

Planning Commission Staff Report

July 8, 2009
Item. 5.d.

SUBJECT: PTR-9687, Vesting Tentative Map Tract 9687

APPLICANT: Dutra LLC, Clancy Dutra

PROPERTY OWNER: Dutra LLC, Clancy Dutra

PURPOSE: Application for Vesting Tentative Map approval to subdivide an existing lot located at 1053 Happy Valley Road into five residential lots and one open space lot.

GENERAL PLAN: Low Density Residential

ZONING: PUD-SRDR/OS (Planned Unit Development – Semi-Rural Density Residential/Open Space) District

LOCATION: 1053 Happy Valley Road

ATTACHMENTS:

1. Exhibit A, Draft Conditions of Approval
2. Exhibit B, Vesting Tentative Tract Map 9687
3. Exhibit C, Location Map
4. Exhibit D, Notification Map

BACKGROUND

On April 21, 2009, the City Council approved Dutra LLC's application for a Planned Unit Development (PUD) development plan to construct five single-family homes plus one common area lot that includes the open space parcel, the private road/bridge, and the storm water detention basin. The Planning Commission (4-1 vote) had previously recommended approval of PUD-77 at its January 14, 2009 hearing.

The remaining steps prior to actual construction of the subdivision improvements include approval of a tentative map, approval and recordation of a final map, and review and approval of the subdivision improvement plans. Vesting tentative maps are reviewed in the same manner as regular tentative maps, with the Planning Commission being the sole reviewing body (unless appealed). Staff has found the vesting tentative map application to be complete and is forwarding it to the Planning Commission for its review.

PROJECT DESCRIPTION

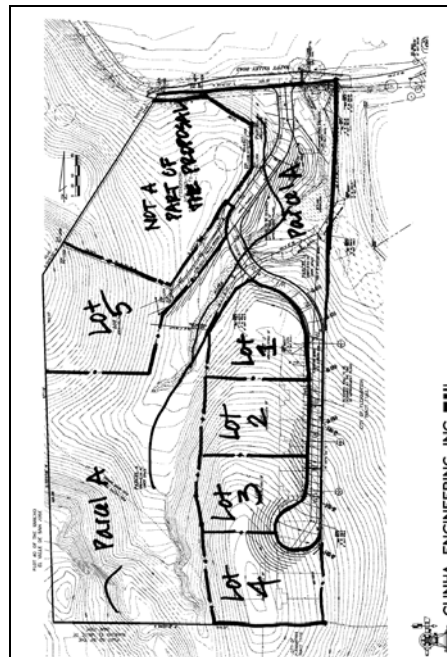
The applicant, Dutra LLC/Clancy Dutra, is requesting the vesting tentative map to subdivide an approximately ten-acre site into five single-family lots (Lots 1-5) and one common lot (Lot A). The lot details are summarized below:

- Lots 1-5:

The five new single-family residential lots, ranging in size from 35,225 square feet (0.81 acre) to 55,348 square feet (1.27 acres) would be created to accommodate custom home development under the design guidelines for Vista Bonita of Happy Valley, which were also approved as part of PUD-77 approval.

- Lot A:

Lot A is approximately 5.44 acres, consisting of a common area, a private road with a bridge, and a stormwater detention basin. The proposed tentative map is substantially the same as the PUD development plan, which the Commission previously reviewed in conjunction with Case PUD-77. No additional requirements were deferred to the vesting tentative map approval.



Proposed Lot Layout

DISCUSSION

No significant substantive issues have arisen since the Planning Commission review of the PUD application. Review of a tentative subdivision map requires review of its consistency with the approved PUD development plan and compliance with State mandated findings. As described above, the tentative map is consistent to the PUD development plan and its conditions.

The PUD-77 development plan approval conditioned the project to meet the State Regional Water Quality Control Board (RWQCB) Stormwater Pre-Treatment (C-3) standards. Two minor revisions have been shown on the vesting tentative map as noted below:

- The five single-family home lots (Lots 1-5) may incorporate vegetated bio-swale to ensure that long-term stormwater requirements for pre-treatment and hydromodification are met. The locations of the bio-swale are shown on each lot. They may be required based on final engineering design and calculations.
- The stormwater detention basin area has been resized to accommodate future engineering design and calculations.

