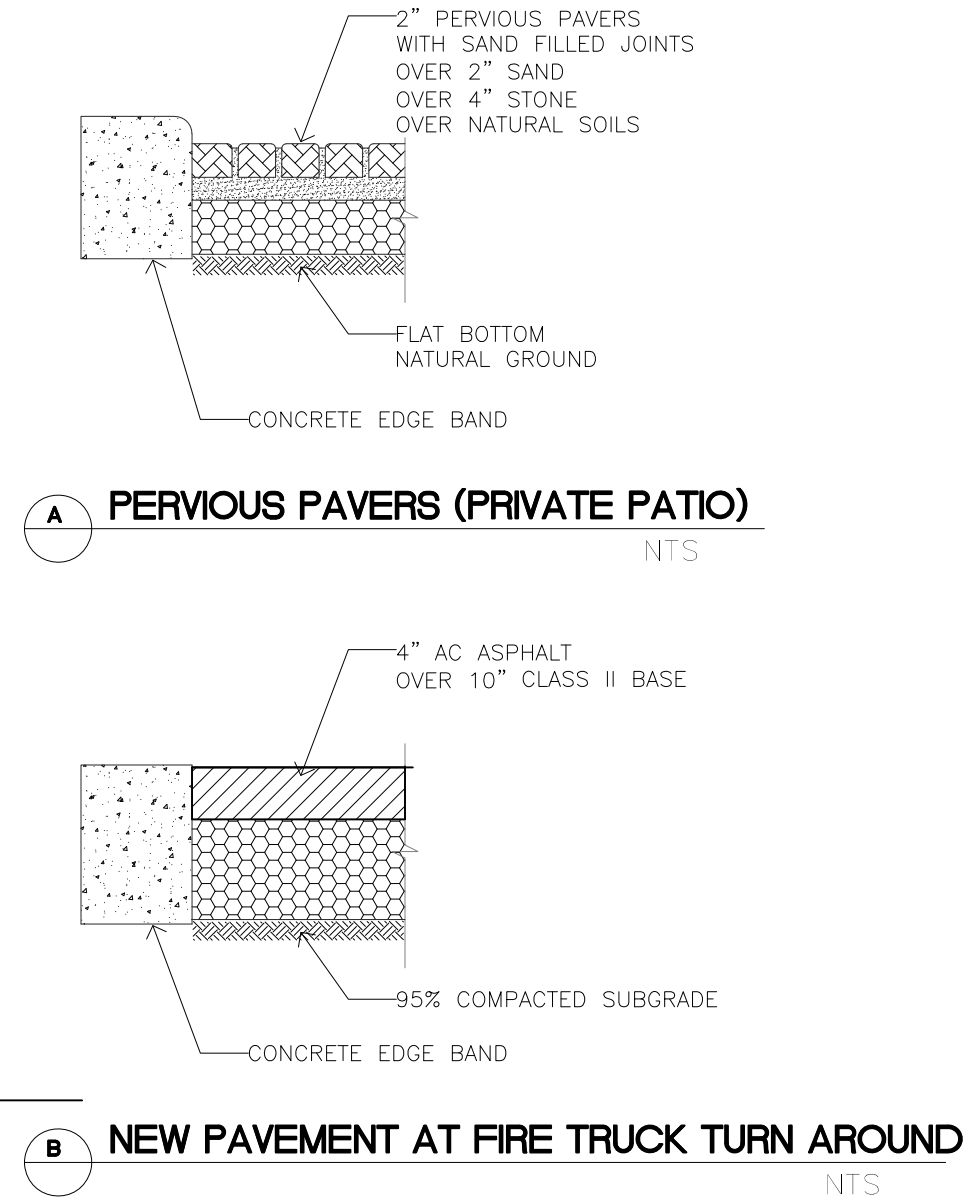
(E) FENCE DETAIL

- IMPERVIOUS ASPHALT DRIVE WAY
- PERVIOUS DECK
- PERVIOUS GRAVEL DRIVEWAY



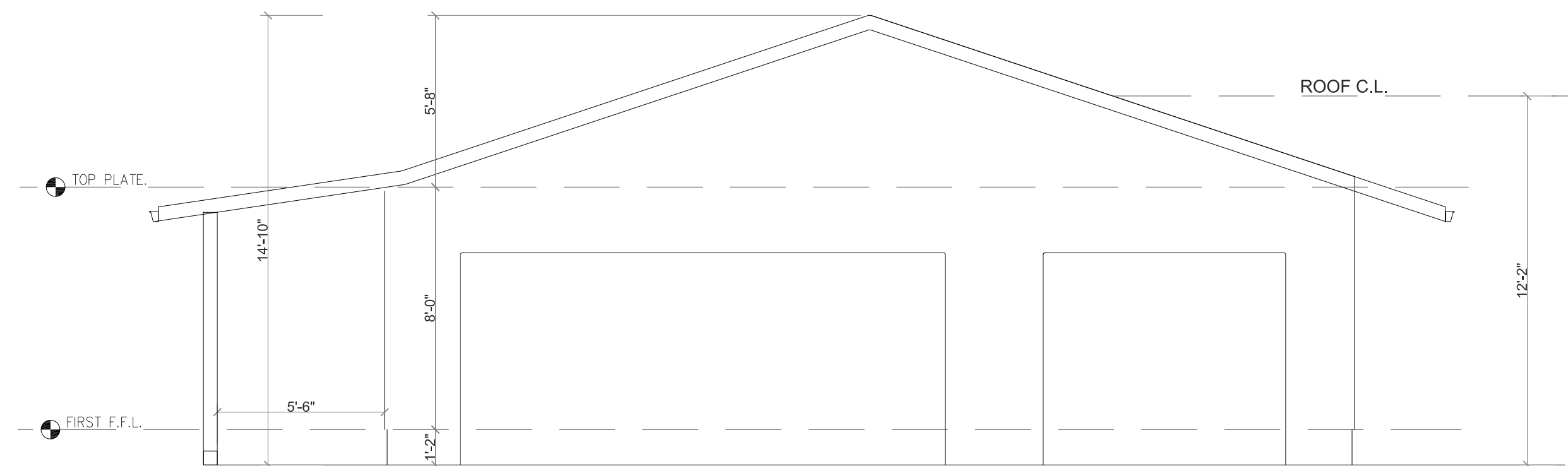
NOTE: SEPARATE PERMIT FOR SWIMMING POOL AND PROVIDE BY OTHERS.

NEW SWIMMING POOL PLAN
SCALE 1/32\"/>



NO.	DATE	ISSUE

JOB NO.	1122
SCALE	AS NOTED
DRAWN BY	FH
SHEET NO.	



