



Planning Commission Staff Report

August 23, 2006
Item 6.b.

- SUBJECT:** PTR-7815, Vesting Tentative Map Tract 7815
- APPLICANT:** Threehand, LP, Greg Reznick
- PROPERTY OWNER:** Threehand, LP, Greg Reznick
- PURPOSE:** Application for tentative map approval to subdivide an approximately 20.19-acre site into eight lots.
- GENERAL PLAN:** Vineyard Avenue Corridor Specific Plan Area
- SPECIFIC PLAN:** The Vineyard Avenue Corridor Specific Plan land use designations are Hillside Residential and Open Space
- ZONING:** The subject property is zoned PUD-HR/OS (Planned Unit Development - Hillside Residential/Open Space) District.
- LOCATION:** 5 Windy Oaks Drive (formerly 1680 Vineyard Avenue)
- ATTACHMENTS:**
1. Exhibit A, Vesting Tentative Map Tract 7815 Submittal, dated July 5, July 12, and August 17, 2006, consisting of:
 - a. Vesting Tentative Map
 - b. Grading Cross Sections
 - c. Tree Replacement Plan
 - d. Architectural Design Guidelines
 - e. Response to Peer Review Comment Letter from the Applicant's Geotechnical Consultant, Berlogar Geotechnical Consultants, dated June 16, 2006
 - f. Supplemental Comment Letter from the City's Geotechnical Peer Review Consultant Alan Kropp, Alan Kropp and Associates, dated July 6, 2006
 2. Exhibit "B," Draft Conditions of Approval
 3. Location Map

4. Letter from Mary Roberts, dated May 21, 2006
 5. Draft Conditions of Approval for PUD-54
 6. Approved PUD-54 Development Plan
 7. Approved City Water Tank Landscape Plan
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BACKGROUND

On August 15, 2006, the City Council approved the applicant's application for an eight-lot Planned Unit Development (PUD) development plan, consisting of seven single-family lots for custom homes and one lot for a City water tank. The Planning Commission (4-1 vote) had previously recommended approval of the PUD at its May 24, 2006, hearing.

The remaining steps prior to actual construction of the subdivision include approval of a tentative map and approval of a final map and 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, Threehand LP, Greg Reznick, is requesting tentative map approval to subdivide an approximately 20-acre lot into seven single-family residential lots (Lots 1-7) and one lot for the construction of a City water tank (Parcel A).

The seven new single-family residential lots, ranging in size from 1.13 to 4.61 acres, would be created to accommodate custom homes developed under design guidelines that have been submitted for the review and approval by the Planning Commission. Each custom home would be subject to separate review and approval by the Planning Commission.

The proposed tentative map is substantially the same as the PUD development plan which the Commission previously reviewed in conjunction with Case PUD-54. The lot sizes, lot shapes, and building pad elevations shown on the tentative map match the PUD plan. A few minor revisions have been shown on the tentative map. One minor change made to the drainage plan is the location of the infiltration planters that are used to filter contaminants from the stormwater. Staff notes that the drainage plan was not available for review by the Planning Commission, but was reviewed and approved by the City Council as part of its review of the PUD. As shown on the PUD drainage plan, an infiltration planter was to be located on each residential lot to treat flows from the individual lots and road. The tentative map shows a single infiltration planter that will treat the entire development. The infiltration planter would be located in the Old Vineyard Avenue right-of-way along the project frontage that would be abandoned by the City

and become part of Lot 1. The infiltration planter would be maintained by a maintenance association that would also be responsible for maintaining the private roadway and the storm drain line in the private road. The relocated infiltration planter requires that the three parallel retaining walls in the Old Vineyard Avenue right-of-way be moved upslope (southwest) on Lot 1, approximately 24 feet from the locations shown on the PUD plan. This change did not affect the Lot 1 pad location or elevation. Another minor change was made on Lot 2, where a single, approximately six-foot tall retaining wall was replaced with two, three- to four-foot tall parallel retaining walls. Staff believes these minor changes can be made with the tentative map approval.

The tentative map submittal was required to include the review and approval of four additional items which were deferred from the PUD review: 1) the location of the emergency vehicle access (EVA) road; 2) the architectural design guidelines; 3) the tree replacement plan; and 4) final acceptance of the geotechnical report. The tentative map submittal includes these four items.

