

Planning Commission Staff Report

October 28, 2009
Item 6.b.

- SUBJECT:** PUD-75/PGPA-14/PSPA-3
- APPLICANT:** Don Babbitt / Heartwood Communities
- PROPERTY OWNER:** Robert Wentworth
- PURPOSE:** Consider an application to amend the General Plan and the Happy Valley Specific Plan; and for Planned Unit Development rezoning and development plan approval for additional lots over the allotted number for the 6.13-acre parcel located at 1157 Happy Valley Road.
- GENERAL PLAN:** Low Density Residential-One dwelling unit per 2 gross acres
- SPECIFIC PLAN:** Happy Valley Specific Plan: Semi-Rural Density Residential
- ZONING:** PUD-SRDR (Planned Unit Development-Semi-Rural Density Residential) District
- LOCATION:** 1157 Happy Valley Road
- ATTACHMENTS:**
1. Exhibit A.1, Location Map
Exhibit A.2, Noticing Map
 2. Exhibit B, Site Plan, Example Plotting Plan, Example Floor and Elevation Plans, and Streetscape Plan, dated "Received February 24, 2009"
 3. Exhibit C, Photomontages and Lot Layouts
 4. Exhibit D.1, Excerpts of August 22, 2007 Planning Commission Meeting Minutes
Exhibit D.2, Excerpts of January 14, 2009 Planning Commission Meeting Minutes
Exhibit D.3, Excerpts of April 15, 2009 Planning Commission Meeting Minutes
 5. Exhibit E, Adjoining Development's Comparison Chart
 6. Exhibit F, Wentworth Green Point Efficiency Analysis
 7. Exhibit G, Design Guidelines
 8. Exhibit H, Public Correspondence
-

BACKGROUND

Don Babbitt, representing the property owner Robert Wentworth, has submitted an application to amend the General Plan (GP), the Happy Valley Specific Plan (HVSP), and the zoning of a 6.13 acre parcel at 1157 Happy Valley Road, in order to increase the number of lots currently allocated to the property. The applicant seeks to develop the site with a total of six lots and establish design guidelines for the proposed PUD project.

The HVSP allocates a limited number of residential lots within the Plan area, allowing development consistent with the HVSP. The specific number of lots, however, on a particular site may change due to special circumstances such as terrain, geotechnical issues, and utility services to a site.

The HVSP currently allocates a maximum of three lots for the subject site that can be developed under the existing zoning designation (PUD-SRDR [Planned Unit Development-Semi Rural Density Residential]). This designation allows one parcel per 2 acres.

In 2007, the applicant submitted a preliminary review application depicting the development of the site with seven lots; four additional lots above the HVSP allocation. Staff discussed with the applicant whether the proposed increase in the number of lots would fit within the surrounding neighborhood, if utilities could serve the site, and if the increase would materially affect the overall number of homes projected for “build-out” of the HVSP area.

The site layout with seven lots appeared to squeeze too many lots into the 6.13 acre site. In some instances, the lot sizes and their locations were awkward.

After additional discussion with the applicant, staff brought this matter to a Planning Commission workshop in August 2007 and in January 2008.

Planning Commission Meetings

The proposed project was first considered by the Planning Commission at a workshop on August 22, 2007 and again on January 14, 2009. The comments from Commissioners during the two workshops are reflected in Attachment 4, Exhibit D.1 and D.2, Planning Commission Meeting Minute Excerpts.

After considering the information received during the second workshop session, the Commission concluded that it could not provide direction on the application without receiving additional information. The Commission requested that the applicant return for a third workshop session after providing additional information. Please refer to Attachment 4, Exhibit D.2 for the Commission’s requested information.