EXISTING FLOOR PLAN

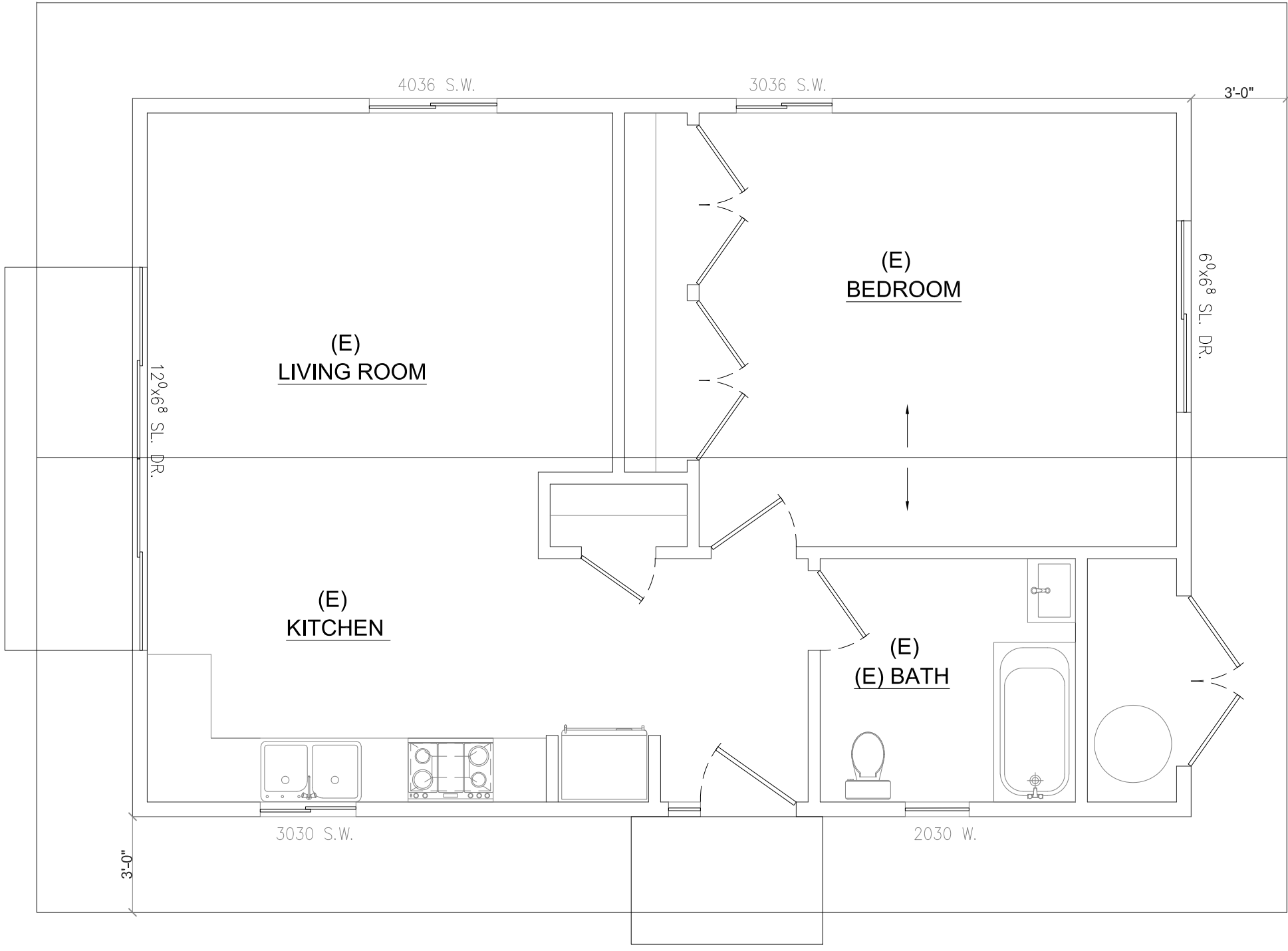
SCALE 1/4"=1'-0"

EXISTING RIGHT ELEVATION

SCALE 1/4"=1'-0"

