

Planning Commission Agenda Report

February 20, 2019
Item 5.a.

- SUBJECT:** Vesting Tentative Map 8483
- APPLICANT/
PROPERTY OWNER:** Frank Berlogar
- PURPOSE:** Application for a Vesting Tentative Map to subdivide an approximately 15.81-acre site into two lots measuring approximately 4.46 acres and 11.35 acres.
- LOCATION:** 88 Silver Oaks Terrace
- GENERAL PLAN:** Low Density Residential and Open Space – Public Health and Safety
- SPECIFIC PLAN:** Vineyard Avenue Corridor Specific Plan
- ZONING:** PUD-HR/OS (Planned Unit Development - Hillside Residential/Open Space) District
- EXHIBITS:**
- A. Draft Planning Commission Resolution with Conditions of Approval
 - B. Vesting Tentative Map 8483, dated “Received, January 18, 2019”
 - C. PUD-116-01M Approval Letter with Conditions of Approval
 - D. Location and Public Notification Map

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Vesting Tentative Map 8483 by taking the following actions:

1. Find that there is no new or changed circumstances, or information, which requires additional California Environmental Quality Act (CEQA) review of the project;
2. Make the tentative map findings as stated in this report; and
3. Approve Vesting Tentative Map 8483 subject to the draft conditions of approval stated in Exhibit A.

EXECUTIVE SUMMARY

Frank Berlogar, owner of 88 Silver Oaks Terrace, requests to subdivide the existing approximately 15.81-acre site into two parcels. The subject property is a portion of what was a larger 50.13-acre property, identified as Lot 22 in in the Vineyard Avenue Corridor Specific Plan (VACSP), which was allotted a total of 14 new residential units in the Specific Plan, and which has subsequently been subdivided over the years, yielding 13 of the 14 planned new homes. The purpose of the subdivision is to create two saleable lots, one lot containing the existing main dwelling unit and one lot containing the existing caretaker's residence (accessory dwelling unit) that would become a main dwelling unit and the 14th and final home allowed for VACSP Lot 22.

BACKGROUND

Parcel Map versus Tract Map Approval

Typically, a subdivision that creates four or fewer lots is processed as a parcel map, which is approved administratively; whereas a subdivision that creates five or more lots is processed as a tentative map, requiring Planning Commission review and approval. However, successive subdivisions of four or fewer lots, involving lots that are contiguous and owned by the same owner, will trigger a tentative subdivision map, rather than a parcel map if the cumulative number of lots would be five or more. In this case, prior successive parcel maps on contiguous parcels also owned by Mr. Berlogar created a total of four lots (plus a remainder lot); the proposed subdivision of one lot into two lots thus triggers a Tract Map.

