

Planning Commission Staff Report

April 28, 2010
Item 6.b.

SUBJECT: PUD-87-19-03M

APPLICANTS: Dr. William and Lydia Yee.

OWNERS: Dr. William and Lydia Yee.

PURPOSE: Application for a major modification to an approved Planned Unit Development to allow four custom lots on an approximately 29.8-acre site, custom lot design guidelines, and off-site construction on Foothill Road.

GENERAL

PLAN: Low Density Residential (< 2.0 du/ac) and Rural Density Residential (1 du/5 ac).

ZONING: PUD – LDR/RDR/OS (Planned Unit Development – Low Density Residential/Rural Density Residential/Open Space) District.

LOCATION: 4100 Foothill Road.

ATTACHMENTS:

- 1) Exhibit A, Draft Conditions of Approval, dated April 28, 2010.
- 2) Exhibit B, Revised PUD development plan including *Overall Site Plan, Focused Site Plan, Preliminary Grading and Utility Plan, Foothill Road Access, and Foothill Road Improvements*, dated April 16, 2010, and related materials:
 - *Yee Property Estates, Draft Site Development and Architectural Review Guidelines*, dated April 12, 2010.
 - *Landscape Design Guidelines for the Yee Property*, dated April, 2007.
 - *Fuel Management Plan for the Yee Parcel, Planned Unit Development, 4100 Foothill Road, Pleasanton, California*, dated April, 2007, by Wildland Resource Management, Inc.
 - *Preliminary Geotechnical Exploration, Yee Property, Pleasanton, California*, October 20, 2005, dated by Engeo, Inc.
 - *Supplemental Geotechnical Exploration, Yee Property, Pleasanton, California*, February 22, 2006, dated by Engeo, Inc.
- 3) Exhibit C, Initial Study, Mitigated Negative Declaration, and Notice of Completion, dated March 29, 2010, and related materials:

- *Delineation of Potential Section 404 Jurisdictional Wetlands and “Other Waters”*, dated October, 2006, by WRA, Inc.
 - *Stormwater Control Plan, Yee Property, Pleasanton, California*, dated October 26, 2006, by Engeo, Inc.
 - *Hydrograph Modification Management Plan, Yee Property, Pleasanton, California*, dated August 21, 2007, by Engeo, Inc.
 - *Revised Preliminary Tree Report, 4100 Foothill Road, Pleasanton, California*, dated January, 2010, by HortScience, Inc.
 - *Biological Site Assessment, William Yee Property, Pleasanton, Alameda County, California*, dated June 24, 2005, by WRA, Inc.
 - *Rare Plant Survey Report*, August 22, 2005, by WRA, Inc.
 - *Supplemental Rare Plant Survey Report*, dated March 2009, by WRA, Inc.
- 4) Exhibit D, Responsible Agency and Public Comments on the previous Initial Study:
 - California Department of Fish and Game, SCH #2008072095, dated June 6, 2009.
 - United States Fish and Wildlife Service, email dated April 5, 2010, and 81420-2009-TA-0868-01, dated June 23, 2009.
 - Regional Water Quality Control Board, CIWQS ID No. 740380, dated June 30, 2009 and July 13, 2009.
 - California Oak Foundation, dated July 20, 2009.
 - California Native Plant Society, dated July 24, 2009.
 - 5) Exhibit E, WRA Responses to Comments:
 - California Department of Fish and Game, dated January 11, 2010.
 - United States Fish & Wildlife Service, dated January 11, 2010.
 - Regional Water Quality Control Board, dated January 11, 2010.
 - 6) Exhibit F, *Photo Simulations, Yee Property*, dated February 28, 2009, by Gates Associates.
 - 7) Exhibit G, Chapter 18.78, West Foothill Road Corridor Overlay District, of the Pleasanton Municipal Code.
 - 8) Exhibit H, Planning Commission public hearing staff report dated August 13, 2008.
 - 9) Exhibit I, Minutes of the August 13, 2008 Planning Commission public hearing.
 - 10) Location Map
 - 11) Public Notice Area Map.
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I. BACKGROUND

Proposal

The applicants – Dr. William and Lydia Yee – request a PUD development plan modification for a four-lot custom home development on a 29.8-acre site located on the west side of Foothill Road. The homes would be located in designated building envelope

areas with the remaining lot area preserved as permanent open space in private ownership. Design guidelines would control the building and landscape designs. As a custom lot development, separate design review approvals will be required for each individual lot.

Previous Planning Commission Hearing, Six-Lot Proposal

On August 13, 2008, the Planning Commission reviewed the applicants' proposal for a six-lot development plan and recommended its approval. The Commission conditioned the proposal to install a six-foot wide bicycle lane in the Foothill Road right-of-way along the site's entire Foothill Road frontage, a distance of approximately 1,200 feet from the northernmost project boundary to the realigned entrance; to allow a vineyard on the lot facing and adjoining Foothill Road with a conditional use permit; to allow non-habitable accessory structures such as barns and sheds in the open space areas of the six lots with a conditional use permit; to require a minimum LEED rating of 100 points for the homes; and to conform to the building height on these lots to the West Foothill Road Corridor Overlay District – 30 feet measured from the buildings' lowest to highest point.

Based on the engineering plans for Foothill Road available at the time, staff had believed that the road widening for the bicycle lane would not significantly impact the drainage channel adjoining the west side of Foothill Road. This channel drains the ephemeral creeks and streams on the Yee property and the Fuller-Frades properties on the west side of Yee to the City's storm drain system that proceeds under Foothill Road and to the Arroyo De La Laguna on the east side of I-680. This is an open channel in a relatively natural state making it, therefore, under the jurisdictions of the Army Corps of Engineers, the California Department of Fish and Game, and the Regional Water Quality Control Board, and, potentially, the United States Fish and Wildlife Service.

Revised Six-Lot Proposal, Initial Study

After the Planning Commission hearing, staff and the applicant then learned, based on an updated Foothill Road alignment plan, that widening Foothill Road for the bicycle lane will require filling the above-described channel, which requires streambed alteration permits from these agencies and the provision of new channel area as mitigation.

Staff and the applicant then worked out the design with the representatives of the Regional Water Quality Control Board to accommodate the street widening for the bicycle lane. This collaborative effort resulted in a revised six-lot development plan that covered approximately 180 lineal feet to 200 lineal feet of the existing channel; added new open channel parallel to the west side and on the north end of the existing channel at a one-to-one replacement ratio; and meandered the new channel to reduce the velocity of the stormwater runoff before it enters the City's storm drain system. Constructing the new channel, however, also included significant grading of the existing slope bank by the channel that alone removed 22 existing trees, all native species, including 6 Heritage-size trees. Figure 1, on the following page, is a photograph of the channel and the trees adjoining Foothill Road.



Figure 1: Trees and Creek Channel Adjoining Foothill Road

The Planning Commission had directed staff and the applicant to preserve the trees in the area of the channel as well as to extend the bicycle lane along Foothill Road. For this reason, staff intended to bring the revised development plan back to the Planning Commission for its review. Staff also revised the previous Initial Study/Negative Declaration (IS/MND) to include the street widening and re-circulated the IS/MND to the State Clearinghouse for its CEQA-mandated 30-day review period.

Four-Lot Proposal

After the Planning Commission review of the project, staff received comment on the revised six-lot development plan from representatives of the California Department of Fish and Game (CDFG), California Ohlone Audubon Society (COAS), California Native Plant Society (CNPS), California Oaks Foundation (COF), and the United States Fish and Wildlife Service (USFWS) that the Initial Study and supporting consultant reports were inadequate due to the impact to oak trees, the incomplete identification of all threatened and/or endangered species, and the lack of specific mitigation measures.

Staff, the applicant, and the applicant's consultants then revised the proposed development plan: reduced the density from six lots to four lots; reduced the area of the building envelopes; reduced the number of trees impacted by the proposed from 168 trees to 67 trees; and deleted the road widening for the bicycle lane that, in turn, reduced grading and tree removal. WRA replied to the responsible agency comments and the WRA and HortScience reports were peer reviewed and updated with new information. WRA's replies to the responsible agencies also addressed the CNPS, COAS, and COF concerns. Staff then revised the IS/MND and sent it with its supporting materials to the

State Clearinghouse for distribution. Staff also sent the IS/MND to the COAS, CNPS, COF, and the USFWS representatives directly after the State Clearinghouse referral of the IS/MND. Staff has not received formal comment from these agencies to date. As conditioned, the applicants must receive all their agency permits before the City will issue its permits to allow construction to begin.

The environmental issues of this application have been evaluated by the applicant's consultants in the attached reports. They were, in turn, evaluated by staff; were peer reviewed by an outside environmental consultant retained by staff and by responsible Federal and California State agencies; and are addressed with applicable conditions. Staff, therefore, considers the Mitigated Negative Declaration to be the appropriate environmental instrument for this application and that it can be issued in conformance with the California Environmental Quality Act.

Scope of the Discussion and Recommendation

The four-lot project will preserve the existing trees adjoining Foothill Road by the channel thereby maintaining the appearance of this portion of the site facing Foothill Road. To do this, however, means that the 180-foot to 200-foot section of the bicycle lane in this area of the site will not be constructed; the other sections of the bicycle lane will be constructed along the remaining sections of the project's Foothill Road frontage. On the short section of Foothill Road by the channel, bicycles and cars will use the same travel lane.

The Planning Commission had directed staff and the applicant to preserve the channel, the trees by the channel, and to extend the bicycle lane along the project's entire Foothill Road frontage. Since the Planning Commission's previous direction cannot be completely achieved, staff is, therefore, bringing the revised project with the revised project plans, consultant reports, and IS/MND back to the Planning Commission for the Commission's review and recommendation.

The following staff report and revised draft conditions of approval address the areas of the project related to the bicycle lane construction, project phasing, and environmental mitigation. As requested by the applicant, the report also considers an alternative method to measure the building heights for these lots from that established by the West Foothill Road Corridor Overlay District.