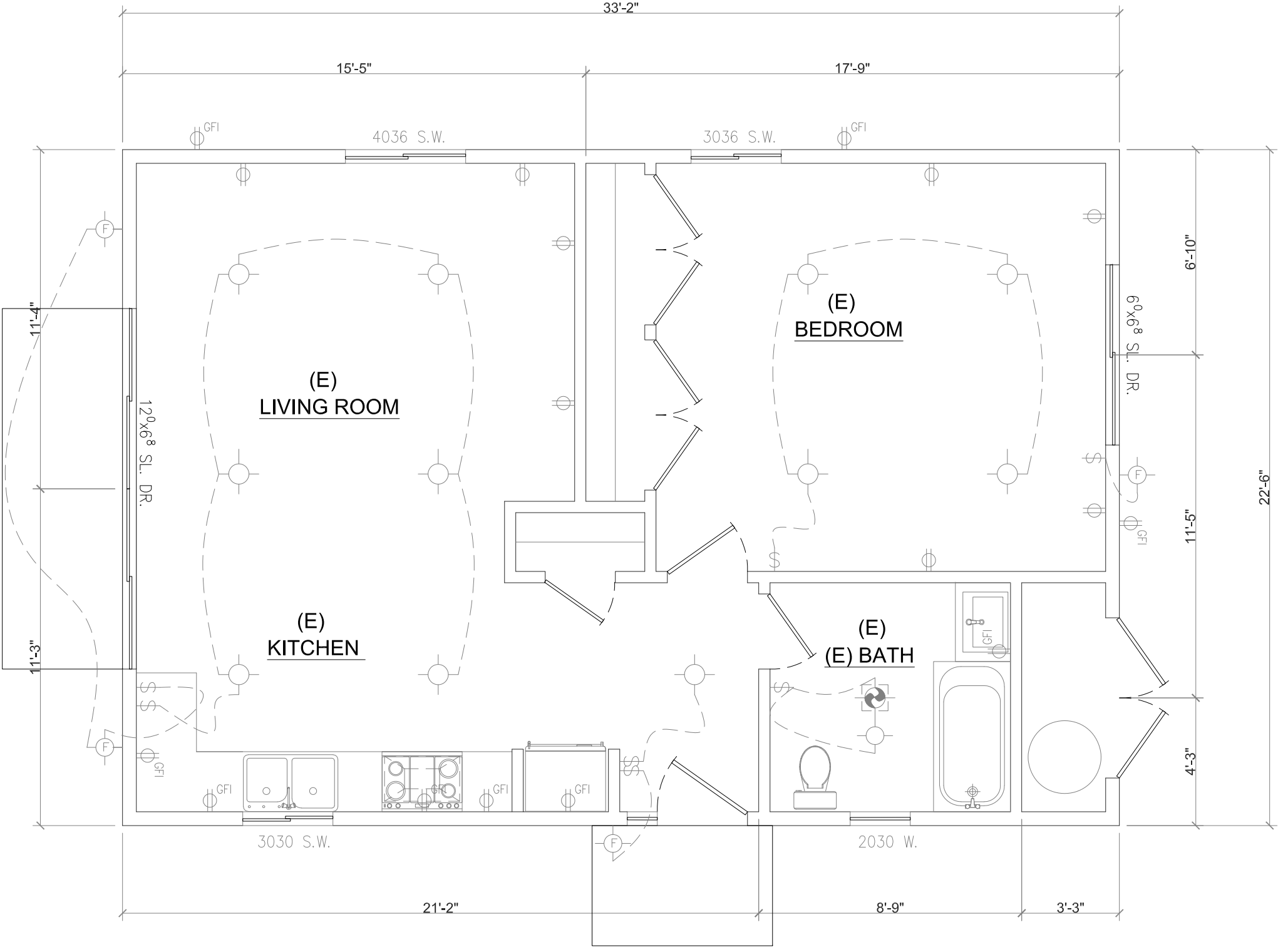
SITE PLAN IMPROVEMENT
& CONVERT GUEST HOUSE TO ADU
640 EVANS ROAD
MILPITAS, CA 95035

NO.	DATE	ISSUE
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EXISTING ROOF PLAN

SCALE 1/4"=1'-0"



EXISTING ELECTRICAL PLAN

SCALE 1/4"=1'-0"