The applicant has agreed to construct the detention basin to appear more natural as opposed to geometric configuration.

No other revisions were made to the map, thus maintaining its consistency to the PUD-77 development plan.

VESTING TENTATIVE SUBDIVISION MAP FINDINGS

State law and the Pleasanton Municipal Code set forth certain findings which must be made in order to approve a tentative subdivision map. In addition, they set forth certain determinations which are grounds for denial of a tentative subdivision map.

1. The proposed map substantially conforms to the zoning regulations/development plan.

As described above, staff believes the map's design and improvements are consistent with the development plan and conditions of PUD-77.

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

Being a development with varying topography and limited building envelopes, some, but not all, of the lots would accommodate situating the future homes on

an east-west alignment for southern exposure. The homes in this project will be required to comply with the City's residential Green Building Ordinance, which requires that each home achieve a minimum of 50 "Green Home" points on Alameda County Waste Management Authority's "Single-Family Green Building Rating System." Energy efficiency is the cornerstone of every green home. Solar water heating systems, photovoltaic energy system readiness, and energy efficient windows are some of the possible green features that the future homeowners may choose to achieve the "Green Home" rating.

3. The subdivision, together with its design and improvement, is consistent with the General Plan.

The PUD was found to be consistent with the General Plan, and this subdivision reflects consistency with that development plan. As proposed, the subdivision is compatible with the objectives, policies, land uses, and programs specified in the both the General Plan and the Happy Valley Specific Plan.

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

Homes on Lots 2, 3, and 5 would have a split-level design to limit graded areas on the lots, thereby preserving the natural topography of the site. The approved design guidelines require using grading techniques, such as round landform, to achieve a natural transition between graded areas and existing terrain. Parallel retaining walls would be used in order to minimize large cut slopes. The design guidelines and design review application process for the new homes would allow the architectural design to be reviewed to ensure it complements the semi-rural setting of the Happy Valley area.

5. The design of the subdivision and improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife in their habitat.

With the PUD review, the City found no potential for significant environmental effects and adopted a Negative Declaration. Pretreatment of urban storm water runoff has been incorporated into the project's design. Best management practices have been required to minimize construction impacts.

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

The proposed project, including the recommended conditions of approval, meets all applicable City standards pertaining to public health, safety, and welfare (e.g., adequate public utilities and services, road design and traffic safety, fire hazards, geologic hazards, flood hazards, etc.). All public safety measures are

addressed through the design and conditions of approval for the PUD and tentative subdivision map.

7. The design of the subdivision or the type of improvements does not conflict with easements for access through or use of the property.

This tentative map establishes the easements shown on the PUD development plan or required in the PUD conditions of approval.

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

The site is not covered by such a contract.

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

No violation currently exists at the wastewater treatment plant. Capacity is available for this subdivision. The project would not discharge any waste other than domestic sewage. Urban stormwater runoff is required to meet the City's RWQCB permit requirements for urban development.

PUBLIC NOTICE

Notices regarding the proposed tentative map application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of the subject site and to all residents within the Happy Valley Specific Plan area. A map of the noticing area is attached. The public notice was also published in the local newspaper. At the writing of this report, staff had not received any responses from the surrounding property owners or tenants.

ENVIRONMENTAL REVIEW

The environmental effect of this project was reviewed at the PUD stage, and a Negative Declaration was adopted. There is neither new information nor changed circumstances to trigger further environmental review. Therefore, no additional environmental document accompanies this report.

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Vesting Tentative Tract Map 9687 by taking the following actions:

1. Find that there are no new or changed circumstances which require additional California Environmental Quality Act (CEQA) review of the project;
2. Make the tentative map findings regarding the acceptability/suitability of the project as described above; and
3. Approve Vesting Tentative Map Tract 9687, subject to the conditions attached as Exhibit A.

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