II. SUBJECT PROPERTY

Subject Property

In 1989, the City Council approved 20 lots; 14 lots on the Yee property and 6 lots on the Tong property (Tract 6275 – Equus Court) under the original PUD approval (PUD-87-19). PUD-87-19 covered an approximately 50-acre property. The original development plan, attached as Exhibit G, also provided project amenities and open space area, accessed by private streets and an emergency vehicle access (EVA). Figure 2, on the following page, is an aerial photograph showing the boundaries of PUD-87-19 in red and the lots of Tract 6275 and Parcel Map 3692 that are part of PUD-87-19 in yellow.

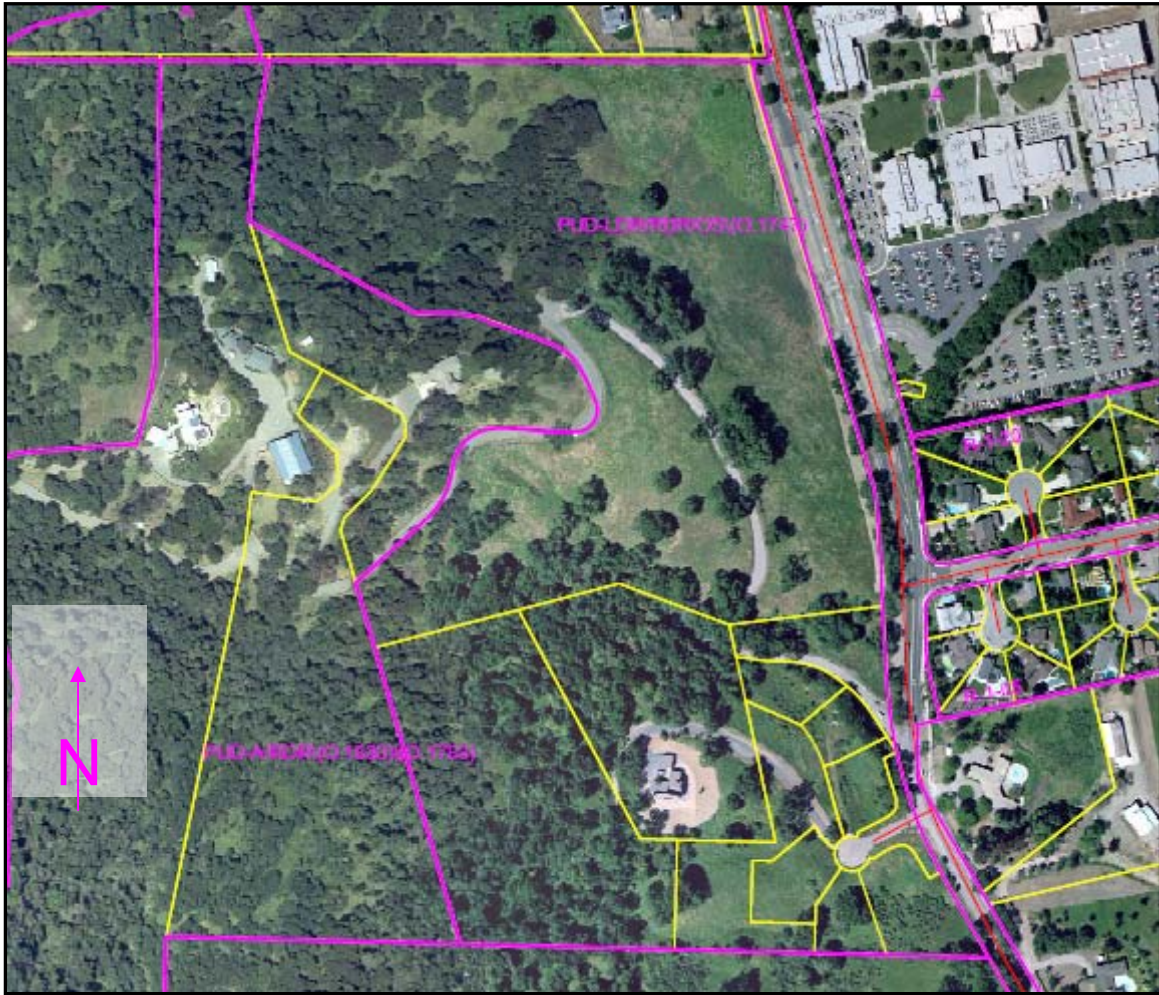


Figure 2: Aerial Photograph of PUD-87-19 with the Yee Property.

The Yee property is characterized by moderate to steep terrain with a mix of grassland, native trees including oak species, and low-scrub planting. The site undergoes periodic grazing to control the growth of grassland and low scrub. The site is visible from Foothill Road, from Foothill High School directly across Foothill Road from the subject property, from neighborhoods on the north and south sides of the site, and from some neighborhoods on the east side and easterly of Foothill Road.

Site Access

The Yee property is accessed from Foothill Road. Foothill Road is constructed with a continuous northbound bicycle lane on its east side and a partially completed southbound bicycle lane on its west side. The internal circulation from Foothill Road to the Yee property is provided by an existing private street that crosses Lots 4 through 6 of Tract 6275 on the Yee property's south side. This private street also provides access to the Fuller-Smathers properties (Parcel Map 7620) adjoining the west side of the Yee property. This street will be modified to accommodate the proposed driveways and utilities serving the proposed lots. Figure 3, on the following page, is an aerial photograph showing the location of the site and the surrounding area.



Figure 3: Location Map of the Yee Property and Surrounding Land Uses

Topography

The project site is located in the foothill areas leading towards Pleasanton Ridge, characterized by a diverse, hillside landscape. A series of ephemeral creeks and swales drain the site to the east to the Arroyo De La Laguna. The Arroyo De La Laguna eventually flows into Alameda Creek in Niles Canyon and then to the San Francisco Bay. The site slopes up from Foothill Road from an approximate elevation of 380 feet at Foothill Road to 660 feet at its westernmost edge. The concentration of trees increases as the site slopes upward towards Pleasanton Ridge. Approximately 70.6 percent of the site – 21.06 acres – is above the 25-percent slope grade.

III. SURROUNDING AREA

Land uses and developments surrounding the Yee property are described in Table 1, on the following page.

Table 1: Surrounding Land Uses and Land Use Designations

| Direction | Development | General Plan Designation |
|------------------|--|--|
| North | Single-family homes and open space. | Low Density Residential (< 2.0 du/ac) |
| East | Single-family homes and Foothill High School across Foothill Road. | Low Density Residential (< 2.0 du/ac) and Public (High School) |
| West | Single-family homes and open space. | Low Density Residential (< 2.0 du/ac) and Rural Density Residential (1.0 du per 5.0 acres) |
| South | One single-family home, open space, and tree cover. | Low Density Residential (< 2.0 du/ac) and Rural Density Residential (1.0 du per 5.0 acres) |

Photographs of the Yee property taken from selected viewpoints on Foothill Road are shown on Figures 4 through 7 on Pages 8 through 10.



Figure 4: Looking northwest towards the site from the entrance of Foothill High School.



Figure 5: Looking due west towards the site from Foothill Road.



Figure 6: Looking northwest towards the site from Foothill Road at Foothill High School.



Figure 7: Looking northwest from Foothill Road at the entrance of Foothill High School.

IV. PROJECT DESCRIPTION

Revised Four-Lot Project

The proposed development plan is shown on Figure 8, on the following page, and the proposed plan for the realigned driveway to Foothill Road is shown on Figure 9, on the following page. Figure 8 shows the Lemoine Ranch and the Equus Court developments on the north and south sides of the Yee property, respectively.