Vineyard Avenue Corridor Specific Plan

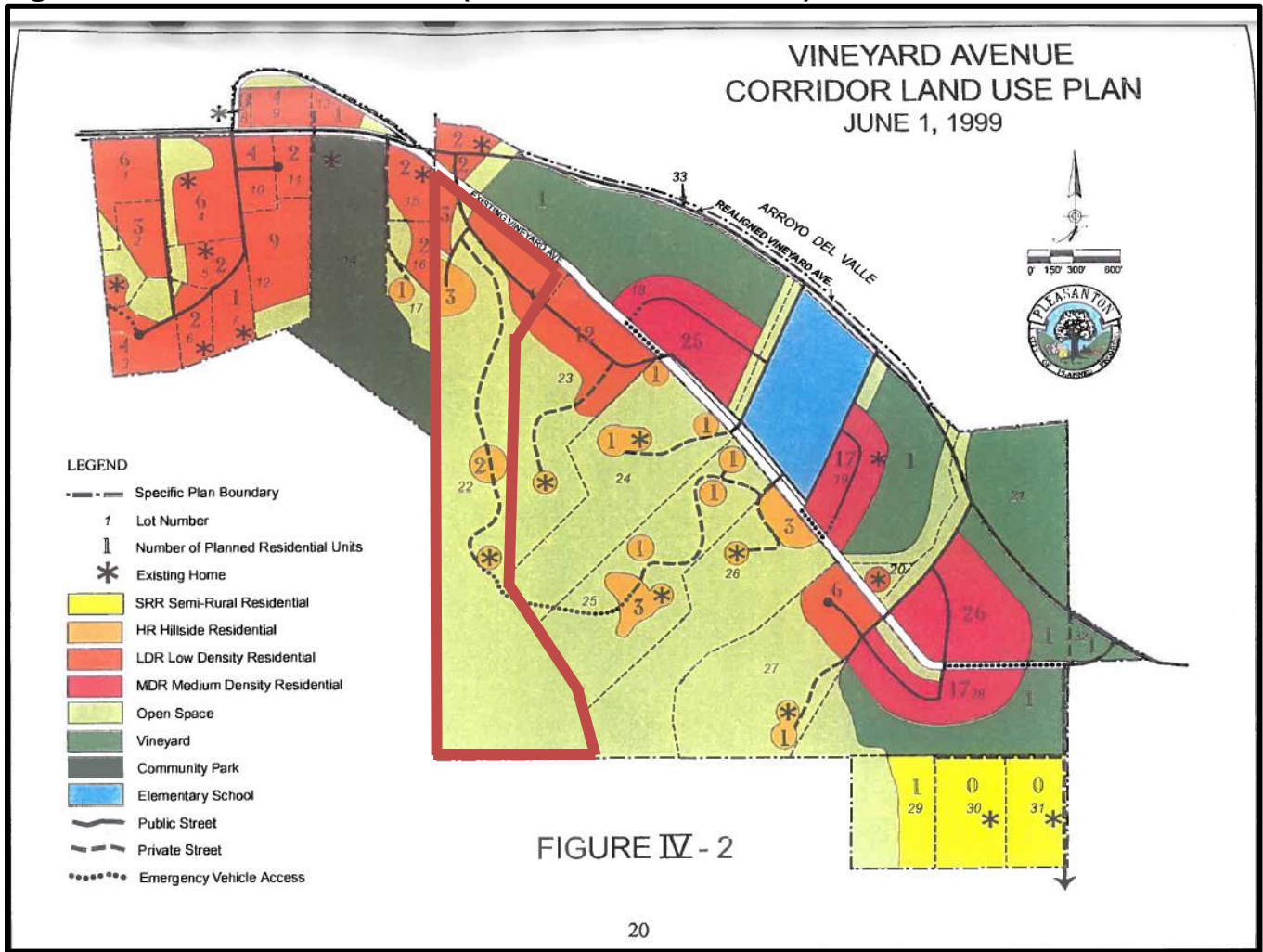
The site is located within the Vineyard Avenue Corridor Specific Plan (VACSP) area and is part of an original lot, identified as Lot 22 in Subarea 3 of the VACSP. The VACSP and PUD rezoning for a 384-acre area in southeast Pleasanton were adopted by the City Council in June 1999. Since then, individual development projects within the Specific Plan have been approved under a series of subsequent subdivisions and PUD plans, consistent with the provisions of the Specific Plan.

The applicant, Frank Berlogar, was the owner of the original VACSP Lot 22, and remains the current owner of the subject property. Lot 22 was approximately 50.13-acres in size and was occupied by an existing single-family home, a mobile home (caretaker's residence), and several accessory buildings. Lot 22 has three Specific Plan land use designations: Low Density Residential (LDR), Hillside Residential (HR), and Open Space (OS). The VACSP allotted a total of 14 new residential units to be located on Lot 22 in addition to the existing home and caretaker's residence. The allocations are:

- 9 new single-family homes located in two LDR areas;
- 3 new single-family homes located in the northern HR area; and
- 2 new single-family homes located in the southern HR area

Figure 1 is the VACSP land use plan which shows the land uses and residential dwelling unit allocation.

Figure 1: VACSP Land Use Plan (Lot 22 is outlined in red):



Prior Approvals for Lot 22

In the past 18 years, several development approvals have occurred on Lot 22. These are summarized below:

1. Lot Line Adjustment

In the late 1990s, a lot line adjustment was approved to transfer approximately five acres from Berlogar’s original 50.13-acre site (Lot 22) to 27 Grey Eagle Court. The lot line adjustment occurred in the southwestern portion of Berlogar’s lot. No new lots were created on Berlogar’s site from this lot line adjustment.