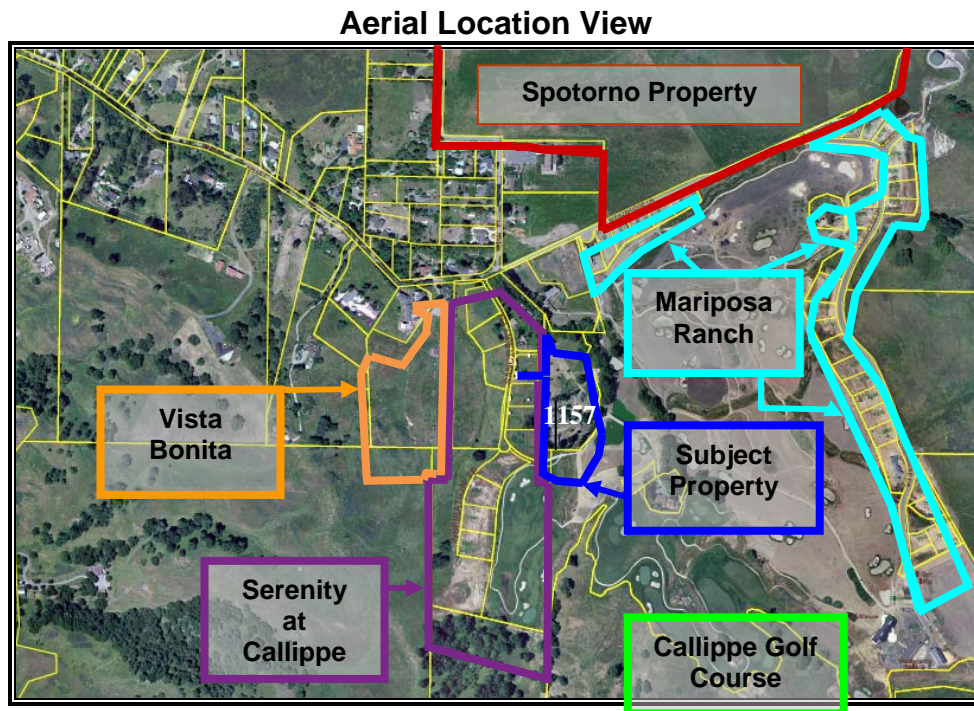
Although the direction from the Commission was to return for a third workshop, staff and the applicant believed that there was sufficient information provided by the applicant for the Commission to make a recommendation to the City Council. The Commission considered the project at a public hearing on April 15, 2009. As with the two previous workshop sessions, the Commission felt that a recommendation could not be made until viewscapes of three, five, and

six lots were provided. The comments from the Commissioners can be found in Attachment 4, Exhibit D.3 and the viewsapes can be found in Attachment 3, Exhibit C.

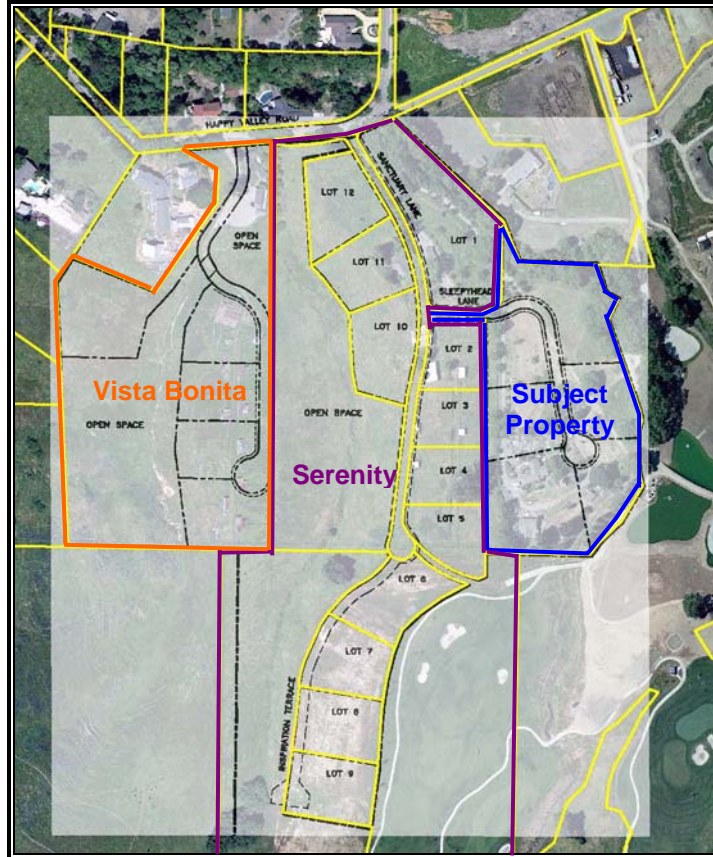
In response to the comments received during the three Planning Commission meetings, the applicant has revised the proposed seven lot site plan to a three, five, and six lot site plan and adjusted the property lines to allow for six lots to be a minimum one gross acre in size to provide more useable and efficient configuration that appears to be more compatible with the adjacent, recently approved subdivisions, such as the Mariposa Ranch and Serenity at Callippe Preserve.