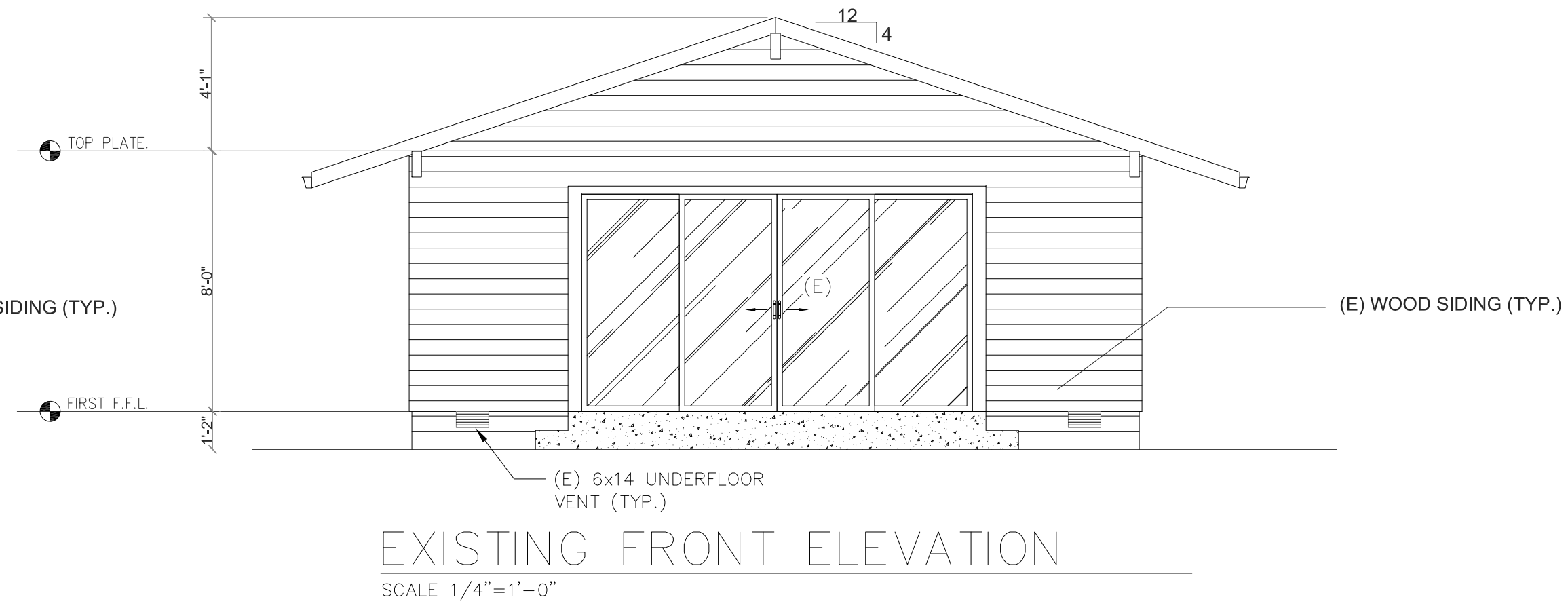