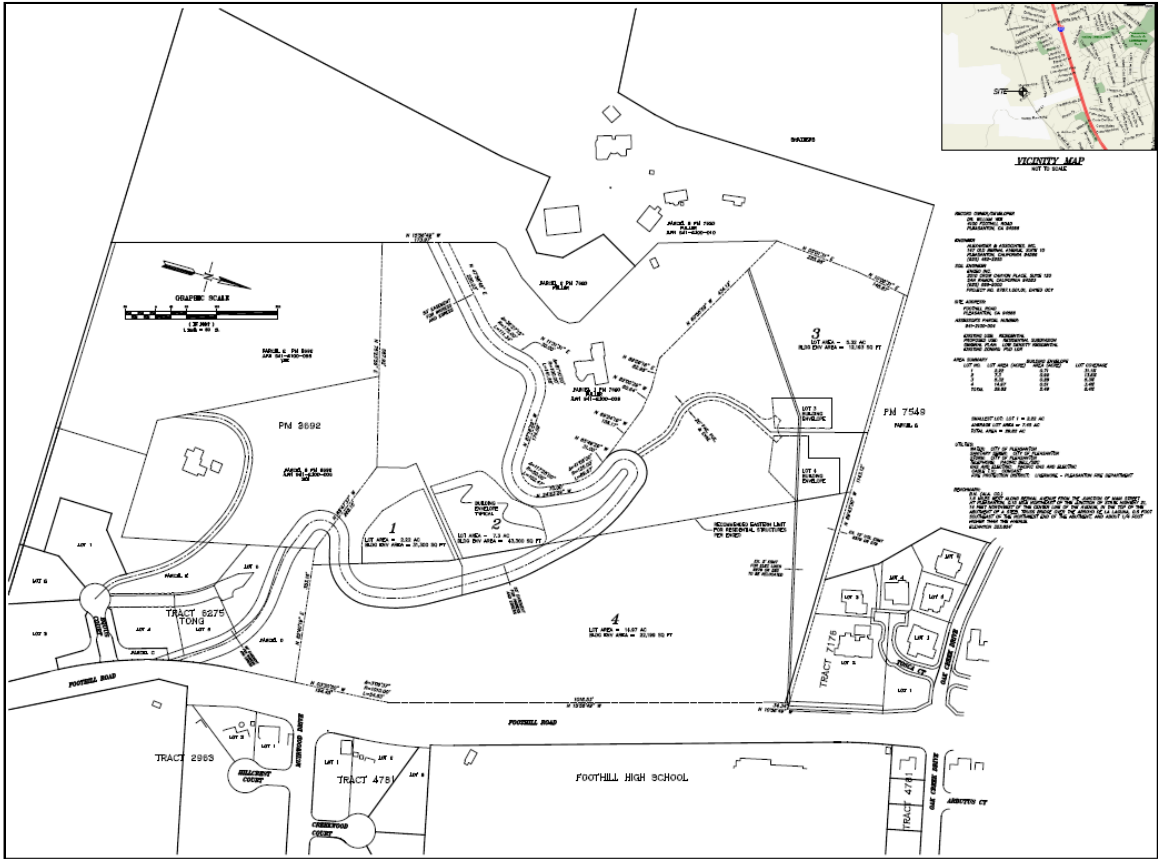


Figure 8: Proposed Development Plan Modification

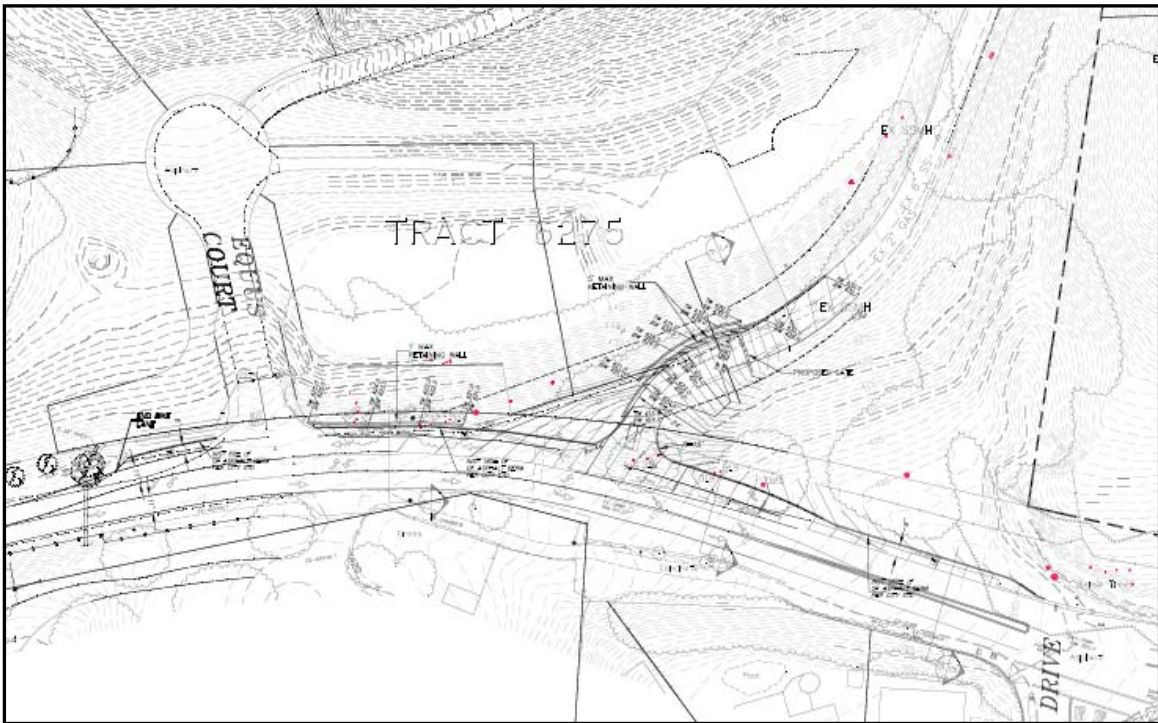


Figure 9: Foothill Road/Driveway Realignment and Right-Turn Lane.

Table 2, below, compares the four-lot development to the six-lot development plan.

Table 2: Comparison of the Four-Lot Development Plan to the Six-Lot Development Plan

| | Previous Six-Lot Development Plan | Proposed Four-Lot Development Plan |
|--------------------------------------|--|--|
| Building Envelopes | The building envelopes will vary in size from 0.53 acres (23,086 square feet) for Lot 3 to 0.99 acres (43,300 square feet) for Lot 2. | The building envelopes will vary in size from 0.28 acres (12,193 square feet) for Lot 3 to 0.99 acres (43,300 square feet) for Lot 2. |
| Maximum Building Floor Area | 8,500 square feet including the primary structure, accessory structures, and second dwelling units if provided, but excluding up to 700 square feet of the garage area. | No Change. |
| Building Height | 30 feet measured from the lowest to highest points of the structure. | 30 feet measured from the existing contours of the site beneath the structure, with an absolute maximum height of 40 feet measured vertically from the structure's lowest to highest points. |
| Building and Landscape Design | The building and landscape designs for these lots will be covered by design guidelines, tailored to the sites' hillside setting overlooking Foothill Road, backed by Pleasanton ridge. Their function will be to minimize grading and tree removal and blend the homes into the natural hillside minimizing their visibility to Foothill Road. | No Change. |
| Density | A reduction in density from the 14 lots of the previous development plan to six lots. The lots vary in size from 3.22 acres to 10.65 areas. | A reduction in density from the 14 lots of the previous development plan to four lots. The lots will vary in size from 2.22 acres to 14.97 areas. |
| Existing Access Gate | The access gate will be moved uphill from its present location to prevent traffic obstruction onto Foothill Road. Each lot may have its own gated access. | No Change. |
| Foothill Road Bicycle Lane | Continuous along the west side of Foothill Road from the north edge of Yee to the realigned driveway entrance a distance of approximately 1,200 lineal feet. | Partial from the north edge of Yee to the channel and then from the channel to the realigned driveway entrance a distance of approximately 1,000 lineal feet. Approximately 200 feet of Foothill Road by the channel will not have the bicycle lane. |
| Green Building (LEED) | 100 LEED points, submitted with the design applications. | No Change. |
| Stormwater Runoff Treatment | Each lot will be designed to pretreat its stormwater runoff from hard surface areas on-site. | No Change. |
| Trees | 168 trees will be impacted. | 67 trees will be impacted. |

| | Previous Six-Lot Development Plan | Proposed Four-Lot Development Plan |
|-----------------------------------|---|---|
| Foothill Road Improvements | A northbound left turn pocket, northbound center merge lane, and a southbound right-turn lane and deceleration lane will be constructed in Foothill Road to the proposed project. The driveway from Foothill Road will be realigned to form a 90° angle to Foothill Road. | No Change. |
| Grading | New cut/fill slope banks will be generally graded at a 3/1 slope except where a steeper slope is required to match and feather the proposed grading with existing terrain. | No Change. |
| Utilities | Utilities to the Fuller-Smathers properties from Foothill Road will be moved to the joint utilities trench for Yee. The existing lines will then be removed. | No Change. |

Table 3, below, illustrates the proposed lot areas, building envelope areas, and corresponding building floor area ratios.

Table 3: Building Floor Area Ratios Based On Lot and Building Envelope Area

| Lot | Lot Area | Building Envelope Area | FAR Based On Lot Area | FAR Based On Building Envelope Area |
|--------------|-------------------------------------|-----------------------------------|------------------------------|--|
| 1 | 2.22 acres (96,703.20 sq. ft.) | 0.71 acres (30,927.60 sq. ft.) | 8.88% | 27.48% |
| 2 | 7.3 acres (317,988.0 sq. ft.) | 0.99 acres (43,124.4 sq. ft.) | 2.67% | 19.71% |
| 3 | 5.32 acres (231,739.20 sq. ft.) | 0.28 acres (23,086.80 sq. ft.) | 3.68% | 36.82% |
| 4 | 14.97 acres (652,093.20 sq. ft.) | 0.51 acres (33,105.60 sq. ft.) | 1.30% | 25.68% |
| Total | 29.82 acres | 2.49 acres | N/a | N/a |

Staff notes that the City Council approved a maximum building size of 8,500 feet on the Austin property which were smaller lots, varying in size from 15,000 square feet to 20,000 square feet. The relatively small FAR's for the lots of this proposal affords the large separations between the buildings.

V. DISCUSSION

General Plan

Pleasanton General Plan

Figure 10, below, depicts the land use designations for the Yee property by the Land Use Element of the Pleasanton General Plan.

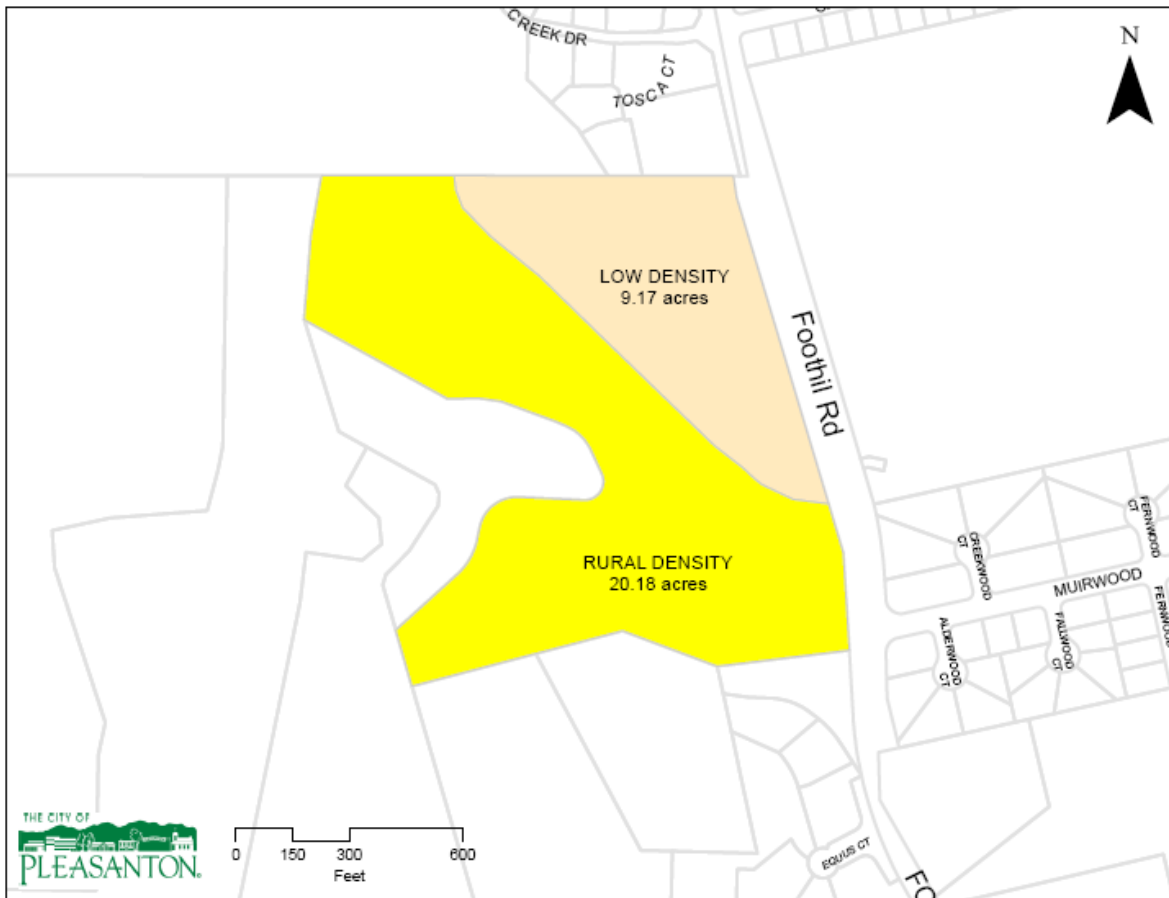


Figure 10: Land Use Designations for the Yee Property.