SITE DESCRIPTION

The subject site is an approximately 6.13 acre relatively flat parcel located in the Sanctuary Lane and Sleepyhead Lane area of the Happy Valley Specific Plan, adjacent to the Callippe Preserve Golf Course. The Spotorno Ranch property is located north of the subject property, north of Happy Valley Road, with the Callippe Preserve Golf Course located south and east of the subject site. The Mariposa Ranch development is located east of the golf course and the Serenity at Callippe Preserve and the recently approved Vista Bonita of Happy Valley are located west of the subject site.

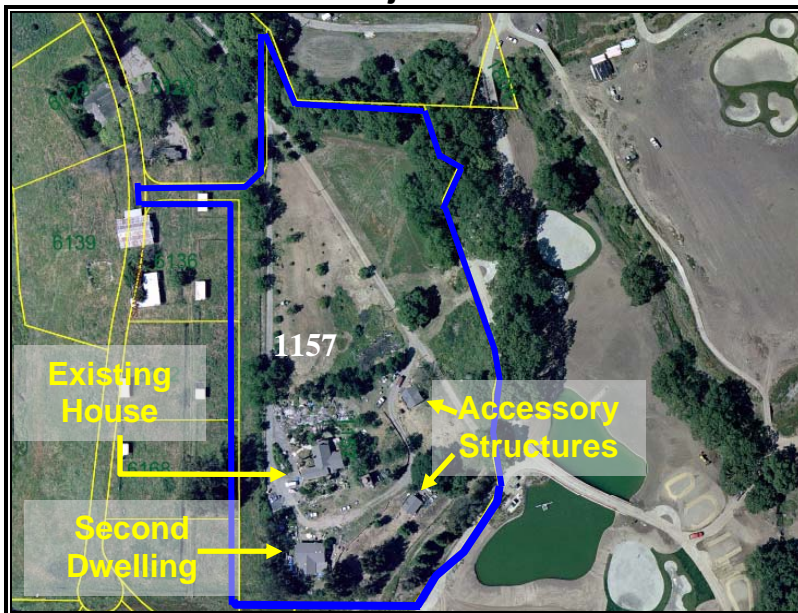


Adjoining Development's



There is an existing residence, a second dwelling unit, and two accessory structures located at the south side of the property and Happy Valley Creek is located along the northeast of the site. The remaining middle and upper portion of the site is vacant and undeveloped.

Subject Site



PROJECT DESCRIPTION

The applicant proposes a development plan to subdivide and create six lots on the site. In order to allow more than the allocated number (anything above three), the applicant will need an amendment to the General Plan and the Happy Valley Specific Plan and will need to rezone the ±6.13 acre property. The current General Plan designation is one dwelling unit per 2 gross acres; this proposal would require amending the General Plan designation for this site to permit less than 2 dwellings units per gross acre. The Specific Plan would also need to be amended to change the subject site from PUD-SRDR (one home per two acres) to PUD-LDR (one home/acre). The rezoning would allow an increase in the density from three to six lots.

The proposal also includes a development plan that would implement the following:

- Demolish/remove the existing home, second dwelling unit, and two accessory structures.
- Establish bioswales for stormwater treatment.
- Construct a private road, and
- Create design guidelines and development standards for the proposed homes.