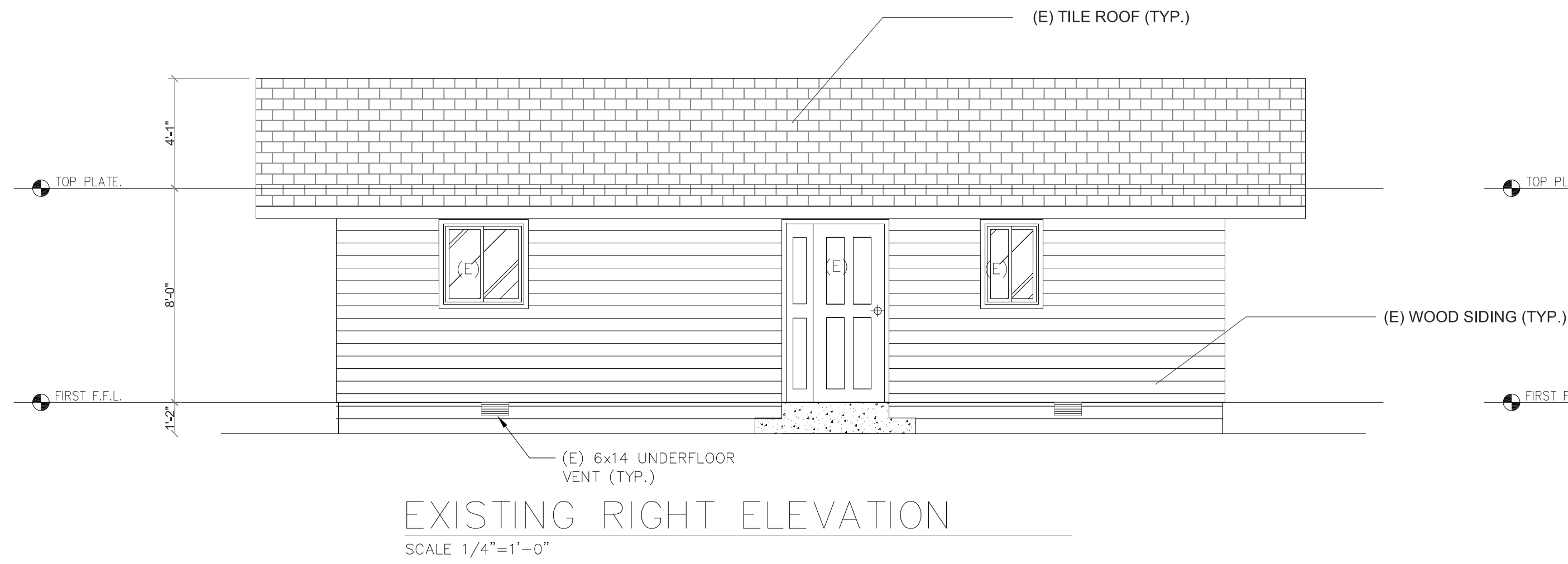
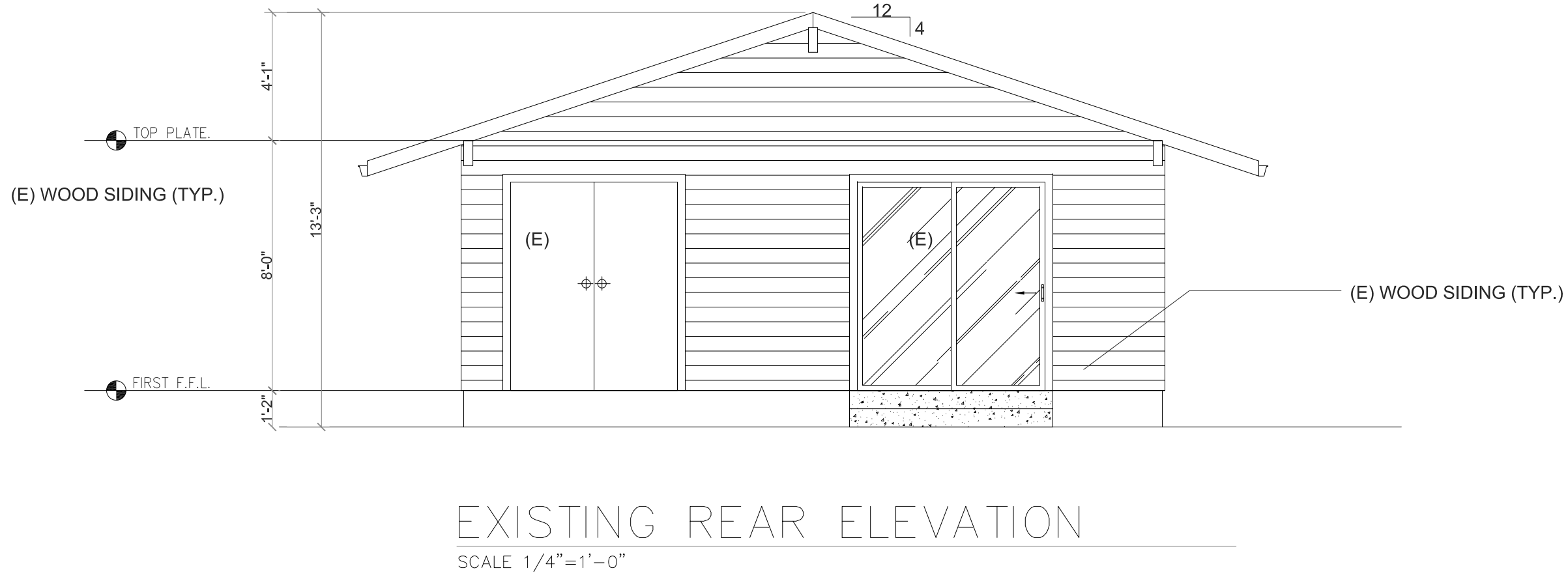