At four units, the proposed development is consistent with the land use designations of the Land Use Element of the Pleasanton General Plan applied to the property: Low Density Residential (< 2.0 du/ac) on 9.17 acres, equaling a maximum density of 18.34 dwelling units, and Rural Density Residential (1 du/5 ac) on 20.18 acres, equaling a maximum density of 4.04 dwelling units, for a maximum density of 22 dwelling units and a mid-point density of 13 dwelling units.

The Pleasanton General Plan encourages clustered development on hillside properties to minimize the impacts of development. The varied topography of the Yee property, however, does not provide sufficient naturally flat or nearly flat terrain that would support a clustered development concept. If a clustered development concept were to be applied to

Yee, staff believes that it would increase the potential site grading and tree removal for building pads, driveways and parking areas, private yards, etc.

In lieu of a clustered development, the applicant would provide relatively small building envelopes distributed on the site with large separations of natural topography and vegetation between the building envelopes and homes. Staff believes that the applicant's proposal meets the intent of the Pleasanton General Plan by distributing the homes across the site and nestling the homes into the terrain and vegetation.

An access gate controls access to the Yee property from Foothill Road and to the Fuller-Smathers properties adjoining the west side of Yee. The Pleasanton General Plan discourages the development of further gated communities as a means of encouraging community. The gate is discussed under the "**Traffic and Circulation**" section of the staff report.

Zoning

PUD – LDR/RDR/OS District

The Yee property is zoned Planned Unit Development – Low Density Residential/Rural Density Residential/Open Space (PUD – LDR/RDR/OS) District, which would allow 14 lots. A PUD major modification is necessary to accommodate the proposed development including density, site design, design guidelines controlling the lots' building and landscape designs, and to allow the construction of infrastructure.

West Foothill Road Corridor Overlay District

The West Foothill Road Corridor Overlay District (WFRCOD), Chapter 18.78 of the Pleasanton Municipal Code, covers the subject property including the proposed modification of the approved development plan. An analysis of the project's implementation of the development standards of Sections 18.78.070 and 18.78.080 of the overlay district follow. Please note that the overlay district allows flexibility in meeting the subdivision design standards of the district.

Section 18.78.070, Regulations for Lots Adjoining Foothill Road.

1. *WFRCOD: A. "The minimum lot size shall be 30,000 square feet."*

Project: The proposal meets this standard. The proposed lot sizes vary from 2.22 acres for Lot 1 to 14.97 acres for Lot 4, with the average lot size at 7.46 acres. All lots, therefore, will exceed this minimum requirement of the overlay district.

2. *WFRCOD: B. "A 150-foot building setback shall be provided from Foothill Road."*

Project: The proposal meets this standard. At their closest points, the proposed building setbacks from Foothill Road are Lot 1 – 340 feet, Lot 2 – 375 feet, Lot 3 – 720 feet, and Lot 4 – 530 feet.

3. *WFRCOD: C. "Side yard setbacks shall be a minimum of 25 feet. Main structures with a building elevation facing Foothill Road of between 80 to 100 feet shall have side yard setbacks of a minimum 45 feet. Main structures wider than 100 feet shall have minimum side yard setbacks of 75 feet."*

Project: The proposal meets this standard. The purpose of this WFRCOD standard is to provide building separations proportioned to the houses sizes, which will provide view corridors to Pleasanton Ridge from Foothill Road. Structures may be allowed by the City to build out to the edge of the building envelope line, but no further. The large separations between the building envelopes of these lots and the lots in the area that adjoin the project site will implement the minimum setback standards of the overlay district and will preserve the views of Pleasanton Ridge from Foothill Road. These areas will be preserved for open space, will be prohibited to further development of habitable structures, and will be covered by deed restrictions.

4. *WFRCOD: D. "The maximum height for any structure shall be 30-feet, measured vertically from the structure's lowest to highest points excluding chimneys, etc."*

Project: The proposal meets the intent of this standard. The methodology used to calculate the structures' heights on the building envelopes will be based on a 30-foot tall slope plane referenced from the existing topography, beneath the proposed building to establish a building form reflecting the topography of the specific site, with a maximum height of 40 feet measured from the lowest to highest point of the structure. An example of a stepped building design based on a sloped building plane is shown in Figure 14, on page 27. Staff considers this methodology consistent with the intent of the Overlay District by referencing the buildings' forms to the sites' topography

Sections 18.78.080, Subdivision Design.

1. *WFRCOD: A. "Lots created along Foothill Road, or any frontage road parallel to Foothill Road, shall be clustered such that natural open space a minimum of 200 feet in width shall separate the clusters. No more than three lots may exist in a cluster of lots."*

Project: The proposal meets this standard. A total of four lots are proposed. The proposed building pad for Lot 1 is separated from the adjoining Equus Court development by 80 feet and the building pads for Lots 3 and 4 are separated from the adjoining Lemoine development by 320 feet and 210 feet, respectively.

The site's existing topography does not lend itself to the creation of building clusters per sé without a relatively significant amount of grading needed to accommodate building pads, streets, parking, etc.

In lieu of a lot cluster, the applicant would create relatively small building envelopes distributed across the project site with large separations of natural topography and vegetation between the building envelopes thereby separating the individual homes. Hence, the proposed site design makes the most sense given the site's topography and natural features, and the limited number of lots proposed.

2. *WFRCOD: B. "Building sites within lots shall not be allowed if they are located on or near ridges, which do not have a background of Pleasanton or Main Ridges when viewed from Foothill Road. Landscaping in the form of mature trees may be allowable background for such ridgeline sites if the decision-making body finds that the landscaping will preclude the structure from dominating the skyline as viewed from Foothill Road."*

Project: The proposal meets this standard. All four lots of the proposed project are located below the 590-foot to 600-foot elevation of the site. The height of the Pleasanton Ridge due west of the Yee property varies from 1,600 feet to 1,800 feet. As shown on Figures 4 through 7 (pp. 8 through 10), the slopes on and behind the Yee property are predominantly tree covered.

3. *WFRCOD: C. "Use of individual driveways directly intersecting directly onto Foothill Road should be prohibited; combined, common-access driveways serving more than one lot shall be encouraged where topography, grading and similar considerations make such roadways feasible."*

Project: The proposal meets this standard. Lots 1 through 4 will be accessed from the existing private street. All access rights to Foothill Road from the proposed lots will be abandoned upon recordation of the first final subdivision map for the development.

4. *WFRCOD: D. "Mature, native trees within the district shall be retained to the maximum extent feasible. Where feasible, mature oak and other native species should be relocated to grassland areas planned for development in order to soften the effect of new development within the corridor. New development landscaping shall be predominantly native plant species in areas visible from Foothill Road, with lawn or turf areas in landscape schemes adjacent to Foothill Road either eliminated or hidden by native landscaping."*

Project: The proposal meets this standard. Existing trees are predominantly California buckeye, California sycamore, coast live oak, and valley oak species. The proposal includes four lots with each lot having a designated building envelope for development. The oak woodland areas outside the designated building envelope areas will be covered by deed restrictions. Each building envelope is subject to site-specific design review where the placement of structures will be reviewed towards tree preservation. If a native/non-native tree, heritage/non-

heritage size within the building envelope is removed for site development, it will be replaced following a tree replacement plan.

5. *WFRCOD: E. "Retaining walls visible from Foothill Road should be faced with materials compatible with the natural setting, such as natural stone or wood. Where feasible, retaining walls should be stepped. Landscaping shall be incorporated to minimize adverse visual impacts, with planting in front of walls, within stepped recesses and/or overhanging the wall."*

Project: The proposal meets this standard. Retaining wall design standards are covered in the proposed building and landscape design guidelines.

6. *WFRCOD: F. "Open fencing shall be required, except that solid, privacy fencing may be allowed in areas of a lot not required yard areas if it is screened with landscaping."*

Project: The proposal meets this standard. Fence designs are covered in the proposed landscape design guidelines. A fencing plan showing fence locations will be submitted with the tentative parcel map for review and approval by the Planning Commission.

Inclusionary Zoning Ordinance

For this proposal, Chapter 17.44, Inclusionary Zoning, of the Pleasanton Municipal Code states that:

"For all new single-family residential projects of fifteen (15) units or more, at least twenty percent (20%) of the project's dwelling units shall be affordable to very low, low, and/or moderate income households."

At four units, the proposed project is not required to provide a portion of its density as units meeting the above categories. The City's lower income housing fee for single-family development is approximately \$9,393.00 per unit. The applicants will be required to pay the current fee at the time of building permit issuance.

Traffic and Circulation

Traffic Analysis

The four homes would generate approximately 40 to 48 trips per day and from 4 to 5 trips during the a.m./p.m. peak commute hour. Staff anticipates that the low number of trips generated by the proposal will have a negligible effect upon Foothill Road levels-of-service and, therefore, would not aggravate the existing levels-of-service on this street and its intersections. The applicant will pay the City of Pleasanton and Tri-Valley Traffic Impact Fees and will reconstruct the development's access to Foothill Road to a 90° alignment. For these reasons, a traffic analysis was not required for the proposal.

