

Planning Commission Staff Report

February 22, 2017
Item 5.a.

- SUBJECT:** Vesting Tentative Map 8352
- APPLICANT/
OWNER:** GHC Lund Ranch, LLC
- PURPOSE:** Application for a Vesting Tentative Tract Map to subdivide an approximately 194.7-acre property into 46 lots for 43 single-family homes (approved under PUD-25) and three lots to be dedicated to the City of Pleasanton for permanent open space.
- LOCATION:** 1500 Lund Ranch Road
- GENERAL PLAN:** Rural Density Residential, Low Density Residential, and Open Space – Public Health and Safety
- ZONING:** PUD-LDR/RDR/OS-PHS/WO (Planned Unit Development – Low Density Residential/Rural Density Residential/Open Space – Public Health & Safety/Wildland Overlay) District
- EXHIBITS:**
- A. [Draft Conditions of Approval](#)
 - B. [Vesting Tentative Map 8352 and revised photo simulation, dated "Received, January 18, 2017"](#)
 - C. [City Council Ordinance No. 2133 approving PUD-25 with Conditions of Approval](#)
 - D. [PUD-25 Approved Grading/Site Plan, dated "Received February 27, 2012" and as modified by the City Council on December 1, 2015 and December 15, 2015](#)
 - E. [Location and Notification Map](#)

RECOMMENDATION

Staff recommends that the Planning Commission approve Vesting Tentative Map 8352 by taking the following actions:

1. Find that: (1) the anticipated environmental impacts of the project were adequately evaluated in the Environmental Impact Report (EIR) certified for the project by the City Council on December 15, 2015, including the California Environmental Quality Act (CEQA) findings and the Mitigation Monitoring and Reporting Program, which were adopted by the City Council on January 5, 2016; and (2) that none of the conditions in CEQA Guidelines Section 15162 calling for preparation of supplemental environmental review have occurred;
2. Make the tentative map findings as stated in this report; and

3. Approve Vesting Tentative Map 8352, dated "Received, January 18, 2017", subject to the draft conditions of approval as stated in Exhibit A.

EXECUTIVE SUMMARY

The applicant, GHC Lund Ranch, LLC, requests approval of a Vesting Tentative Map (VTM) pursuant to the prior Planned Unit Development Rezoning and Development Plan (PUD-25) approval for the Lund Ranch project, which includes 43 new single-family homes and 174.8 acres of open space at 1500 Lund Ranch Road. The VTM would subdivide the approximately 194.7-acre property into 46 lots, including lots for the 43 single-family homes and three lots to be dedicated to the City of Pleasanton for permanent open space. A VTM confers a vested right to proceed with a development in substantial compliance with the ordinances, policies, and standards in effect at the time an application for the map is deemed complete. VTMs are reviewed in the same manner as regular tentative maps, and the Planning Commission is the sole reviewing body (unless appealed). Review of a VTM is limited to verifying that the map is consistent with the approved PUD development plan and that State-mandated findings can be made. Staff believes the proposed VTM is complete and consistent with PUD-25, subject to the recommended conditions of approval (Exhibit A). Accordingly, the VTM is before the Planning Commission for consideration.

BACKGROUND/HISTORY

On August 26, 2015, the Planning Commission recommended approval of the development project with 50 new single-family homes. On December 15, 2015, a majority of the City Council voted to: (1) reduce the number of lots to 43; (2) lower the building pad elevation for Lot 32 to 500 feet; (3) find that the northern ridgeline above Lot 32 ends at the 718-foot elevation; and (4) require that access for 12 of the homes be provided via Lund Ranch Road and that access for 31 of the homes be provided via Sunset Creek Lane. On January 5, 2016, the City Council adopted Ordinance No. 2133 (Exhibit C) approving PUD-25, consistent with the December 15, 2015 modifications, and a resolution adopting CEQA Findings and the Mitigation Monitoring and Reporting Program. Subsequently, a referendum petition with the requisite number of signatures from individuals opposed to the project was submitted to the City Clerk. On March 1, 2016, the City Council voted to place Measure K on the ballot. The measure asked whether the project should be approved. The measure was supported by a majority of the voters, meaning that the City Council actions approving the project were endorsed and ratified.