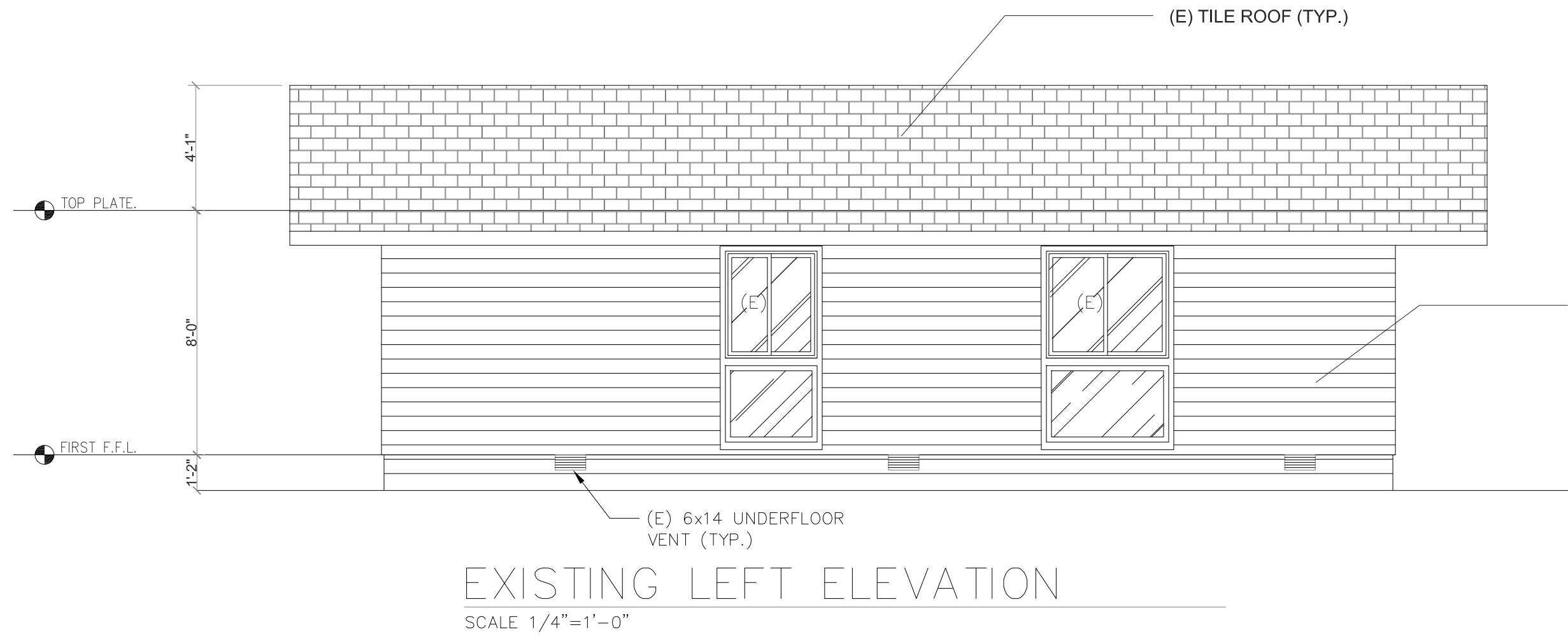