Yee Property and Equus Court Lots

The angled driveway and gated access from the Yee property and the Fuller-Smathers properties was constructed by a previous owner when the subject property, with most of the area west of Foothill Road, was under Alameda County jurisdiction. With the previous PUD approval, the gate and access driveway were approved to remain as a gated Emergency Vehicle Access (EVA) route. The Equus Court lots (Tract 6275), public street, and cul-de-sac that were originally part of PUD-87-19 were partially constructed under Parcel Map 3692. The public improvements on Foothill Road required under Tract 6275 were not constructed and the subdivision agreement and improvement bonds have lapsed.

Staff discussed with Dr. Yee and Sam Tong, owner of the Tract 6275 lots, a coordinated design plan that will eventually combine the two entrances to their developments to a single entrance with the necessary right-/left-turn deceleration/merge lanes to/from Foothill Road. In addition, the new access driveway must provide acceptable lines-of-sight for the future traffic to/from the Merritt property thereby alleviating the need for an additional traffic signal on Foothill Road. Figure 11, below, shows the entire driveway re-alignment plan for Yee and Equus Court.

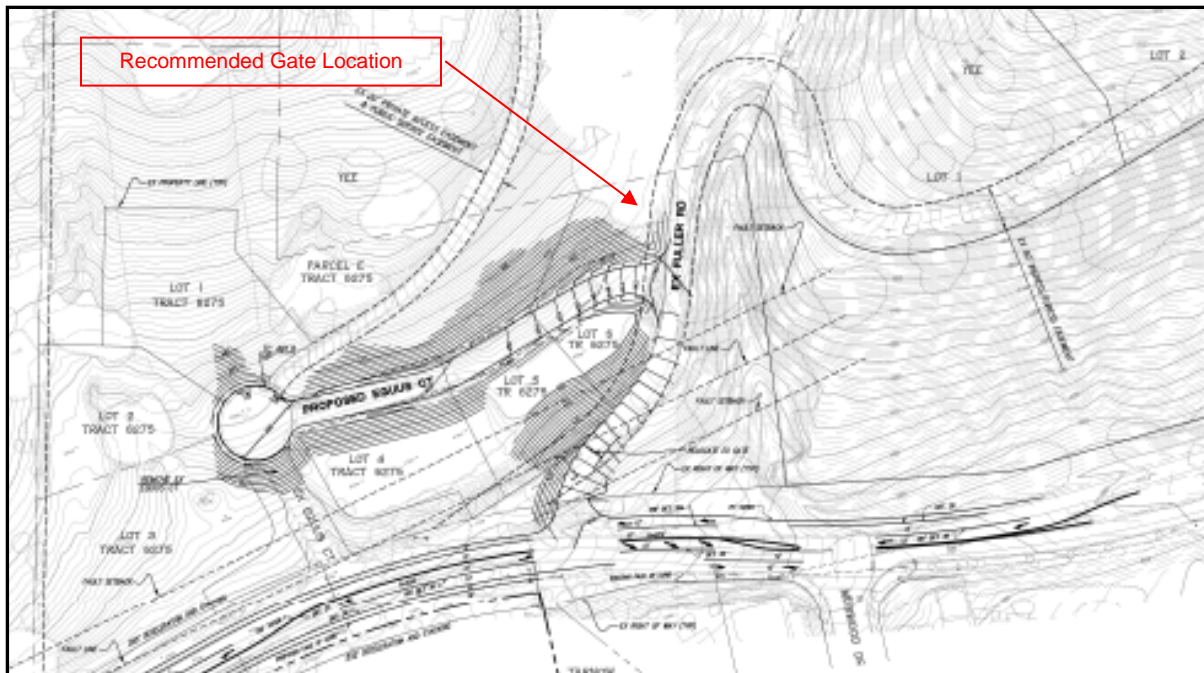


Figure 11: “Preliminary Foothill Road/Equus Court Improvements” plan.

The plan includes the following:

- The cul-de-sac for Tract 6275 would remain and will be connected to the private street serving the Yee/Fuller-Smathers properties by a private street across Lots 4, 5, and 6 of Tract 6275 located on the approximate 440-foot to the 460-foot elevation of Tract 6275.
- Equus Court will be abandoned from the cul-de-sac to Foothill Road with the Equus Court/Foothill Road street rights-of-way conveyed to Sam Tong, the owner the Tract

6275 lots. The existing public utilities in Equus Court will remain and placed in public service easements.

- Deceleration lanes, merge lanes, and a center, two-way left-turn lane will be constructed to serve the Yee/Fuller-Smathers properties.

The Yee development is only responsible for constructing the re-aligned driveway entrance plus turning lanes/pockets and for moving the access gate. The applicant has executed the ingress/egress and construction easements from Sam Tong, owner of Tract 6275, for the work that would take place on his lots. Cost sharing will be determined preliminarily at the parcel map stage.

Bike Lane on Foothill Road

Staff recommends the applicant construct a southbound bike lane on Foothill Road from the northerly property line southerly to a point where the channel adjoining the west side of Foothill Road makes it impractical to install the bike lane. The applicants concur with this requirement.

The bike lane on the west side of Foothill Road is incomplete. Portions of the bike lane have been constructed with the Lemoine, Moller, Golden Eagle Farms, and Laguna Creek developments. There remain sections of the west side of Foothill Road absent the bike lane because of topography, the proximity of creeks and trees, or because of the low likelihood that the property will be developed in the near future. Installing the bike lane on the entire project frontage will include filling the existing channel adjoining Foothill Road and removing approximately 22 existing trees. Figure 12, below, is a photograph of this section of Foothill Road.



Figure 12: Section of Foothill Road where creek must be filled for bike lane.

Filling this channel will require review under permit applications by the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), the California Department of Fish and Game (CDFG), and the United States Fish and Wildlife Service (USFWS). However, as previously stated, removal of the oak trees and other native tree species in this area is opposed by the California Native Plant Society (CNPS), California Oaks Association (COA), and the California Ohlone Audubon Society (COAS). The Planning Commission also directed staff at its April 13, 2007 public hearing to preserve these trees.

Staff regrets the inability to secure both goals of the Planning Commission: construct the entire bike lane and preserve this group of trees. However, to extend the bike lane across the entire frontage requires street widening that must fill a channel due to the location of existing developments and natural features on both sides of Foothill Road in this area. A significant section of bicycle lane will be constructed contributing to the completion of a southbound bicycle lane on the west side of Foothill Road and the existing trees will be preserved.

Existing Entrance Gate from Foothill Road

Figure 13, below, is a photograph of the existing access gate across the private street serving the Yee and Fuller-Smathers properties.



Figure 13: The existing access gate off Foothill Road to the Yee and Fuller properties.

As shown in Figure 11 (Page 19), the applicants will move the gate approximately 75 to 80 feet farther up the private street from its present location. The applicants and the Fuller-Smathers families want to retain the gated access for the reasons including peace and privacy, safety and security. The applicants have stated that they have been impacted by

late-night partying, littering, and noise near their home, and have experienced trespassing on their property and a number of burglaries.

Program 7.4 of the Pleasanton General Plan states, “*Discourage new gated communities.*” Staff concurs with the applicants and recommends retaining the gate relocated to a point 25 feet above the future “T”-intersection to the Equus Court lots (refer to Figure 11). The proposed development will conform to the policies of the Pleasanton General Plan if the gate is retained: The four new lots for Yee plus the three Fuller-Smathers lots will not constitute a new “gated” community. The recommended location of the gate excludes the Equus Court lots; and the gate’s new location will place it far enough from Foothill Road to provide adequate “stacking” space for waiting vehicles. The gate’s design will be shown with the parcel map. The applicant concurs with the staff recommendation, and this solution was acceptable to the Planning Commission during the original review of the project.

Private Streets, Driveways, and Parking

The private streets will be maintained by a maintenance association. Lots 1 and 2 will be accessed from the existing 22-foot wide private street on the property. The width and grades of the private street can handle the expected traffic increase of this development in conjunction with the existing traffic from the Fuller-Smathers properties. The radius of the “switchback” curve by Lots 3 and 4 will be increased to Fire Department standards for its use by emergency service vehicles including fire trucks. Lots 3 and 4 will be accessed from a shared, 20-foot wide private driveway. A hammerhead turn-around would be installed for fire vehicles. This driveway will be maintained by the owners of Lots 3 and 4.

Site Design

Overall Site Plan

The four new custom home sites are on the east-facing slope of Pleasanton Ridge on hillside property surrounded by developed and semi-developed properties and by open space areas. The proposed homes are restricted to four relatively small building envelopes, distributed over the property and separated from each other and from existing homes and developments by large areas that will remain in a natural condition. The locations complement the natural appearance of the open space areas and will preserve the existing views of Pleasanton ridge from Foothill Road and from I-680.

The designs will be controlled by design guidelines with grading, landscaping, and building design and massing controls. The purpose of the guidelines is to “nestle” the homes into their surroundings thereby reducing their appearance and visual massing, to preserve existing trees which contribute to the site’s visual character, and to maintain the open character of the property. Staff notes that some trees in the building envelopes may have to be removed for the individual homes. The impacts to trees for the individual building sites will be reviewed with the lot-specific design review applications and, if removed, will be replaced. Lot-specific visual analyses will be submitted with each design application to ensure compliance with the guidelines.

The Foothill Road area is covered by the West Foothill Road Corridor Overlay District and is considered a Special Interest Area by the General Plan and can be viewed from I-680. The site design fulfills the applicable policies and standards of the Pleasanton General Plan and the West Foothill Road Corridor Overlay District for the following reasons:

- The proposed building pads are well-separated from the existing developments to the north and south, which maintains the sparsely developed character of the hillside area.
- Viewsheds of the Pleasanton Ridge and hillside areas from Foothill Road and the residential neighborhoods to the east of Foothill Road are maintained.

Open Space Area

The open space areas between the building envelopes and property lines will be privately owned. The open space areas are limited to grazing activities – cattle, goats, and similar animals – as a wildland fire measure and, as conditioned, will be covered by a grazing management plan to ensure that stream and creek areas are not impacted. Small, non-habitable storage sheds may be considered in the open space areas if directly adjoining the building envelope and with a conditional use permit application. The means to preserve the open space areas as permanent open space in perpetuity would include deed restrictions covering the open space areas of the lots.

