



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Approving a Site Development Permit to develop a 5,807-square foot, one-story, single-family residence and certain accessory structures; and a Minor Site Development Permit to allow a portion of the ADU to be located within the front half of the property, on a vacant 1.27-acre hillside lot at 898 Calaveras Ridge Drive (Staff Contact: Krishna Kumar, 408-586-3276)
Category:	Consent Calendar-Community Development
Meeting Date:	11/19/2019
Staff Contact:	Krishna Kumar, 408-586-3276
Recommendation:	Adopt a resolution approving a Site Development Permit to develop a 5,807-square foot, one-story, single-family residence and certain accessory structures; and a Minor Site Development Permit to allow a portion of the ADU to be located within the front half of the property on a vacant 1.27-acre hillside lot at 898 Calaveras Ridge Drive.

Background:

On September 1, 1981, the City Council approved Planned Unit Development (PUD) No. 23A (now known as PUD No. 23.5 or Calaveras Ridge Estates) and the Tentative Map for a 17-lot hillside residential subdivision on approximately 40 undeveloped acres. The subject site is identified as Lot 4, Tract No. 7328 Calaveras Ridge Estates (APN: 029-06-028) on County records.

The proposed project includes a Site Development Permit for the following:

1. Develop a 5,807-square-foot, one-story single-family residence and a detached 1,195-square foot accessory dwelling unit (ADU), cabana, and an open wood deck platform in the rear yard of a vacant 1.27-acre hillside lot within the Calaveras Ridge Estates neighborhood.
2. Allow an ornamental metal fence along the street frontage where a wood fence is typically required.

The project also includes a Minor Site Development Permit to allow a portion of the ADU to be located within the front half of the property to minimize grading on a vacant hillside lot.

The original Site Development Permit application also included a request to allow an internal wall and entrance gate up to nine feet in height. However, upon further analysis, staff determined that these features may be considered an architectural extension of the residence and do not require separate discretionary review.

Due to the project's location within the Hillside Combining District ("H") (Milpitas Municipal Code Section XI-10-45.09), the application must be considered by both the Planning Commission and the City Council for conformance with the Hillside Site and Architectural Guidelines. The Planning Commission held a public hearing on October 9, 2019 to review the project application, and a motion to approve the proposed project resulted in a tie vote (3-3, Mandal absent). Thus, the project will be considered by the City Council without a recommendation from the Planning Commission. Those commissioners who did not support the project questioned the design of the building and whether it was going to be used strictly as a single-family residence. The proposed structure has a very large living room with a shower and office on one side and box lighting that is not typical for this type of room. In addition, the living room is largely separated from the rest of the home rather than located as a central gathering space.

Analysis:

General Plan and Zoning Ordinance

The proposed Site Development Permit and Minor Site Development Permit are both consistent with the Milpitas General Plan and Zoning Ordinance. The Planning Commission Staff Report (Attachment B) provides detailed analysis of the proposed project.

Hillside Ordinance

The proposed project is consistent with the development standards of the City's Hillside Ordinance in terms of architectural design and grading in a hillside setting. The Planning Commission Staff Report (Attachment B) provides detailed analysis of compatibility with the hillside regulations.

Pursuant to MMC Section XI-10-54.10(D)(2), all fence posts and supporting framework within the Hillside Combining District shall be wood in order to maintain the rural character of the hills. The proposed project includes an ornamental metal fence along the street frontage, which requires approval of a Minor Site Development Permit. Staff recommends approval because the proposed fence is compatible with existing fences in the neighborhood.

Architectural Design

Due to concerns with the size and layout of the living room within the proposed project which may suggest a possible assembly use, the conditions of approval include the following restrictions:

1. Use of the property shall be strictly limited to a single-family residence with one accessory dwelling unit.
2. No portion of the property shall be converted or used for any purpose other than its allowed use as a single-family residence. No portion of the single-family residence shall be used as a Place of Assembly or for Commercial Education or Training, Recreation or Entertainment Facilities, or similar uses.

Policy Alternative:

Alternative: Deny the Site Development Permit to allow development of a new approximately 5,807-square foot single-family residence and a detached 1,195-square foot accessory dwelling unit (ADU) in the rear yard.

Pros: None

Cons: The project site would remain vacant, and the applicant may abandon the project or sell the property. The applicant would incur additional costs if he opts to submit new or revised plans.

Reasons not recommended: The proposed residence and ADU would be located on an existing subdivision lot intended for the proposed purpose, and the project would be compatible with the surrounding neighborhood. As proposed, the project is consistent with the General Plan, Zoning Ordinance, and all required Findings.

Fiscal Impact:

No fiscal impact.

Environmental Review:

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

Recommendation:

Adopt a resolution approving a Site Development Permit to develop a 5,807-square foot, one-story, single-family residence, and certain accessory structures; and a Minor Site Development Permit to allow a portion of the ADU to be located within the front half of the property on a vacant 1.27-acre hillside lot at 898 Calaveras Ridge Drive.

Attachments:

- A. Resolution
- B. Planning Commission Staff Report - 10/09/2019
- C. Project Plans
- D. Story Pole Photographs and View Point Study
- E. Grading Requirement in Hillside Zones