The proposal would utilize the existing access from Sanctuary Lane to a new proposed private road. Although the proposal includes a 25-foot wide driveway, the Fire Department has indicated that it would prefer Sleepyhead Lane be widened to 28-feet to allow for single load street parking. A bulb-design has been proposed that would serve as a turn-around area.

The lots, as shown in Exhibit B, would be 1-acre in size. The following chart compares the proposed site development standards of the Happy Valley Specific Plan and the proposed project.

Development Standards

HVSP	Parcel Size	Parcel Dimensions	FY Setback	SY Setbacks	RY Setbacks	Max Height	FAR	Req HVSP parking
Current Zoning PUD-SRDR	1-acre	width/depth: 175-feet	35-feet	25-feet	35-feet	30-feet	25%	2-car garage with 4 total on-site spaces
Proposed PUD-LDR*	1-acre	Lots 2 and 3 are substandard in depth only as compared to the PUD-SRDR dimension noted above	All lots: 35-foot minimum	All lots: 30-foot minimum	All lots: 35-foot minimum	30-foot Max	Appx 21% Max	2-car garage with 4 total on-site spaces

*LDR lots are not required to be 1 acre. The purpose of this table is to show the conformity of the proposed project to the existing SRDR site development standards.

With the exception of the depths of two of the lots, the lots, under PUD-LDR zoning, could meet or exceed the development standards of the PUD-SRDR district.

The images below reflect a six lot layout with an existing view from the golf course and a photomontage of six homes. Staff notes that the houses in the photomontage do not reflect the final design of the homes proposed in the design guidelines. Please refer to Attachment 3, Exhibit C for photomontages and lot layouts for three and five lots on the subject site.

Aerial view illustrating location of the photomontages



Existing view from golf course



Proposed 6 lot layout



View with proposed 6 lots



Conceptual landscaping for the three, five, and six lots is reflected in their respected photomontages.

Site Improvements

The existing chain link wood slated fence currently separating the subject site from the golf course would be replaced with a powder coated wrought iron fence. Each of the homes, when developed, would be required to achieve a minimum of 150 green points, exceeding the City's Municipal Code requirement by 100 points. Additionally, the applicant is proposing to dedicate to the City an easement to the existing well and the right to use the water from the well should the City choose to maintain and use the well to provide water to the golf course.

ANALYSIS

Amendments

General Plan: The General Plan land use designation for the subject site is Low Density Residential (one dwelling unit per 2 gross acres). This land use designation would support three housing units. Therefore, to allow this proposal, the General Plan Land Use map would need to be amended to less than 2 dwelling unit per gross acre to allow more than three lots.

Happy Valley Specific Plan (HVSP): The land use designation for the property is PUD-SRDR which allows a maximum density of one lot per two acres, thus restricting the number of total units at this site to three. Therefore, the proposed project would require the land use designation to be changed to PUD-LDR (Planned Unit Development-Low Density Residential) to increase the allowable density for the subject site and reduce the size of the parcels.

The HVSP allows for flexibility in site development standards (e.g., lot size, dimensions, building setbacks, etc.) for "unusual site conditions as long as any new standards are consistent with the intent of the Specific Plan." Here, however, there is nothing particularly unusual about the site to warrant an increase in the density.

The applicant feels that a homeowner is not going to landscape a two-acre site and, therefore, could create an eyesore next to the golf course. As proposed, the majority of the lots would be less than an acre in size and would be required, under design guidelines, to be completely landscaped prior to occupancy and therefore, according to the applicant, would provide for an attractive project adjacent to the Callippe Preserve Golf Course. (This is similar to what was proposed during the processing of Serenity at Callippe; in that case, the lots were approved at less than one acre in size.).

A comparison chart of adjacent developments showing that the proposed project would have similar, or in some instances more restrictive, development standards is provided in Attachment 5, Exhibit E. To ensure that there is still a "rural" feel to the site, the applicant has proposed larger setbacks and a lower FAR as "compensation" for the increase in the allowable density. To assist in how this could look, the site plan (Attachment 2, Exhibit B) includes building footprints of previously approved homes in the Happy Valley area and a corresponding streetscape view of those homes from the golf course.