On October 26, 2016, the Planning Commission continued the VTM application to allow staff and the applicant additional time to: (1) verify the amount, if any, of grading that would be necessary on land owned by the Sycamore Heights Homeowners Association to accommodate the construction of the Sunset Creek Lane road extension; and (2) finalize the details related to maintenance of the permanent open space and other improvements associated with the project. Since October 26, 2016, staff and the applicant have determined that no grading would be required on land owned by the Sycamore Heights Homeowners Association to accommodate the construction of the Sunset Creek Lane road extension and the maintenance details pertaining to the permanent open space and other improvements associated with the project have been finalized. The project plans (Exhibit B) and Draft Conditions of Approval (Exhibit A) have been updated and attached to this staff report accordingly.

PROPOSED PROJECT

The details of the requested VTM (Figure 1 below) are summarized below:

- Create 43 single-family lots ranging in size from approximately 10,043 square feet to 50,752 square feet in area
- Create three City-owned open space parcels as follows:
 - Parcel A – permanent open space (approximately 172.4 acres in area)
 - Parcel B – permanent open space with a stormwater detention basin (approximately 0.5 acre in area)
 - Parcel C – permanent open space with a stormwater bio-retention area (approximately 1.9 acres in area)
- Establish a Maintenance Association to maintain Parcel B and its stormwater detention basin, Parcel C and its stormwater bio-retention area, and the required fire break within the 50-foot-wide maintenance easement along the north and east sides of the single-family lots. All other improvements (excluding those specified above) will be public and maintained by the City including all permanent open space, public trails, streets, and improvements within public easements (e.g., emergency vehicle access roads, storm drain lines, and other similar improvements).

The proposed VTM is substantially the same as the PUD development plan (PUD-25) approved by the City Council and endorsed and ratified by a majority of the voters. As is typical for a project of this size and complexity, a few minor revisions have been shown on the tentative map as noted below:

1. The pad elevations for some of the lots would decrease or increase approximately 1 foot to 5 feet in height. The most visually noticeable changes will occur primarily within the central to eastern portions of the project and not on the lots abutting the adjacent residential neighborhoods to the west. These changes are a result of the elimination of seven lots proposed along “Court E” during the PUD review and approval process. The elimination of these lots caused the cut and fill earthwork initially proposed for the project to become out of balance by approximately 30,000 cubic yards. Thus, without the proposed grading changes, the excess soil would have to be off-hauled with trucks through the adjacent residential neighborhoods to the west. The proposed grading changes allow for the excess soil/cut material created by the project to be redistributed on-site rather than being off-hauled. Generally speaking, on hillside developments, smaller trucks are used for off-hauling and can carry approximately nine cubic yards of off-haul material per trip (standard trucks can carry 16 to 18 cubic yards of off-haul material per trip); therefore, the proposed grading changes would eliminate approximately 3,333 off-haul truck trips through the adjacent residential neighborhoods to the west. Figure 2 (below) is the visual simulation prepared for the PUD plan from a viewpoint at the terminus of Lund Ranch Road; the white lines depict changes in building elevations resulting from the currently-proposed change in pad elevations. In Figure 2 (below), the pad elevations for Lots 1 through 5 will decrease by approximately 0.1 to 1.2 inches, and the pad elevation for Lot 43 will increase by approximately 1 foot, 1 inch. The pad increase for Lot 43 will have minimal visual impact and is within a typical height deviation created when project plans and calculations are refined between the PUD and VTM stages.

Figure 1: Proposed Vesting Tentative Map (Tract 8352)