Design Guidelines

Building and Landscape Design Guidelines

Building designs for the private lots are addressed in the, *“Yee Property Estates, Draft Site Development and Architectural Review Guidelines”*, prepared by Joseph F. Gorny. Mr. Gorny will function as the subdivision architect peer reviewing the custom home designs. Landscape designs for the private lots and a portion of the open space area surrounding the private lots are addressed in the *“Landscape Design Guidelines for the Yee Property”*, prepared by PGAdesign, Inc. The guidelines recognize the unique character of the site.

The goal of the design guidelines is to achieve a balance between prescriptive and mandatory measures for these lots. The information contained in the design guidelines is a good first effort – for example, development standards are provided for grading, building massing, detailing, etc. – and would begin to provide the degree of detail needed to ensure the successful translation of guideline statements to physical designs. However, staff believes that the proposed guidelines will benefit from additional coordination with the other consultant reports including the tree preservation plan and wildland fire management plan. The applicants concur.

As conditioned, a tree preservation plan and a wildland fire management plan are required with the tentative parcel map. Staff believes that the design guidelines should incorporate the requirements of these reports into a single, comprehensive document for staff and the owners and their consultants. As conditioned, the revised guidelines will be reviewed and approved by staff before recordation of the parcel map.

Review Procedures

The proposed guidelines state the design review procedures for these homes. The first review stage is peer review provided by the subdivision architect, Gorny & Associates. After this stage is completed and the subdivision architect has approved the design plans, formal application for design review approval by the Zoning Administrator would then be made to the Planning Division. With the notification of the Zoning Administrator's action sent to the Planning Commission, staff will provide the approval letter, conditions of approval, and the plan set including colored building perspectives and building elevations.

Development Standards

The proposed development standards for Lots 1 through 4 are stated in the building design guidelines. Given the large area of these lots, staff believes that the buildings on these lots can be located up to the building envelope lines given the proposed separations between building envelopes and property lines, and that the setbacks should be based on the separations from slope banks, swales/seeps, and the geotechnical building setback lines, i.e., the minimum building setback should not allow a house to encroach into these sensitive areas of the site. Therefore, staff recommends the following uses and site development standards:

- a. The permitted and conditional uses of the R-1 (One Family Residential) District as described under Chapter 18.32 of the Pleasanton Municipal Code.
- b. Development Standards for Primary Structures and Accessory Structures: The following building setback and height standards shall apply to the primary structures, additions to primary structures including second units, and accessory structures on these lots:
 - Building Setback – All paving, ornamental landscaping, and structures including pools shall be contained entirely within the building envelopes. There are no setbacks per se from property lines or from the edge of the envelope. A minimum 10-foot setback is required from any structure to the drip line of any existing tree that will be required to be preserved. This setback standard is consistent with the wildland fire management plan. Paved surfaces may extend to the edge of the tree's drip line but may not be extended underneath the tree's canopy areas.
 - Maximum Floor Area Ratio (FAR) – 8,500 square feet, exclusive of 700 square feet of garage area, whichever is less. (Note: Garage floor area over 700 square feet will be added to the building floor area.)
 - Maximum Height/Open and Enclosed Accessory Structures – 15 feet. The maximum height for any accessory structure shall be measured vertically from the lowest point of the structure to the highest point of the structure. (Note: The floor area for enclosed accessory structures shall be included in the sites' floor area ratios.)

The final copy of the revised guidelines will be based on the detailed engineering drawings and incorporating the approved PUD development plan conditions plus the requirements of

the fire mitigation plan, tree preservation and mitigation, and environmental reports and mitigations with lot-specific development standards.

Maximum Building Height

The West Foothill Road Corridor Overlay District of the Pleasanton Municipal Code covers the subject property including the proposed modification of the approved development plan. A copy the Overlay District is attached and the project's implementation of the development standards of the Overlay District was discussed earlier in the Planning Commission staff report.

Section 18.78.070D of the Overlay District states that,

“The maximum height for any structure shall be 30-feet, measured vertically from the structure’s lowest to highest points excluding chimneys, etc.”

The Overlay District specifies a 30-foot maximum building height measured from the structure’s lowest to highest points. The applicant requested that staff consider using a sloping plane method to measure the building heights for these sites due to their steep topography so that the buildings’ form and massing will match the site and to reduce the potential site grading. Staff was prepared to support the applicant’s request believing the Overlay District provided the flexibility to do so for unusual development sites within the district. However, staff revised its recommendation to reflect the Overlay District’s height standard. The Commission concurred with this change and conditioned the development accordingly.

After the Commission meeting, staff and the applicant reviewed the implementation of the Overlay District’s height standard to the four building sites and believe that it will restrict the design flexibility for these sites as well as increase the amount of grading and site re-contouring that will be required for these sites. For this reason, the applicant requests the City reconsider the sloping plane method to measure building height for these building sites. Staff concurs with the applicant’s request.

Although the Overlay District’s 30-foot height limitation is effective in reducing the visual impact of tall buildings, it can also lead to increased grading and potential impacts to trees, topography, and building bulk due to flat pad grading. For sites having significant topography, the application of the sloping plane methodology can result in the building form following the sites’ terrain vertically and/or horizontally through a series of half-to one-story steps, concentrating the building mass into a relative smaller footprint.

The sloping plan method may result in a cumulative building height that exceeds 30 feet. For this reason, staff recommends an absolute maximum building height of 40 feet measured from the lowest to highest points of the building. For the Yee proposal, the slope plane method will also use sloped roofs and stepped patios. Figure 14, on the following page, is an example of a “stepped” house design using and is the overall design goal for the lots of this development.



Figure 14: A “Stepped” House Designed Within a Slope Plane.

The building designs for these lots will be controlled by design guidelines. As conditioned, computer generated view studies will be provided with the lot-specific design plans where the visual impacts of the homes will be evaluated for location, form, and massing and where, if necessary, the structure can then be modified. Copies of these analyses with the design plans and conditions will be forwarded to the Planning Commission.

The Foothill Road Corridor Overlay District provides flexibility under Section 18.78.050, below:

“.....The reviewing boards, commissions and officials may approve projects which do not comply with strict technical standards of this chapter upon making a finding that the design of the project as a whole is consistent with the highly aesthetic, rural character of the Foothill Road corridor.”

Staff considers the sloping plane method of measuring building height to be consistent with the rural character of the Foothill Road corridor.

Green Building Measures

The minimum City standard for new single-family homes is 50 LEED points with a minimum of 10 points in each category (Resources, Energy, and IAQ/ Health). The homes of this project are required to achieve a minimum 100 green points. The green building program for these homes would be submitted with the design applications.

View Analyses

Exhibit F are the view analyses of the previous six-lot development are attached showing the before/after views of the six-lot project from various vantage points. The Planning Commission reviewed the analyses but did not comment.

The view analyses include:

- before/after views taken from the viewpoints supported by staff and the Planning Commission,
- an aerial perspective of the site, and
- conceptual design home designs based on the previous design guidelines.

Based upon the view analyses of the previous project layout, all four homes will be visible from Foothill Road. Absent actual design plans, the preparation of accurate view studies is difficult. Staff, therefore, has conditioned the proposed project to provide computer generated view studies with the lot-specific design plans, and that these visual analyses are to be peer reviewed reflecting the Commission's comment at the work session.

Fire Safety

Wildland Fire Management Plan

The preliminary *"Fuel Management Plan for the Yee Parcel, Planned Unit Development, 4100 Foothill Road, Pleasanton, California"*, prepared by Wildland Resource Management is attached. This report constitutes the first phase of the Wildland Fire Management Plan for the Yee property and is referenced in the Draft Conditions of Approval. The preliminary plan creates four fuel management zones for the overall development where the existing vegetation is altered to reduce the fire hazard. The key features of these zones include the following:

- A Non-Combustible Zone, 0 to 6 feet from all structures that will be kept free of all dead plants and combustible materials including dead leaves and other plant debris. Staff anticipates that this zone will occur entirely within the building envelope; will include patios and other hardscape areas and ornamental planting; but may include native planting reflecting the rural character of the Yee property.
- A Defensible Space/Landscape Zone, 6 to 100 feet from all structures where grasses will be grazed or cut annually; dead branches and similar material will be removed from underneath trees and shrubs; large trees and shrubs will be selectively pruned to provide an eight-foot clearance from grade to canopy; and shrubs will be spaced from oak trees by a minimum six-foot distance.
- A Roadside Fuel Management Zone, 10 feet from the private access driveway where native grass will be cut or grazed; a 15-foot clear, vertical space will be maintained over the pavement edge for emergency vehicles; and large trees and shrubs will be selectively pruned to provide an eight-foot clearance from grade to canopy.
- A Foothill Road Fuel Management, 100 feet from Foothill Road where native grass will be cut or grazed and a 15-foot clear, vertical space will be maintained over the pavement edge for vehicles. Staff verified with the consultant and with a representative that the existing large trees and shrubs adjoining Foothill Road by the channel will not be pruned or changed, but that an eight-foot clearance from

grade to canopy will have to be maintained for any new trees planted along Foothill Road.

The emphasis of the fire management plan is to control the potential ignition sources of wildland fires; to prevent a “ladder fuel situation” where a fire can “climb” from grassland to low shrubs/scrub to low-hanging tree canopies and then to the home; to maintain existing trees and tree groupings; to allow new trees and tree groupings to buffer/screen the visibility of the new homes on these sites, if necessary. The application of these standards may restrict the scope of the future proposed designs. It is for this reason that staff intends to incorporate the details and standards of the fire management plan with the building and landscape guidelines for a comprehensive integrated document.

Item j on Page 15 of this analysis should be revised to read: "Emerging trees must have a minimum 6-foot spacing cleared from the edge of the canopy....." The minimum spacing should agree with the figure and, therefore, should be 6 feet, not 12 feet.

Residential Fire Sprinkler Systems

The proposed homes are required to be equipped with residential fire sprinkler systems. Adequate fire flow is present to serve the homes on these lots. The design of the fire sprinkler systems will be reviewed with the lot-specific design applications and building permit review. There is adequate water supply and pressure available to these sites for fire sprinkler systems without booster pumps or other special equipment.