Staff has considered the issue of potentially overbuilding this particular site in comparison to what was originally approved. Staff concludes, however, that although there have been fewer units approved in the HVSP area as compared to what was first contemplated, amending the

General Plan and HVSP for additional lots is not warranted. Staff acknowledges that the “surplus” units could be looked at as available units for other property owners that wish to develop above their properties’ designated density allocation, but that was not the intent of the HVSP.

The property is not visible from public streets and is only visible from the golf course. The adjacent Serenity project, even though it is not built out yet, has a tighter lot pattern than what is being proposed with this application, but this project has the benefit of including some open space which would break up the more suburban lot pattern.

While the property, with six homes, would “visually” be similar to some of the surrounding developments in the HVSP, nearby developments with one acre lots have also included substantial open space parcels that contribute to the semi-rural character of the area. This proposal does not. Staff believes that the development of the property at the proposed density would be inconsistent with Policy 18 of the Community Character Element of the General Plan to “preserve the semi-rural character of the Happy Valley area”.

The Specific Plan was approved to implement the City’s General Plan for the Happy Valley area. Amending the General Plan and the HVSP in order to allow this project to proceed would be inconsistent with the policies and programs of those Plans and would not conform to the vision that the Council has created for this area. Accordingly, staff recommends that the proposed amendments and the project be denied.

Photomontages

In staff’s opinion, the photomontages support the conclusion that increasing the number of lots above three would diminish the rural character of the area. The five and six lot patterns have a suburban appearance and no open space to break up the lot patterns. The increase in density, although visually similar to adjoining developments, is less consistent with the intent of the character of the Happy Valley area. Please refer to Attachment 3, Exhibit C for the photomontages and lot layouts with three, five, and six lots.

If, however, the Commission decides to provide a favorable recommendation to the City Council on the amendments and the PUD development plan, a discussion of the project particulars is provided below.

Design and Site Development Standards

Proposed Design Guidelines: The proposed design guidelines have been written to be similar to the design guidelines of both the Mariposa Ranch and Serenity projects. The design criteria contained in the proposed design guidelines are detailed and comprehensive. The guidelines include the setbacks, building height, and floor area ratio for the development and also cover the recommended architectural styles, landscaping, fencing, etc. The detail of architectural elements, such as dormers, shutters, bay windows, roofline, etc., ensures successful translation from guideline statements to physical designs. Staff believes that the proposed guidelines provide a comprehensive level of detail and direction for future homeowners regarding all aspects of the designs of their homes.

Design Guidelines Review Procedures: The review of the home designs for these lots would be administered by a two-step process.

1. An “in-house” review conducted by the development’s Design Review Board (DRB) will be established to ensure consistency with the design guidelines. The design plans would be approved by DRB before being submitted to City staff for review.
2. After receipt of the DRB approval, the proposal would then be reviewed by City staff following the review procedures set forth in Section 18.20 of the Pleasanton Municipal Code.

Having a DRB administer the first stage of design review ensures compliance with the design guidelines as well as a continuity of review among the various house designs, ensuring that the individual design works well within the design ensemble of the surrounding homes. Similar procedures have been successfully implemented in Ruby Hill, Mariposa Ranch, and the adjacent Serenity development.

Grading Plan and Utilities

Grading: Cut and fill would be employed to create the private road and turn-around at the southern end of the lots with grading on the individual lots to occur at the time of the development for each lot. The custom-designed lot would follow the design criteria specified in the design guidelines.

Utilities: The proposed development will utilize the existing sewer line that connects to the City’s main on Sanctuary Lane.

Geotechnical Investigation Report and Peer Review

A site specific Preliminary Geotechnical and Geologic Investigation report was prepared by TRC Lowney. The report identified regional seismic faults and stated that although the Verona Fault is approximately 0.4 miles northeast of the project site, it is not considered capable of generating large earthquakes.