EXISTING FLOOR PLAN

SCALE 1/4"=1'-0"

NO.	DATE	ISSUE

JOB NO.	1122
SCALE	AS NOTED
DRAWN BY	FH
SHEET NO.	



NO.	DATE	ISSUE

JOB NO.	1122
SCALE	AS NOTED
DRAWN BY	FH
SHEET NO.	



CITY OF MILPITAS

Planning Commission

MEETING MINUTES

7:00pm

Wednesday, June 14, 2023

CITY COUNCIL CHAMBERS

455 E CALAVERAS BLVD, MILPITAS, CA

and

via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Chair Chuan called the meeting to order at 7:05pm.

PLEDGE OF ALLEGIANCE

Commissioner Galang led the pledge of allegiance.

ROLL CALL

Recording Secretary Elizabeth Medina called the roll.

PRESENT: Vice Chair Ciardella, Commissioners Albana, Awasthi, Galang, Medina-Ashby, and Mohsin

ABSENT: Chair Chuan

STAFF: Jay Lee, Michael Mutalipassi, Christopher Creech, Michael Fossati, Captain Matthew Miller, Elizabeth Medina

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

City Attorney Michael Mutalipassi asked if any member of the commission had any personal or financial conflict of interest related to any of the items on the agenda and there were none.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for June 14, 2023.

Motion/Second Mohsin/Awasthi

Motion carried by a vote of AYES: 6 NOES: 0

APPROVAL OF MEETING MINUTES

By motion, approve the meeting minutes for May 10, 2023.

Motion/Second Medina-Ashby/Mohsin

Motion carried by a vote of AYES: 5 NOES: 0 ABSTAIN: 1 (Galang)

ANNOUNCEMENTS

Interim Planning Director Jay Lee informed the commission that the June 28 meeting is cancelled, there will be a recess in July, and meetings will resume in August. Interim Planning Director Lee also shared a brief update on the status of the Gateway Specific Plan.

City Attorney Michael Mutalipassi introduced new Assistant City Attorney Christopher Creech, who will begin staffing the Planning Commission meetings when we return from break.

Commissioner Medina-Ashby shared that Sunnyhills Neighborhood Association will host a Juneteenth celebration at Augustine Park on Saturday, June 17 from 11am – 5pm.

Vice Chair Ciardella shared that the City's State of City address would be held on June 22 at 5:30 pm in Council Chambers.

PUBLIC FORUM

Vice Chair Ciardella invited members of the public to address the commission and there were none.

PUBLIC HEARING

ALCOHOL SALES – 500 BARBER LANE - UP23-0001: A Conditional Use Permit to allow the sale of beer, wine, and distilled spirits for on-site consumption (ABC Type 47 License) within a new restaurant (Xian Steam Seafood and Stone Grill) located in the General Commercial (C2) Zoning District with a Recreation and Entertainment (-RE) Overlay at 500 Barber Lane. The Project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities). Project Planner: Michael Fossati, Senior Planner, mfossati@milpitas.gov

There were no questions from the public or Planning Commissioners.

Vice Chair Ciardella invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Mohsin/Awasthi

Motion carried by a vote of AYES: 6 NOES: 0

Recommendation: Staff recommends the Planning Commission adopt Resolution No. 23-011, approving Conditional Use Permit No. UP23-0001, subject to the attached Conditions of Approval.

Motion/Second Mohsin/Medina-Ashby

Motion carried by a vote of AYES: 6 NOES: 0

IX-2 ALCOHOL SALES – 1741 N MILPITAS BLVD - UP23-0002: A Conditional Use Permit to allow the sale of beer, wine, and distilled spirits for on-site consumption (ABC Type 47 Liquor License) within a new restaurant (Gao's Kabob and Crab) located within the Neighborhood Commercial (C1) Zoning District at 1741 N Milpitas Blvd. The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities). Project Planner: Michael Fossati, Senior Planner, mfossati@milpitas.gov

Project Planner Michael Fossati and the applicant team, Nagaraj Bhat and Steve Bugge (architect) addressed commissioners' clarifying questions related to other restaurants in the same plaza that have an ABC Type 47 Liquor License, how many restaurants in the plaza across the street who have an ABC Type 47 Liquor License, hours of operation (until 2 am), impact on the surrounding neighborhood, and local businesses, and noise.

Vice Chair Ciardella invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Galang/Medina-Ashby

Motion carried by a vote of AYES: 6 NOES: 0

Recommendation: Staff recommends the Planning Commission adopt Resolution No. 23-012, approving Conditional Use Permit No. UP23-0002, subject to the attached Conditions of Approval.

Motion/Second Galang/Medina-Ashby

Motion carried by a vote of AYES: 6 NOES: 0

NEW BUSINESS

NO ITEMS

ADJOURNMENT

Chair Chuan adjourned the meeting at 7:51 pm

Motion/Second Mohsin/Awasthi

Motion carried by a vote of AYES: 6 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina