



## Planning Commission Staff Report

April 29, 2009  
Item 8.b.

**SUBJECT:** Actions of the City Council, April 21, 2009

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### **Actions of the Zoning Administrator**

Council accepted the report.

#### **PUD-77, Dutra Trust**

Application for Planned Unit Development (PUD) development plan approval to subdivide a ten-acre site located at 1053 Happy Valley Road into five single-family residential lots and one open space parcel. Zoning for the property is PUD-SRDR (Planned Unit Development – Semi-Rural Density Residential) District. Also consider the Negative Declaration prepared for the project.

Action recommended: Approval

Action taken: Approved, per staff, with the following modifications:

1. Modify the following conditions:
  - a. Modify Condition No. 14 to increase the amount of job site construction and demolition waste to be recycled from 50 percent to 80 percent.
  - b. Replace Condition No. 28 with the following “All new homes shall be designed and constructed with an operable photovoltaic system. The installation of the bi-directional meter shall be coordinated with PG&E and installed prior to the final building inspection. The final permit shall not be issued until the Planning and Building and Safety Divisions can confirm that the system is completely installed and operable.”
  - c. Delete the fifth sentence of Condition No. 29 regarding liability.
  - d. Modify Condition No. 30 to indicate that no construction shall be allowed on Saturday, Sunday, and Federal and State holidays and to require that the construction hours be posted at the construction site.
  - e. Modify Condition No. 36 to require that a representative be present during investigation and site review of any archaeological resources discovered.
  - f. Modify Condition No. 40 to require that water be available on site prior to construction for fire service.
  - g. Add language to Condition No. 50 that well water will be used only for landscaping purposes.
  - h. Add language to Condition No. 59 that plant species shall be of a drought-tolerant nature with an irrigation system, such as a drip system, that maximizes water conservation throughout the development.

2. Add the following conditions:
  - a. A maximum 25-percent Floor Area Ratio (FAR) shall be applied to all five lots. This FAR calculation shall be based on the net lot area. A maximum of 800 square feet shall be credited to the garage area; any square footage above 800 square feet shall be counted toward the FAR. The living area of the main residence shall not exceed 7,500 square feet. The maximum building area, i.e., a combination of all enclosed structures, shall not exceed 9,000 square feet.
  - b. Outdoor lighting shall be of low intensity and shielded in order to minimize its visibility from off-site and shall not glare onto adjacent properties or streets. The lowest wattage shall be used, and the number of fixtures shall be limited to attain the lowest luminosity.
  - c. The applicant shall incorporate language into the design guidelines limiting the use of pesticides and insecticides into the open space drainage area. Best practices shall be added to the CC&R's for the project. The homeowners association shall be responsible for any testing required to confirm that the level of residue does not exceed the parts per million (ppm) allowed to exit the site per the C-3 storm water requirements.
  - d. The design guidelines shall be modified to encourage the implementation, recapture, and reuse of gray water for irrigation on the homesites. The site development plans for each homesite shall be required to provide designs that are functionally adequate for the system installation.

Vote: 4-1 (Sullivan voted no).

**PAP-134, Chris Studzinsky, Appellant (PCUP-237, Rimma Radayeva)**

Appeal of the Planning Commission's approval of PCUP-237, an application to modify a previously approved Conditional Use Permit for Radayeva Music Studio, located at 1228 Quarry Lane, Suite A, to increase the number of instrument and vocal instructors from one to five at any one time and to extend the hours of operation from 10:00 a.m.-9:00 p.m. to 10:00 a.m.-9:30 p.m.

Action recommended: Deny the appeal, thereby upholding the Planning Commission's approval, with a modification to limit the number of instructors to three until 4:30 p.m. and to five thereafter.

Action taken: Denied the appeal, thereby upholding the Planning Commission's approval, with modifications to Condition No. 10 to allow up to five instructors at any one time, to require patrons and instructors to wait in the music studio before and after class sessions, and to delete the condition regarding parking location restrictions for patrons and instructors.

Vote: 4-1 (Sullivan voted no).