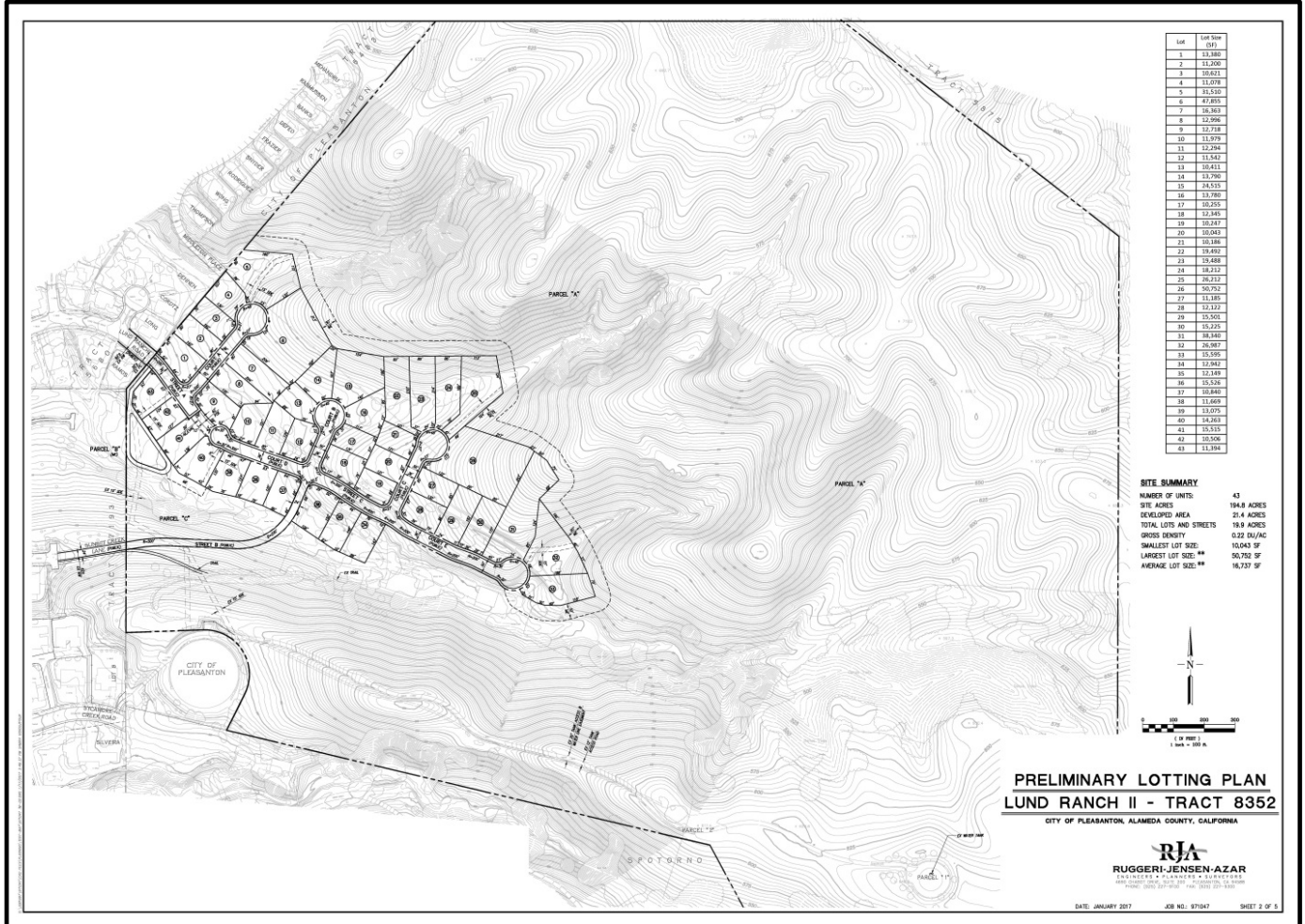
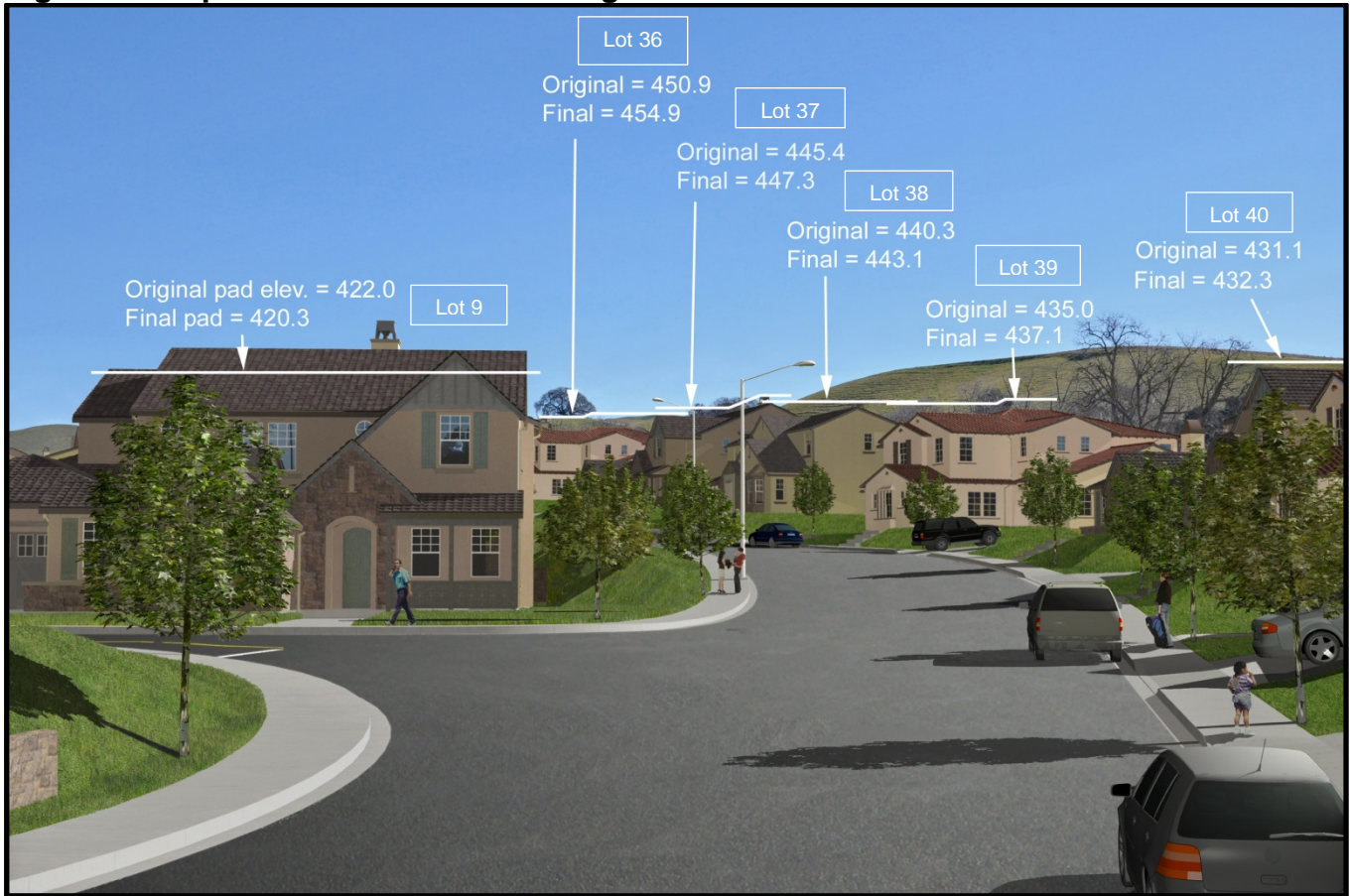


Figure 2: Proposed Pad Elevation Changes for Lots Visible from Lund Ranch Road



2. The alignment of Street B, which connects Sunset Creek Lane to the project, has been modified pursuant to the PUD conditions of approval to reduce a number of impacts associated with the previous PUD, including grading within areas with a slope greater than 25%, cut and fill associated with the road improvements, and removal of Heritage Trees.

Figure 3 (below) depicts:

- The PUD approved road alignment and the VTM proposed road alignment;
- The PUD approved trail (pedestrian connection) alignment and the VTM proposed trail (pedestrian connection) alignment;
- Seven Heritage Trees (Nos. 67 through 73) that were approved to be removed as part of the PUD, and are adjacent to the culvert, under Street B; and
- 10 olive trees (Nos. 85 through 94), five of which are Heritage Trees, that were approved for removal under the PUD, and would now be preserved under the proposed road alignment. The Heritage olive trees that would be preserved under the VTM are a prominent visual feature of the north-facing hillside, and are visible from the Lund Ranch project site and Bonde Ranch Open Space to the north. In addition, the VTM would result in the removal of a non-Heritage olive tree (No. 75) not approved for removal under the PUD. Staff notes that no other tree removals have been altered in the rest of the site as part of the VTM.

Figure 3: PUD Approved Versus VTM Proposed Street B Alignment

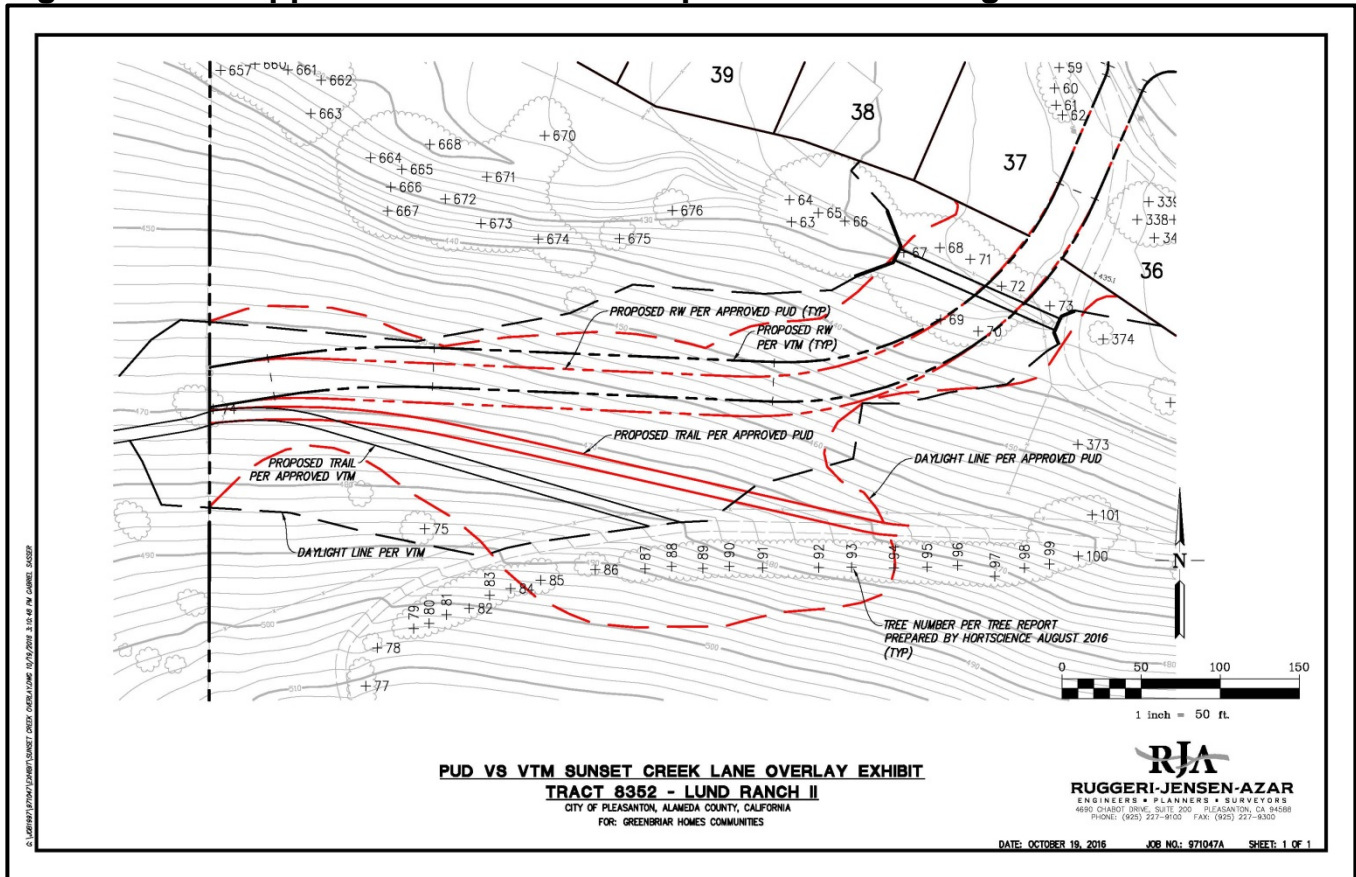


Table 1 (below) provides a grading comparison of the PUD approved road alignment and the VTM proposed road alignment.