2. PUD-05 - 19 new single-family homes located in two LDR areas of Lots 22 and 23 of the VACSP (nine new single-family homes on Lot 22)

In June 2001, the City Council approved PUD-05, a 19-lot single-family development plan referred as Apperson Ridge. PUD-05 included two properties, Lot 22 (Berlogar) and Lot 23 (Chrisman) of the VACSP with Lot 22 having nine single-family homes in the LDR areas of the lot. The PUD-05 approval also allowed the existing caretaker’s residence (accessory

dwelling unit) on Lot 22 to be removed and replaced with a new caretaker's residence in the Open Space area south of the existing Berlogar residence. The design of the new caretaker's residence was subject to design review approval by the Planning Commission.

In August 2003, the City Council (on appeal) approved Tract 7399 to subdivide Lots 22 and 23 into 19 single-family lots in compliance with PUD-05. Nine of the 19 lots were located on Lot 22 (Berlogar) in the LDR area (Parcel 1 of PM 8070). To date, seven homes have been constructed and occupied; one home has received design review approval; and the last home is in the design review process.

3. Parcel Map 8070

In 2003, a parcel map was approved to subdivide the existing 45.04-acre lot into two lots: Parcel 1 was approximately 6.82 acres and contained the area that has a LDR land use designation and Parcel 2 was approximately 38.22 acres and contained the existing residence, caretaker's residence, and several accessory structures. The parcel map separated the PUD-LDR land use area in the northern portion of Lot 22 from the remaining PUD-HR/OS land use area. Parcel Map (PM) 8070 was recorded in December 2003.

4. PDR-336 – Caretaker's Residence and Accessory Structures

In April 2005, the Planning Commission approved a design review application to construct an approximately 2,290 sq. ft. caretaker's residence, an approximately 1,615 sq. ft. horse barn, and an approximately 900 sq. ft. hay barn to the south of the existing Berlogar residence and an approximately 2,676 sq. ft. garage/shop/wine barn to the north of the Berlogar residence. The caretaker's residence and the accessory structures were constructed around 2007.

5. PUD-84 and Parcel Map 10248 - Two new single-family homes located in the northern HR area

In April 2014, the City Council approved a three-lot PUD development plan for Lot 22: two custom single-family home lots in the northern HR area and one lot containing the existing Berlogar residence, caretaker's residence, and accessory structures. This northern HR area was allowed for three single-family home sites by the VACSP. Notwithstanding that the VACSP allocated three new HR lots in the northern location, Mr. Berlogar proposed two lots because he believed it would be more suitable for the area considering its topography and mature oak trees. With this approval, Mr. Berlogar agreed the third lot would not be constructed in this northern HR area. A condition of approval for PUD-84 memorialized this agreement.

In April 2015, Parcel Map 10248 was approved to subdivide the existing, approximately 37.4-acre property into three lots in compliance with PUD-84: Lot 1 was approximately 1.2 acres with a new home; Lot 2 was approximately 1.9 acres with a new home; and Lot 3 was approximately 34.3 acres with the existing Berlogar residence, caretaker's residence, and accessory structures. To date, both new homes have been constructed, and one is occupied.

6. PUD-116 and Parcel Map 10558 - Two new single-family homes located in the southern HR area

In June 2016, the City Council approved a two-lot PUD development plan (two new custom single-family home lots in the southern HR area) with a remainder parcel containing the existing Berlogar residence, caretaker's residence, and accessory structures. The new home sites are located to the north and northwest of the Berlogar residence.

In July 2016, Parcel Map 10558 was approved to subdivide the existing, approximately 34.3-acre site into two new lots in compliance with PUD-116: Lot 1 was approximately 3.96 acres with a new home; Lot 2 was approximately 14.53 acres with a new home; and the remainder lot was 15.86 acres with the existing Berlogar residence, caretaker residence, and accessory structures. The subdivision improvements and homes are under construction.

The approvals of PUD-05, PUD-88, and PUD-116 and their related subdivisions yield a total of 13 new residential homes/lots. As noted earlier, the VACSP allotted a total of 14 new residential units to be located on Lot 22 in addition to the existing home and caretaker's residence. Because two instead of three home sites were approved in the northern HR area, one additional home could be built on Lot 22 without exceeding the maximum of 14 new home sites allotted by the VACSP. As such, Mr. Berlogar requests to subdivide the lot that currently contains his residence, caretaker's residence, and accessory structures into two lots: one lot containing the existing Berlogar residence and one lot containing the existing caretaker's residence.

PUD Minor Modification

Related to the proposed subdivision, Mr. Berlogar has filed a PUD Minor Modification application (PUD-116-01M) to create a two-lot development plan for the 15.86-acre remainder parcel. The PUD Minor Modification is needed to reflect the fact that there would be two separate parcels, where one is shown in PUD-116, and to formalize the status of the caretaker's unit as a separate home-site or primary unit, rather than a secondary living unit.

Consistent with the proposed Tract 8483, the development plan would comprise a 4.46-acre lot containing the existing Berlogar residence and garage/shop/wine barn; and a 11.35-acre lot containing the existing caretaker's residence (that would become a main dwelling unit), and accessory buildings. Because Mr. Berlogar did not wish to submit a PUD development plan application and create plans and regulations for any future development on the new 11.35-acre lot, the PUD minor modification is limited to defining the two lots with the existing improvements described above. With the exception of allowing a modest, 500-square-foot, one-story addition to the existing caretaker's unit, any future development on the 11.35-acre lot (e.g., grading, landscaping, additions to the accessory structures, new accessory structures, etc.) would require submittal of a PUD development plan application subject to Planning Commission and City Council review and approval.

The PUD minor modification was approved by the Zoning Administrator on February 6, 2019 (see Exhibit C), based on the conclusion that the conversion of the existing caretaker's unit to a primary unit would remain within the allowable development capacity under the VACSP, as

the final, or 14th new home site on Lot 22. And, although the VACSP Land Use Map does not show a building site to the south of the existing Berlogar residence, the caretaker's residence was approved and constructed through the PUD-05 and PDR-336 approvals, with the modification therefore reflecting approved, existing conditions, rather than a substantial change to the original PUD plan. Notice of the proposed PUD minor modification was sent to neighboring properties within a 1,000-foot radius of the subject property, and neighbors on Silver Oaks Lane and Silver Oaks Court. No comments or request for public hearing were received.

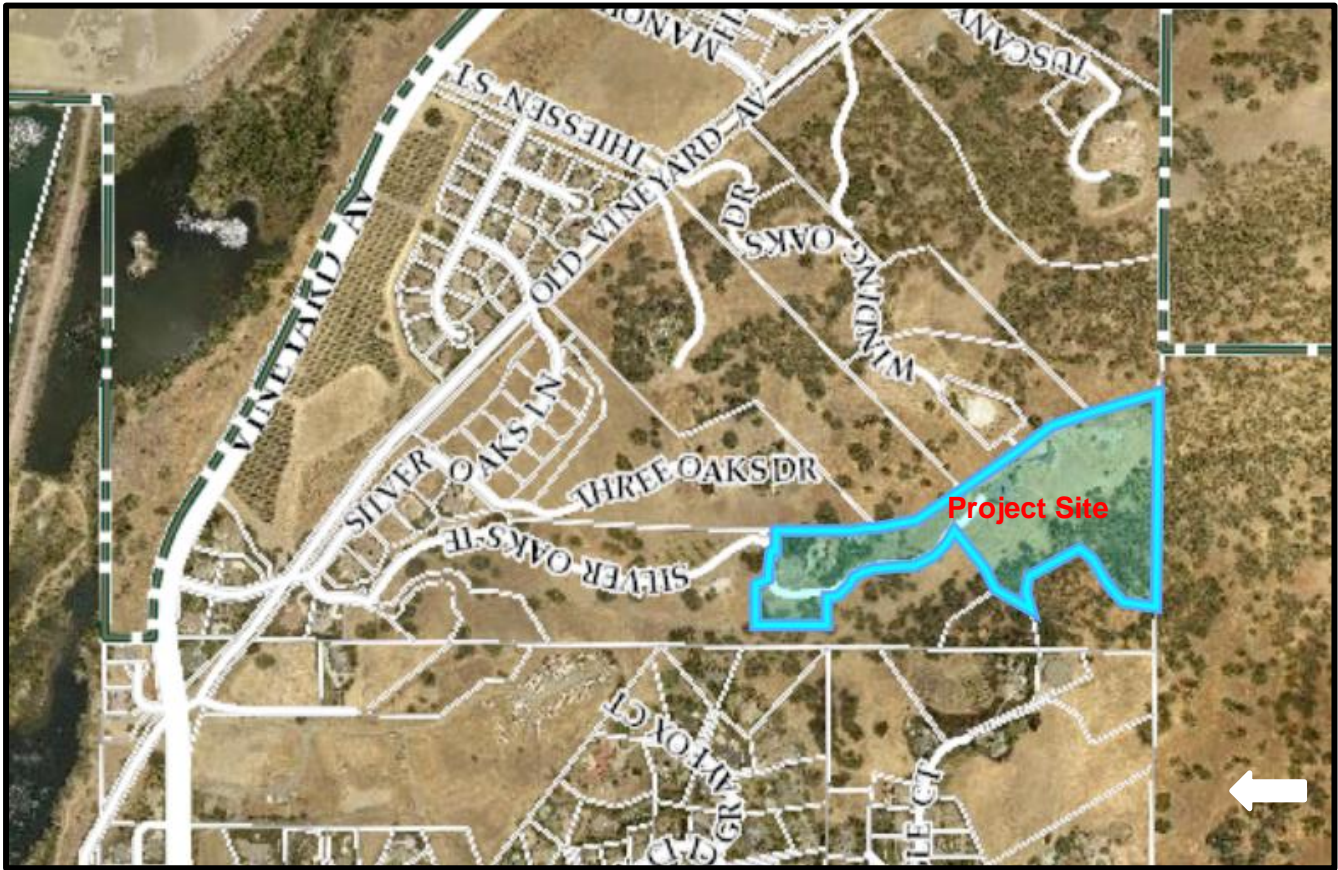
As a standard condition of approval, and as further discussed below, should the Planning not approve the proposed subdivision, then the PUD minor modification would expire in two years or by February 26, 2021.¹

SITE DESCRIPTION

The subject property is located on the south side of Vineyard Avenue Trail (Figure 2). As noted, it contains the Berlogar residence, caretaker's residence, garage/shop/wine barn, horse barn, and hay barn. The site is characterized by steep slopes except for the areas where the existing structures are located. A private road provides access to the Berlogar residence, accessory buildings and the two lots created by PUD-116 and PM 10558. The site has been used for cattle grazing and horseback stabling/riding. Steeper areas contain blue oak woodland habitat. The elevations of the subject site range from 475 feet at the northern corner of the site to 695 feet at the top of the ridge near the southern property line. The Berlogar residence and the caretaker residence are connected to the City's sewer and water system via private sewer and water lines. The property is surrounded by residential zoned properties and open space.

¹ The Zoning Administrator's February 6, 2019 approval was effective fifteen (20) days later [time to allow for appeals] on February 26, 2019.

Figure 2: Project Site



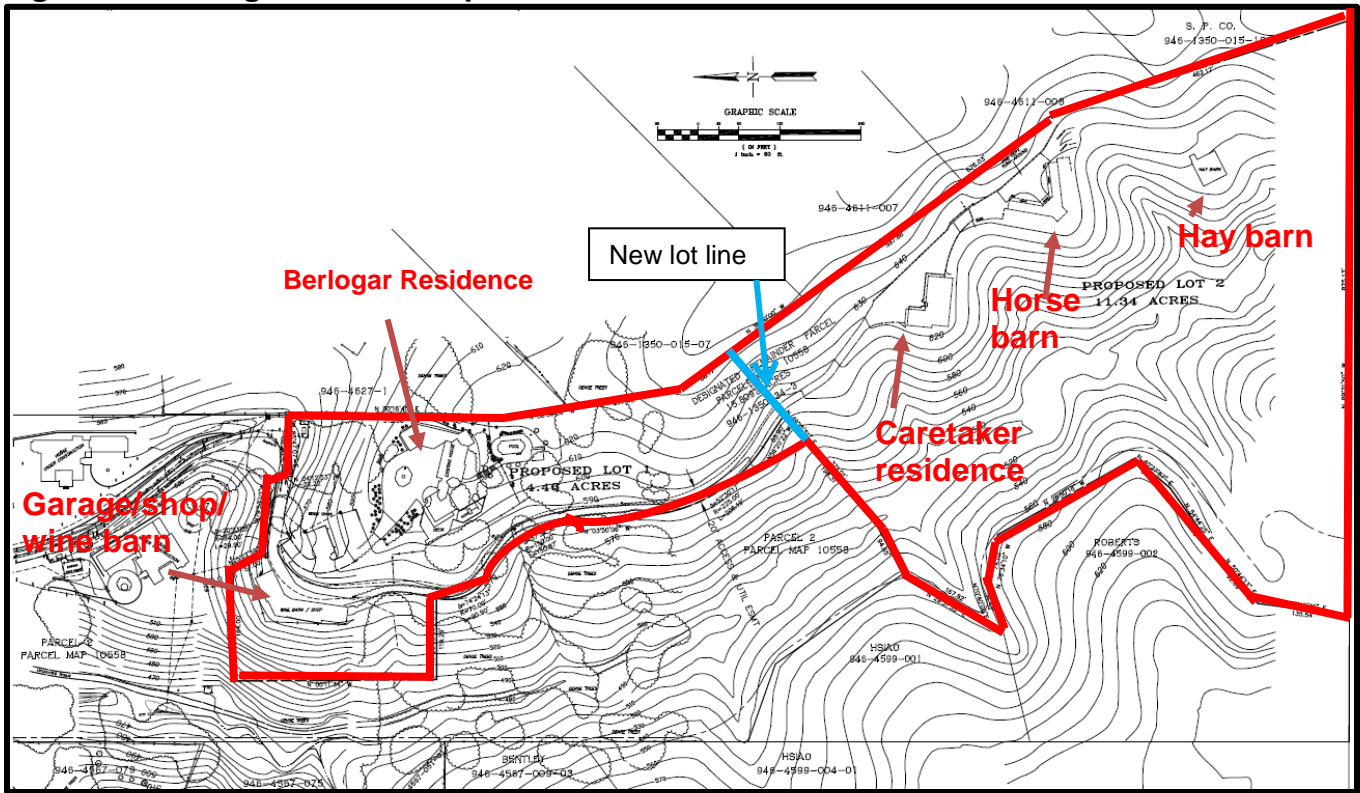
PROJECT DESCRIPTION

The proposal is to subdivide the existing approximately 15.81-acre site into two single-family residential lots measuring approximately 4.46 acres and 11.35 acres in area with the following details:

- Lot 1 – approximately 4.46 acres that would contain the existing, approximately 7,084 sq. ft., two-story Berlogar residence, 2,676 sq. ft. garage/shop/wine barn; and
- Lot 2 – approximately 11.35 acres that would contain the existing 2,290 sq. ft., one-story caretaker’s residence, 1,615 sq. ft. horse barn, and 900 sq. ft. hay barn. The caretaker’s residence would become a main dwelling unit upon subdivision.

No on- or off-site improvements are proposed as part of the subdivision. Figure 3 shows the proposed lot layout.

Figure 3: Vesting Tentative Map 8483



DISCUSSION

Review of a tentative map is limited to review of its consistency with the approved PUD development plan and compliance with State-mandated findings.

Consistency with Planned Unit Development Plan

As described in the background section, a PUD minor modification (PUD-116-01M), was approved for the project, based on a determination that the creation of an additional lot and conversion of the caretaker’s unit to a primary, rather than secondary unit, would be consistent with the VACSP. The proposed tentative map would be consistent with PUD-116 as modified, reflecting a similar, two-lot configuration as that shown in the PUD Plan, and allowing for a maximum of two primary residential units.

Consistency with Vesting Tentative Tract Map Findings

State law and the Zoning Ordinance of the Pleasanton Municipal Code (PMC) set forth the considerations to be addressed in reviewing a Vesting Tentative Map. The Planning Commission must make the following findings that Vesting Tentative Map 8483 conforms to the purposes of the PMC, before taking its action.

1. The proposed vesting tentative subdivision map conforms to the zoning regulations/development plan.

For the reasons stated in this report, the Vesting Tentative Map and improvements conform to the PUD development plan and conditions of PUD-116-01M. The map thus conforms to the zoning regulations/development plan.

2. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

This subdivision would create two new lots with existing dwellings. The existing dwellings are generally oriented in an east-west orientation for southern exposure and provide for passive heating and/or cooling opportunities.

3. The proposed vesting tentative subdivision map, together with its design and improvement, is consistent with the Pleasanton General Plan.

The proposed subdivision does not include any on- or off-site improvements. The existing improvements have been reviewed and are consistent with the objectives, policies, land uses, and programs specified in the General Plan. The previously approved PUD modification was found to be consistent with the General Plan and the VACSP, and this tentative subdivision map is based on the PUD modification. Staff finds that the tentative subdivision map is compatible with the objectives, policies, land uses, and programs specified in both the General Plan and VACSP.

4. The subdivision site is physically suitable for this type and density of development.

The proposed subdivision does not include any on- or off-site improvements beyond those existing on-site today. The subdivision would create two lots: one lot containing an existing main dwelling unit and existing accessory structures; and one lot containing an existing caretaker's residence that would become a main dwelling unit and existing accessory structures. The project area is not in a flood zone or earthquake fault zone. The project site has steep slopes, but the future development allowed by the PUD modification (i.e., a 500-square-foot addition to the caretaker's residence), is limited to the flat area next the caretaker's residence and will not require grading. Thus, the subdivision is physically suitable for the type and density of development.

5. The design of the subdivision and improvements covered by the proposed vesting tentative subdivision map will not cause substantial environmental damage and avoidably injure fish and/or wildlife or their habitat.

The proposed subdivision does not include any on- or off-site improvements. It allows existing structures to be located on two separate lots instead of one lot. Thus, the proposal will not cause any substantial environmental damage or injure fish and/or wildlife or their habitat. The contemplated future 500-square-foot additional to the caretaker's residence would be connected to and adjacent to already developed areas of the new lot.

6. The design of the proposed subdivision or type of improvements is not likely to cause serious public health problems.

As mentioned earlier, the proposed subdivision does not include any on- or off-site improvements. It allows existing structures to be located on two separate lots instead of

one lot. The prior subdivision and improvements were designed and constructed to meet the applicable City standards pertaining to public health and safety, including public utilities and services, road design and traffic safety, emergency vehicle access, fire hazards, geologic hazards, and flood hazards. In addition, the existing structures were required to comply with the applicable Building and Fire Codes, City codes, and State of California energy requirements. Conditions of Approval have been included requiring both lots have independent utility connections subject to review and approval by the City Engineer. Thus, the proposed subdivision will not cause serious public health problems.

7. The design of the subdivision or its related improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

There is an existing public trail easement which, with the approval of this Vesting Tentative Map, would be located on Parcel Two. The proposed subdivision will not conflict with this easement.

8. The restriction on approving a tentative subdivision map on land covered by a land conservation contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act) is not applicable.

The site is not covered by any land conservation contract.

9. The discharge of waste from the proposed subdivision would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board (RWQCB).

The existing residences are connected to the City sanitary sewer system for conveyance to the sewer treatment plant. Stormwater has been treated as part of the prior subdivision improvements. Thus, this subdivision will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board (RWQCB).

PUBLIC NOTICE

Notices for this application were mailed to the surrounding property owners and tenants within a 1,000-foot radius of the project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time that the Planning Commission agenda report was written, staff received inquiries about the project from Harvey Kameny (2832 Gray Fox Court) and Allen Roberts (27 Grey Eagle Court). No other comments or inquiries were received on this application.

ENVIRONMENTAL ASSESSMENT

An Environmental Impact Report (EIR) was approved by the City Council for the VACSP in conformance with the standards of the California Environmental Quality Act (CEQA). CEQA specifies that projects that are prepared pursuant to an adopted specific plan for which an EIR has been prepared and certified are exempt from additional environmental review provided: (1) there are no substantial changes to the project or to the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially increase the severity of previously identified effects; and (2) that no new information is identified that would indicate that the project will have one or more significant

effects not discussed in the EIR. None of these criteria applied to the previously approved PUD minor modification PUD-116-1M. The proposed Vesting Tentative Map 8483 is consistent with PUD-116-1M. No new information or changed circumstances which require additional CEQA review has been identified. Therefore, no additional CEQA review is required and no separate environmental document accompanies the agenda report for this item.

CONCLUSION

The proposed subdivision is consistent with PUD-116-01M. Therefore, staff recommends that Vesting Tentative Map 8483 be approved by the Planning Commission.

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