Grading/Urban Stormwater Runoff

The existing site grades will be largely retained with the proposed project grading limited to the minimum grading for the driveway entrance, house and driveways, and a reasonably sized private yard area.

The proposed building sites will be designed in conformance to the requirements of the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act: structures and paved areas will be designed to drain to bio-filter areas, swales, or comparable measures to pretreat and then dissipate the stormwater runoff. The project will be required through the grading and building permit and construction processes to incorporate best management practices to control erosion and to prevent discharges into the City's storm drain system resulting from this development.

As conditioned the slope bank on the east side of the driveway to Lots 3 and 4 will be replaced with a combination of retaining walls and slope bank to reduce grading. The applicant concurs with this requirement.

Geotechnical/Alquist-Priolo Earthquake Fault Zone

The Alquist-Priolo Earthquake Fault Zone for the Calaveras fault traverses the lower portion of Lots 1, 2, and 4. The site was analyzed by the applicants' consultant, Engeo, Inc., with their findings peer-reviewed by Cotton Shires and Associates under supervision by the City Engineer. The Calaveras fault and fault zone was mapped on the Yee property by surveys and trenches completed by the Darwin Meyers firm in 1985. The fault zone with landslide areas is shown on Engeo's geotechnical surveys.

Engeo's analyses determined that the site will support the proposed development in its proposed configuration with standard engineering practices, and established a geotechnical building setback line that is shown on the development plan. This setback line requires the locations of building pads and habitable structures outside this setback line, therefore, the fault zone. The building setback line is separated from the western edge of the fault zone by a distance varying from 130 feet to 180 feet, which exceeds the minimum requirement of 50 feet where the fault is located or 100 feet where the fault is inferred.

The applicants are required to annex this entire development into the Lemoine Ranch Geologic Hazard Abatement District (GHAD). The project developer will prepare the necessary documentation to annex this development to the GHAD with the final subdivision map. The owners of these lots would be responsible for paying the future annual GHAD assessments for the development.

Flexible connections will be installed on the sanitary sewer and electrical lines where these utilities cross the fault zone in the main access driveway. Water lines serving the site, however, come down from the Fuller-Smathers property and would not cross the fault zone. Additionally, all structures on these sites, except for very small storage sheds, are required to secure a City-issued building permit utilizing the standards of the California Building Code. The California Building Code includes regulations and requirements governing seismic building safety. The proposed project is required to comply with these codes and standards to provide earthquake resistant construction.

Growth Management Allocations

Development of this property would fall under the "First-Come-First-Serve" category of the City's Growth Management program, which has an annual, non-transferable allocation of 100 units.

Construction Hours

All construction activities are limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday with no construction allowed on State and Federal Holidays. The Director of Community Development may allow earlier "start-times" for concrete-foundation work or extended construction hours for interior work if it can be demonstrated that the construction and traffic noise will not affect nearby residents. All construction equipment is required to meet Department of Motor Vehicles noise standards and be equipped with muffling devices. Construction equipment for the development of the individual lots is prohibited from parking on the private street.

VI. PUBLIC COMMENT

Public notices were sent to all property owners within a 1,000-foot radius of the project site. As of the writing of this staff report, staff has not received any verbal or written comments from the public. All verbal/written comments pertaining to this proposal will be forwarded to the Planning Commission.

VII. ENVIRONMENTAL ASSESSMENT

Environmental Review

The environmental review for the proposed project is covered by an updated Initial Study/Mitigated Negative Declaration (IS/MND) addressing the modification of the creek/drainage channel and the tree removal resulting from this modification and from the realigned entrance driveway. The updated IS/MND includes the analyses that were conducted for the previous IS/MND and the response to the comments of the outside agencies. The consultants' reports were peer reviewed by LSA Associates and resulted in new information being added to the updated IS/MND. The cumulative analysis for the Yee property determined the following:

1. Alameda Whipsnake

The Yee property does not contain the three primary constituent elements for whipsnake critical habitat. The habitat considered most likely to support this species exists farther up on Pleasanton Ridge to the west and northwest of the site and there could be Whipsnake movement from Pleasanton Ridge to the Yee property. In light of this, a silt fence will be installed around the building envelopes and along the entire upslope edge of all grading areas to protect the Whipsnakes from construction impacts. The fence shall remain in place throughout the project grading and construction phases.

2. California Red-Legged Frog (CRLF)

The Yee property does not contain the four primary constituent elements for CRLF habitat. Creeks and pools are ephemeral or intermittent in nature and generally do not water late enough in the spring to support CRLF breeding. The two CRLF records are located 2.3 to 2.5 miles west of the Yee property on the west and northwest faces of Pleasanton Ridge and no location records exist along the entire eastern side of Pleasanton Ridge from Interstate 580 to State Route 84.

3. California Tiger Salamander (CTS)

The Yee property does not contain the two elements essential for this species – breeding sites and refuge or aestivation sites within the CTS breeding cycle; both must be present for there to be habitat. The nearest documented CTS occurrence to the Yee property is approximately 3.7 miles southeast of the site, separated from the site by terrain, development, and Foothill Road.

4. Callippe Silverspot Butterfly

No evidence of the callippe silverspot butterfly host plant Johnny jump-up (*Viola pedunculata*) was found on the Yee property. This species blooms from late February to early April, and is also identifiable during the late spring as well. The absence of this host plant species indicates that no suitable habitat for this butterfly species is present on the project site; for this reason, the species itself is not present.

5. Nesting Birds

Endangered or threatened bird species including raptors, burrowing owls, migratory species, etc., were not observed foraging or nesting on the Yee property during the surveys. To avoid any possible impacts if project construction is scheduled to occur

during the nesting season, a focused survey for active nest sites shall be conducted 15 days prior to beginning construction and if nesting birds are found, a fenced buffer area will be established around the nest and shall be maintained until the young have fledged. Outside the breeding season, no pre-construction breeding bird survey should be necessary for other nesting birds

6. San Francisco Dusky-Footed Woodrat

Although woodrat nests were not observed during the surveys, pre-construction woodrat nest surveys will be conducted 15 days before construction begins. All active woodrat nests that would be directly impacted will be flagged and avoided if feasible. If avoidance is not feasible, the nests shall remain undisturbed until the young mature and leave the nest. The nest material will then be moved to the suitable, permanent natural areas of the site

7. Roosting Bats

Although no potential roost habitat was observed during the surveys, pre-construction bat roost surveys will be conducted 15 days before construction begins. A combination of visual surveys and acoustic detection equipment will be used at each potential roost from one hour before sunset, to two hours after sunset. If an active bat roost is observed, a buffer will be established and maintained around the site until earthmoving activities are completed or until September.

8. Trees

Based on the four-lot development, a total of 67 trees including 34 Heritage trees are potentially affected by development due to the construction within the four building envelopes, realigning the entrance driveway and widening a portion of Foothill Road for a right-turn lane to the project, extending a water line, and extending the service driveway to Lot 3 and Lot 4. Potentially affected will be buckeye, oak, and sycamore species varying in diameter from 6 inches to 27 inches and varying in health from good to poor.

The oak woodland areas outside the designated building envelope areas of the four lots of this development are not quantified. These areas will be covered by deed restrictions recorded with the parcel map. Each building envelope is subject to site-specific design review where the placement of structures will be reviewed towards tree preservation. The removal of an existing tree is subject to the review and approval of the Community Development Director. If a native/non-native tree, heritage/non-heritage size within the building envelope is to be removed for site development, the following mitigation program shall be followed:

- Plant three, 24-inch box-size trees native specimen trees for each Heritage tree to be removed and one, 15-gallon-size tree for each non-Heritage tree to be removed.
- Pay to the City's Urban Forestry Fund a sum not to exceed the estimated value of the tree to be removed provided with the design application(s) for the site.
- The replacement trees will be planted in the areas A-1 through A-5 on the conceptual tree re-planting plan shown on Figure 15, on the following page, to

screen the homes from view and to “fill” the current gaps between existing tree group. The new trees shall be irrigated by the owners of these lots.

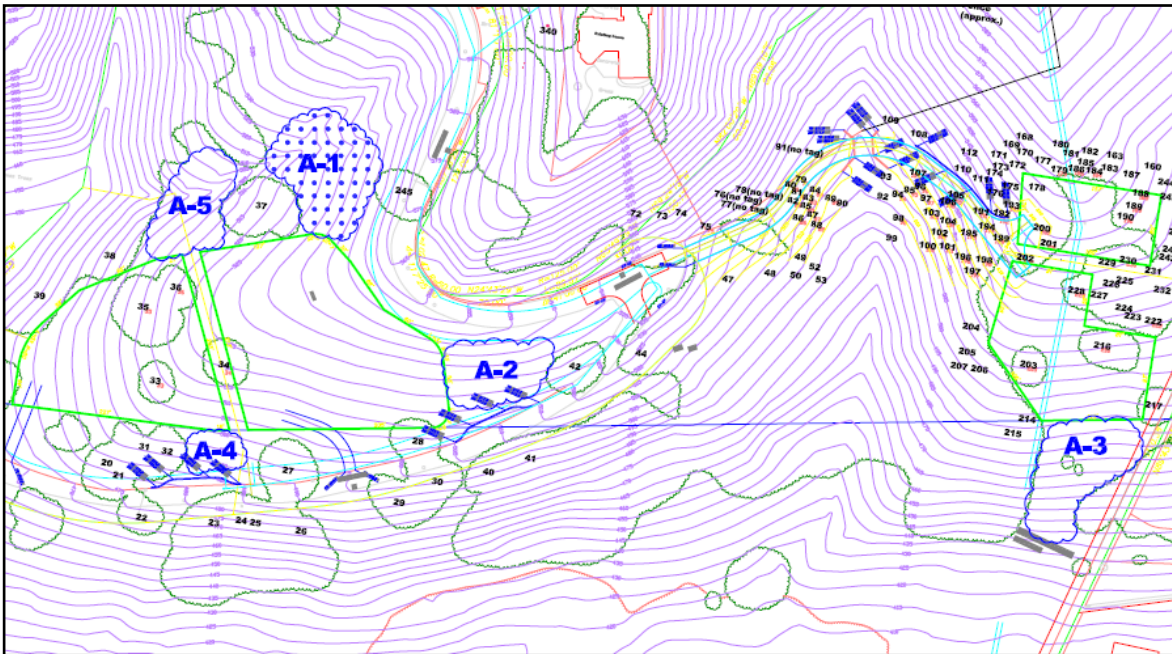


Figure 15: Conceptual Tree Re-Planting Plan.