Table 1: Grading Comparison of PUD Approved Versus VTM Proposed Street B Alignment

August 29, 2016
Job No. 971047

Comparison of Sunset Creek Lane Extension Options

| | Connection to "B" Court 24' Road shown on PUD (Without Walls) | Connection to "B" Court 24' Road on VTM (Without Walls) |
|---|--|--|
| Street Length | 695' | 695' |
| Land Coverage ¹ | 1.6 Acres | 1.6 Acres |
| Coverage Relative to Area of a Football Field (50x100 Yd) ² | 1.6x | 1.6x |
| Road/Grading in + 25% Slope Area | 0.8 Acres | 0.6 Acres |
| Linear Feet Road in +25% Slope | 245' | 225' |
| Linear Feet of Fill in the Creek | 115' | 110' |
| Heritage Trees to be removed | 11 | 7 ⁴ |
| Earthwork | Cut: 5,800 CY Fill: 6,700 CY | Cut: 4,250 CY Fill: 5,860 CY |
| Maximum Depth of Cut | 6' | 7' |
| Maximum Depth of Fill | 16' | 17' |
| Number of Truck Loads (9 c.y./truck) ² | 645 | 565 |
| Maximum Height of Walls ³ | 6' (at culvert) | 6' (at culvert) |
| Linear Feet of Walls ⁴ | 122' | 120' |
| Average Wall Height ⁴ | 4' | 4' |

1. Street & associated grading
2. For visualization reference only. Site grades would be adjusted to accommodate material generated from road grading to avoid import or export.
3. Exposed portion of wall
4. At culvert only

3. A bio-retention area was added on a portion of Parcel C, behind Lot 40. This area is designed to pre-treat stormwater from the project before it is conveyed to the detention basin on Parcel B. Typically these bio-retention areas are shallow swales landscaped with plant materials and are sized based on the amount of impervious surface within a project and the quantity of stormwater anticipated to be generated by the project. No design details have been provided for this area and staff has recommended a condition of approval requiring the design details be provided for City review prior to recordation of the final map.

Staff believes the above minor changes can be made and the tentative map is in substantial conformance with the PUD-25 approval. Please see Exhibit B for additional information on the VTM.

STAFF REVIEW/ANALYSIS

Review of a VTM is limited to review of its consistency with the approved PUD development plan and compliance with State-mandated findings. As described above, staff believes the VTM improves upon or is substantially consistent with the approved PUD development plan based on the following:

- The design of the proposed VTM's lot pattern and open space parcels is consistent with the approved PUD development plan approved by the City Council and voters (Exhibit D);

- While there are some changes proposed to the pad elevations, the changes would be minimal and range from approximately one foot to five feet. For those lots most visible from the existing homes to the west off of Lund Ranch Road and Middleton Place (generally Lots 1 through 5, 9, and 37 through 42), the changes in height in most cases will be well under a foot, and in some cases the pad elevations will be reduced by approximately one foot, reducing visual impacts. The most significant pad elevation changes (5 feet or less) would occur on lots that are not immediately adjacent to the existing homes to the west and would be mostly obscured by other homes within the project, limiting their visibility. As a result of these pad elevation changes, the applicant would be able to eliminate off-haul truck trips from the site through the existing residential neighborhoods to the west; and
- The realignment of Street B reduces a number of impacts, including: reducing the amount of grading on slopes greater than 25% from 0.8 to 0.6 acre; reducing the overall amount of cut and fill associated with grading for the street from 5,800 cubic yards of cut to 4,250 cubic yards of cut and 6,700 cubic yards of fill to 5,860 cubic yards of fill, respectively; and reducing the number of Heritage Trees to be removed to include 10 olive trees (including five Heritage Trees) that would be preserved on the north-facing hillside where Street B would connect the project to Sunset Creek Lane. These changes are consistent with City Council direction that the road connection be the least environmentally significant alignment possible, as required by PUD Condition of Approval 1c (Exhibit C).

FINDINGS

State law and the Zoning Ordinance of the Pleasanton Municipal Code (PMC) set forth the considerations to be addressed in reviewing a VTM. The Planning Commission must make the following findings that VTM 8352 conforms to the purposes of the PMC, before making its action.

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

The VTM and improvements substantially conform to the PUD development plan and conditions of approval for PUD-25. Minor deviations from the PUD development plan would have limited adverse impact or would be beneficial (i.e., they would reduce grading and soil off-haul, and would protect visually-prominent trees). The map and improvements thus conform to the zoning district.