The site is not located within an Alquist-Priolo Earthquake Fault Zone as delineated by the California Division of Mines and Geology. The State of California provides minimum standards for building design through the California Building Standards Code (UBC). The California Uniform Building Code is based on the UBC and has been modified for California conditions with numerous detailed and/or stringent regulations. Specific seismic safety requirements are set forth in Chapter 23 of the UBC. The State earthquake protection law requires that buildings be designed to resist stresses produced by lateral forces caused by earthquakes. The City implements the requirements of the UBC through its building permit process.

Tree Report

A tree report was prepared by HortScience, evaluating the potential development impacts to trees that are located within the proposed development area. The report includes an evaluation of the tree health and structural conditions, and an appraisal of the trees that are to

be preserved. If a tree were damaged or destroyed due to construction activities, its value could be ascertained and payment made to the City for the damaged or destroyed tree.

The tree report surveyed a total of ninety-four trees, of which 34 are defined as heritage trees under the Pleasanton Municipal Code, representing 13 species types. The proposed improvements will allow for the preservation of 91 trees, including all 34 Heritage trees.

Green Building

As proposed, each of the homes will be required to achieve a minimum of 150 green points. During the second workshop session, the Planning Commission requested information regarding the environmental impacts of six new homes achieving 200 GreenPoints versus three new homes achieving the minimum 50 GreenPoints. The applicant has provided some information on each of the checklist categories (energy, indoor air quality, resources, and water) comparing homes with these green point ratings (Attachment 5-Exhibit E) based on information provided by Build It Green. However, staff is not aware of any accepted methodology for providing a detailed comparative quantitative analysis of the overall impact to the environment based on a certain green point rating.

PUBLIC NOTICE

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. In response to the noticing, staff has received one additional comment of non-support since the previous Planning Commission meetings.

Frank Imhof, of 962 Happy Valley Road, is opposed to the subdivision and is of the opinion that the County and the City have an agreement that future subdivisions of properties located within Happy Valley are not allowed until the Happy Valley bypass road is built. Staff is looking into such an agreement that would place a moratorium on subdividing properties within Happy Valley.

Please refer to Attachment 8, Exhibit F for comments and correspondence received.

PUD FINDINGS

The following is staff's analysis of the projects relationship to the required findings.

1. Whether the plan is in the best interest of the public health, safety and general welfare:

The proposed project meets all applicable City standards concerning public health, safety, and welfare, e.g. vehicle access, geologic hazards (not within a special study zone), and flood hazards. Detailed geologic studies have been done in conjunction with the Happy Valley Specific Plan and with the proposed development plan and, accordingly, have been accepted by the City Engineer. Mitigation measures have been incorporated into the project design to achieve stable slope banks and site grading. The report did not identify any landslide or seismic safety issues pertaining to the development of these sites.

Therefore, staff believes that this finding can be made.

2. Whether the plan is consistent with the City's General Plan:

The Happy Valley Specific Plan designates the subject property for Semi- Rural Density Residential with a maximum density of three units for the overall site.

Therefore, staff recommends that a finding of consistency between the General Plan and this proposed project not be made. Should the City move ahead with the request to amend the General Plan this finding could be made.

3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site:

The proposed design guidelines have incorporated numerous provisions to integrate the design of future homes with deep setbacks, split-level designs, open fencing, and private landscaping emphasizing native plant materials. As proposed, the project would be similar to adjacent developments within Happy Valley, except that it lacks internal open space areas included in other recently approved projects that contribute to the semi-rural character of the area.

Staff does not recommend that this finding be made. The Commission could conclude that such open space areas are not necessary to achieve compatibility and conclude that the similar lot patterns of the proposed project are comparable to nearby developments and, thus, adequate to make this finding.

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

The proposed grading for the private road has been designed consistent with the Happy Valley Specific Plan requirements and the geotechnical report recommendations that have been prepared for the development. The split-level design specified in the design guidelines are used to reduce the amount of graded area and/or to produce graded building sites following natural topography. The location and configuration of the proposed public/private streets generally follow natural contours.

Staff believes that the grading that has been proposed is effective in balancing the requirements of the Happy Valley Specific Plan and the grading that is needed to create the proposed development.

Therefore, staff believes that this finding can be made.