Staff believes that the project-related impacts are mitigated, with the mitigation measures incorporated in the project’s design or referenced with conditions of approval, and that there would be no significant or unmitigated environmental impact. Staff, therefore, believes that the Mitigated Negative Declaration can be issued in conformance with CEQA standards. If the Planning Commission concurs with this environmental assessment, it must make the finding that the Mitigated Negative Declaration is appropriate prior to recommending approval of the proposed project.

State Clearinghouse Review

The California Department of Fish and Game (CDFG) and the Regional Water Quality Control Board (RWQCB) as well as the United States Army Corps of Engineers (SACE) and the United States Fish and Wildlife Service (USFWS) are Responsible Agencies for this proposal. Where California State agencies are responsible agencies, CEQA mandates a 30-day review period by the State Clearinghouse (SCH) of the Office of Planning and Research (OPR) and for any organization that may have previously commented on the IS/MND: the California Audubon Society (CAS), California Native Plant Society (CNPS), and the California Oaks Foundation (COF). The IS/MND and Notice of Completion (NOC) was sent to the SCH on March 24, 2010 and is tentatively scheduled to end on April 26, 2010.

Staff notes that the IS/MND and the NOC with the project’s plans and environmental reports were referred to the RWQCB, the CDFG, and the United States Fish and Wildlife Service directly after the SCH referral of the IS/MND. Staff received one comment via

email from USFWS and one verbal comment from the RWQCB, and no other comments to date.

1. United States Fish and Wildlife Service

The USFWS does “not entirely agree with the response to our comments and are still concerned the development may result in take of federally listed species. Species are not confined to critical habitat and can move throughout the landscape. Effects to critical habitat and effects to listed species are two separate issues and it is inappropriate to conclude species absence due to a lack of one or all of the primary constituent elements that comprise critical habitat. Additionally, the California Natural Diversity Database is a useful but limited tool and species absence cannot be confirmed by lack of records reported or distance from a known record.”

Primary constituent elements or PCE’s is the criteria published by Federal and State Responsible Agencies to determine the likelihood of the presence of species and/or their habitat areas. The applicant’s consultants followed the USFWS and CDFG guidelines for evaluating the habitat on the project site and within the proposed grading areas and concluded that the likelihood of species was very low. The IS/MND references the locations of protected species in the vicinity of the Yee property. To address the potential that species may pass through the site on a very rare occasion, site specific analyses will be completed before construction and, for whipsnake, a silt fence will be installed prior to and during construction.

2. Regional Water Quality Control Board

As stated to staff, the RWQCB’s previous concerns have been addressed by not filling the channel adjoining Foothill Road and placing the driveway to Lot 3 and 4 above the top-of-bank level of the ephemeral stream. The RWQCB representatives believe the four lots can efficiently address stormwater runoff treatment within the lots themselves.

Staff notes that the percentage of area to building envelopes to the site is very low and that the open space area will remain open and covered by deed restrictions. While it can never be categorically determined that a protected species will never enter the Yee property, staff considers the likelihood to be very low. And, as conditioned, the applicant must receive all agency environmental permits before the City will issue its permits to allow construction to begin.

The environmental issues of this application have been evaluated by the applicant’s consultants, the reports have been evaluated and accepted by staff, and are addressed with applicable conditions. For example, any impact to a jurisdictional intermittent and/or ephemeral watercourse will require a 1602 Streambed Alteration permit from the CDFG. Hence, staff considers the Mitigated Negative Declaration to be the appropriate environmental instrument for this applicant and that it can be issued in conformance to the California Environmental Quality Act. If subsequent information is conveyed to staff on the environmental status of this applicant, the information will be evaluated before the proposal goes to City Council and, if necessary, the Initial Study/Mitigated Negative Declaration will be re-circulated and the item brought back to the Planning Commission for review.

VIII. PUD DEVELOPMENT PLAN FINDINGS

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD development plan proposal. The Planning Commission must make the following findings that the proposed modification of the previous PUD development plan conforms to the purposes of the PUD District, before making its recommendation.

1. **Whether the proposed development plan modification is in the best interests of the public health, safety, and general welfare:**

The proposed project as designed and conditioned meets all applicable City standards concerning public health, safety, and welfare, e.g., vehicle access, and geologic hazards (new development not within a special studies zone). Public and private streets and utilities are present to serve the proposed lots on this site. Stormwater runoff will be treated on-site in bio-retention swales or comparable facilities and would not be discharged to City storm lines. Permits will be secured from the applicable Federal and California State agencies before construction begins.

Staff, therefore, believes that this finding can be made.

2. **Whether the proposed development plan modification is compatible with previously developed properties located in the vicinity of the plan:**

- The proposed development plan incorporates numerous provisions – grading standards, limitations on building heights, setbacks, maximum floor area, etc., – to integrate the design of the planned buildings on these lots with the nearby single-family homes and surrounding area.
- The proposed private driveways are located in a manner which is consistent with City standards, and which provides adequate development access and emergency vehicle access.
- All house construction activities are limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices.

Staff, therefore, believes that this finding can be made.

3. **Whether the proposed development plan modification is compatible with the natural, topographic features of the site:**

- The proposed development plan is designed to reflect the site's existing topographic condition, to minimize impacts on adjoining properties, to be consistent with the requirements and geotechnical report recommendations that have been prepared for the proposed project, and to minimize grading.

- The location and configuration of the proposed lots and private driveways generally follow natural contours and respect existing trees and group.
- All private lots will be designed to drain to bio-retention areas designed to pretreat stormwater runoff.

Therefore, staff believes that this finding can be made.

4. Whether grading in conjunction with the proposed development plan modification takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding, and to have as minimal an effect upon the environment as possible.

- Requirements of the Uniform Building Code – implemented by the City at the Building Permit review – would ensure that building foundations and private street/on-site parking/driveway areas are constructed on satisfactorily compacted fill.
- Erosion control and dust suppression measures will be documented in the final subdivision map and will be administered by the City’s Building and Public Works Departments.

Staff, therefore, believes that this finding can be made.

5. Whether adequate public safety measures have been incorporated into the design of the proposed development plan modification:

- Because the subject property is located in an Alquist-Priolo Special study zone for the Calaveras earthquake fault, a geotechnical analysis was conducted of the site that was peer reviewed and found to be complete by the City Engineer. The analysis identified geotechnical setback line for the property that is shown on the development plan will ensure that the future structures will be set an acceptable distance from the fault trace.
- All construction would be designed to meet the requirements of the Uniform Building Code, other applicable City codes, and State of California mandated noise, energy, and accessibility requirements.
- The project site adjoins existing public streets with adequate emergency vehicle access. All streets meet City standards and are adequate to handle anticipated traffic volumes.
- Adequate access is provided to all structures for police, fire, and other emergency vehicles.

Staff, therefore, believes that this finding can be made.

6. Whether the proposed development plan modification conforms to the purposes of the PUD District:

The proposed PUD Development Plan sets forth the parameters for the development of the subject property in a manner consistent with the Pleasanton General Plan, the West Foothill Corridor Overlay District, and with the surrounding area. The proposed PUD Development Plan implements the purposes of the City's PUD Ordinance by providing a combined development consisting of four single-family custom homes placed in designated building envelopes on very large lots. Through the proposed design augmented by the recommended conditions applied to the proposed PUD Development Plan, the project will substantially conform to the requirements for development specified in the Pleasanton General Plan and the West Foothill Corridor Overlay District.

Staff, therefore, believes that this finding can be made.

IX. CONCLUSION

The proposed project will subdivide 29.8 acres into four buildable lots varying in size from 2.22 acres to 14.97 acres and surrounded by open space. This development is consistent with the land use designations of the Pleasanton General Plan: Low Density Residential (< 2.0 du/ac) on 9.17 acres – equaling a maximum density of 18.34 dwelling units – and Rural Density Residential (1 du/5 ac) on 20.18 acres – equaling a maximum density of 4.04 dwelling units – thereby totaling a maximum density for the site of 22 dwelling units and a mid-point density of 13 dwelling units.

The proposal will reduce the density for the Yee property from 14 lots to four custom homes on large lots surrounded by permanent open space area. The proposed site plan is designed in a manner that is sensitive and compatible with the site and nearby developments. Large, unobstructed view sheds of the Pleasanton Ridge are preserved. The proposed project implements the applicable policies and standards of the Pleasanton General Plan and the West Foothill Road Corridor Overlay District, includes comprehensive building and landscape design guidelines, and will implement the City's Green Building ordinance for residential structures.

The proposed project will extend the bicycle lane only along portions of the west side of Foothill Road across a portion of the site, will realign the driveway entrance to Foothill Road, and will reduce the number of openings onto Foothill Road by combining the Foothill Road accesses with the adjoining Equus Court development. The placement of building pads will minimize tree removal for the construction of the individual homes. Where trees will be removed, with the construction of street improvements or the construction of homes, the trees will be replaced with a number and size of native-to-the-area species sufficient to mitigate the loss of existing trees due to development.

Staff, therefore, believes that the revised and updated development continues to merit a favorable recommendation from the Planning Commission.

X. STAFF RECOMMENDATION

Staff recommends the Planning Commission forward Case PUD-87-19-03M to the City Council with a recommendation of approval by taking the following actions:

1. Find that the proposed project will not have a significant environmental impact and that the Mitigated Negative Declaration is appropriate and adopt a resolution recommending approval of the Draft Initial Study/Mitigated Negative Declaration;
2. Find that the proposed PUD Development Plan conforms to the applicable goals and policies of the Pleasanton General Plan; and,
3. Make the PUD Development Plan Findings 1 through 6 stated in the Planning Commission's staff report and adopt a resolution recommending approval of Case PUD-87-19-03M subject to Exhibit "B", Draft Conditions of Approval.

Staff Planner: Marion Pavan, (925) 931-5610, mpavan@ci.pleasanton.ca.us