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

Because the site is irregular-shaped, not all of the homes would be oriented on an east-west alignment allowing for southern exposure. However, the larger lots within the project area (ranging generally from approximately 26,000 to 50,000 square feet) and 174.8 acres of permanently-protected open space on the site would ensure that each residence would have a significant amount of natural light and ventilation. In addition, the homes in the project will comply with the City's residential Green Building Ordinance, which requires that each home achieve a "Green Home" rating on the "Single-Family Green Building Rating System." The homes in the project will incorporate a considerable number of green building measures,

exceeding the required 50 point minimum. Energy efficiency is the cornerstone of every green home. For this project, the homes will exceed Title 24 state energy conservation requirements and have humidity control systems installed.

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

PUD-25 was found to be consistent with the Pleasanton General Plan and Vesting Tentative Map 8352 is consistent with the approved development plan. Therefore, the project and its improvements are compatible with the objectives, policies, land uses, and programs specified in the General Plan.

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

The property is not in a flood zone or earthquake fault zone. Project construction would occur within areas that would allow for the least amount of site grading and alteration of existing topography. Additional measures have been taken to ensure the project improvements would minimize grading and other impacts to the greatest extent possible, beyond what was approved with the PUD development plan. Thus, the project site is physically suitable for the proposed 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.

As part of the PUD review, an EIR and Mitigation Monitoring and Reporting Program were adopted, including mitigation measures that reduce project biological resource impacts to less-than-significant levels. PUD-25 includes conditions of approval that require best management practices to be incorporated before and during construction to minimize impacts to groundwater and surface water quality. Vesting Tentative Map 8352 establishes permanent open space that would further protect wildlife habitat.

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

The project meets all applicable City standards pertaining to public health, safety, and welfare (e.g., standards pertaining to public utilities and services, public road design and traffic safety, fire hazards and noise hazards). All public safety measures are addressed through the design and conditions of approval for PUD-25 and the Vesting Tentative Map. The street design is satisfactory to the Livermore-Pleasanton Fire Department and City Traffic Engineer. The homes will be equipped with automatic residential fire sprinklers and will be required to meet the requirements of the California Building Code, Fire Code, and other applicable City codes and/or requirements. The site is free from toxic or hazardous materials and no earthquake, landslide, flooding, or other natural hazards exist at this site.

- 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.**

This Vesting Tentative Map provides protections for existing public easements and for easements shown on the PUD development plan or required in the PUD conditions of approval.

- 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 a land conservation contract, including a Williamson Act 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).**

No discharge violation currently exists and sewer capacity is available for this project. The project would not discharge any waste other than domestic sewage and all sewage would be discharged into the city's sanitary sewer system for ultimate treatment. Stormwater runoff would be collected and conveyed through a bio-retention swale and a detention basin located on the west side of the project site. Urban stormwater runoff is required to meet the City's RWQCB permit requirements for urban development.

ALTERNATIVES

The proposed VTM would subdivide the approximately 194.7-acre property into 46 lots comprising of 43 single-family homes and three lots to be dedicated to the City of Pleasanton for permanent open space pursuant to the approval of PUD-25. Since the VTM confers the vested right to proceed with a development in substantial compliance with a previously approved project that was vetted by the Planning Commission and City Council (and ultimately approved by the voters), no alternatives are provided. The changes in site design from the PUD to the VTM are typical for a project of this size and complexity, and reflect City Council's design direction.

PUBLIC NOTICE AND COMMENTS

Notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing map as Exhibit E for reference. At the time this report was published, staff had not received any public comments about the project.

ENVIRONMENTAL ASSESSMENT

An EIR was prepared for PUD-25 and certified by the City Council. Additionally, the City Council adopted CEQA Findings and a Mitigation Monitoring and Reporting Program for PUD-25. No new information or changed circumstances have occurred that would require supplemental environmental review, pursuant to CEQA Guidelines Section 15162. The proposed VTM 8352 is consistent with the approved development plan for PUD-25. Therefore, no separate environmental document accompanies the staff report for this item.

SUMMARY/CONCLUSION

The project is consistent with the voter-approved PUD development plan and any applicable PUD-25 conditions of approval. Staff believes the minor changes can be made and the tentative map would remain in substantial conformance with the PUD-25 approval. Therefore, staff recommends that VTM 8352 be approved by the Planning Commission.

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