5. Whether streets and buildings have been designed and located to complement the natural terrain and landscape:

The subject property is not located in the Alquist-Priolo Special Study Zone. Requirements of the Uniform Building Code, implemented by the City at Building Permit review, would ensure that building foundations and private road/on-site parking areas are constructed on satisfactorily compacted fill. Erosion control and dust suppression measures will be documented and administered by the City's Community Development Department.

Therefore, staff believes that this finding can be made.

6. Whether adequate public safety measures have been incorporated into the design of the plan:

The homes will be designed to meet the requirements of the Uniform Building Code, other applicable City safety codes, noise, energy, and accessibility requirements. Adequate access is provided to all structures for police, fire, and other emergency vehicles. Through the provisions of the Happy Valley Specific Plan, staff believes that all public safety measures would be addressed.

Therefore, staff believes that this finding can be made.

7. Whether the plan conforms to the purposes of the PUD District:

The proposed PUD plan sets forth the parameters for the development of the subject property in a manner that is not consistent with the General and the Happy Valley Specific Plans. The proposed PUD development plan does not implement the purposes of the City's PUD Ordinance by providing a residential development consisting of custom-lot, single-family building sites and open space areas and at a density that is consistent with the City's programs and policies.

Therefore, staff recommends that this finding not be made. If the City ultimately supports the General Plan Amendment, this finding could be made.

ENVIRONMENTAL ASSESSMENT

An Environmental Impact Report (EIR) for the Happy Valley Specific Plan was approved which did not assume increasing the density, such as that proposed, at the project site. Should the Commission recommend an approval for an increase of lots above three, staff would need to conduct an environmental assessment before the project could be approved.

CONCLUSION

The proposed PUD development plan is not consistent with the themes, policies, and requirements of the General Plan, the Happy Valley Specific Plan, and the surrounding rural area. Staff believes that an insufficient case has been made to support the increase in density currently allowed and that a total of six home sites should not be recommended for approval. Although the proposed development standards/design guidelines contain numerous provisions

to ensure that the design of the future homes is consistent with the rural quality of the area, it does not adequately justify a higher density.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed PUD development plan and related material, Exhibit B, are not consistent with the General Plan, the Happy Valley Specific Plan, and the purposes of the PUD ordinance (PMC 18.68); and is incompatible with previously developed properties in the vicinity and the natural, topographic features of the site.
2. Adopt a resolution denying the PUD-75/PGPA-14/PSPA-3, the application to amend the General Plan and the Happy Valley Specific Plan; and for Planned Unit Development approval for additional lots over the allotted number for the 6.13-acre parcel.

However, if the Planning Commission does not agree with the recommendation above and chooses to approve the project, staff recommends that the Commission proceed as follows:

1. Make the PUD findings as listed in the staff report, including that the proposed PUD development plan and related material, Exhibit B, are consistent with the General Plan, the Happy Valley Specific Plan, and the purposes of the PUD ordinance (PMC 18.68); and is compatible with previously developed properties in the vicinity and the natural, topographic features of the site, contingent on an environmental assessment for the increase in lots prior to forwarding the application to the City Council.
2. Adopt a resolution recommending that the City Council approve PGPA-14 amending the General Plan from allowing one dwelling unit per two gross acres to allowing two dwelling units per gross acre.
3. Adopt a resolution recommending that the City Council approve PSPA-3 amending the Happy Valley Specific Plan to allow the rezoning of the ±6.13-acre property from the PUD-SRDR (Planned Unit Development – Semi-Rural Density Residential) District, which allows one dwelling unit per two acres, to the PUD-LDR (Planned Unit Development – Low Density Residential) District, to allow one dwelling unit per acre, thereby increasing the density from three to six lots.
4. Adopt a resolution recommending that the City Council approve PUD-75 to subdivide and create six lots on the ±6.13-acre property, subject to the development plan as shown in Exhibit B and contingent on Conditions of Approval for City Council review and approval.

Staff Planner: Natalie Amos, Assistant Planner, 925.931.5613, namos@ci.pleasanton.ca.us