EVA

The Specific Plan requires that an EVA be provided to develop the Reznick property. During the PUD review, there was considerable discussion on the need for the EVA and its alignment. Possible alignments included: 1) extending the EVA up from the upper end of the private road on the Reznick parcel in a westerly direction, crossing the southern corner of the Brozosky parcel, and then connecting to the private road on the Berlogar parcel; 2) extending the EVA road northwesterly from the upper end of the private road on the Reznick property and then following the alignment of an existing dirt road that crosses through the Brozosky and Chrisman properties before connecting to the existing road on the Berlogar property; 3) extending the EVA up from the upper end of the private road on the Reznick parcel in a southerly direction and then connecting to the private road on the Berlogar parcel; and 4) extending the EVA from the private road on the Reznick property near the upper portion of Lot 3 in a southeasterly direction and then connecting to the Roberts' driveway. Ultimately, it was determined that the EVA is needed and that its final location be shown on the tentative map, although the EVA connection to the Roberts' driveway was generally considered the most feasible and preferred alignment to staff and the adjacent neighbors.

The following PUD condition addressed the EVA:

9. Prior to recordation of the final map, the applicant shall grant to the City an easement for an emergency vehicle access (EVA) road on the Reznick property. The exact location of the EVA shall be shown on the tentative map and the applicant shall be responsible for construction of the EVA on his property. If the applicant provides an EVA connection from the private road to the Roberts' driveway, the applicant shall secure an easement from the Roberts to connect the EVA to their driveway and to allow the existing Roberts' driveway to serve as an EVA to Old Vineyard Avenue. Furthermore, the applicant shall

construct the EVA connection to the Roberts' driveway. The exact location of the EVA connection to the Roberts' driveway shall be subject to the Roberts' review and approval.

The applicant has shown the EVA on the tentative map. The EVA would extend from the private road on the Reznick property near the upper portion of Lot 3 in a southeasterly direction and then connect to the Roberts' driveway. Three- to six-foot tall retaining walls would be located on either side of the road. A 20-inch diameter blue oak tree (tree no. 1787) would be removed to accommodate the EVA road. Staff notes that this tree was previously indicated as a tree that may need to be removed to accommodate the private road construction. Since the EVA can also function as a turnout, the turnout on the private road was eliminated. The Roberts have indicated that they are willing to allow the EVA to connect to their property, but have not yet provided their approval of the exact location of the EVA connection.

Architectural Design Guidelines

Since custom homes are proposed for all seven of the HR home sites, the applicant has prepared a set of design guidelines and site development standards for the project ("The Estates on Oak Ridge Architectural Design Guidelines") which addresses architecture, house size, setbacks, building height, grading, fencing, landscaping, etc. The architectural design guidelines had been previously submitted as part of the PUD application, but their review was deferred to the tentative map stage to allow the adjacent property owner, Steve Brozosky, time to review the document.

Before the review of guidelines was deferred, staff had recommended a PUD condition requiring that the applicant make several changes to the guidelines. The applicant has since revised the guidelines to incorporate most of staff's prior recommendations.

Building envelopes (identified as Designated Development Areas), approved at the PUD stage, were created for each of the single-family lots. All structures (i.e., the main dwelling and all accessory structures, including "agricultural" accessory structures) would be required to be located within the envelopes. Proposed Floor Area Ratios for the building envelopes (ranging from 39 to 51 percent) would limit the future homes (plus any habitable accessory structures) to the following sizes:

Lot 1 = 5,425 sq. ft.	Lot 5 = 8,450 sq. ft.
Lot 2 = 6,447 sq. ft.	Lot 6 = 9,361 sq. ft.
Lot 3 = 5,814 sq. ft.	Lot 7 = 9,015 sq. ft.
Lot 4 = 6,744 sq. ft.	

Basements, garage area less than 700 square feet, and non-habitable accessory structures would be excluded from the allowable floor area.

Consistent with the PUD approval, the guidelines state that the homes on Lots 1 and 2 are limited to 30 feet in height and two stories. Homes on Lots 3-7 would be limited to 25 feet in height and one story, but may be allowed to exceed 25 feet, but no greater than 27 feet, and may be two-story on a case-by-case basis if the finding can be made that the additional height will not create more of a visual impact to offsite locations and adjacent neighbors than a structure 25 feet or less in height. In addition, the following parameters would apply to two-story homes on Lots 3-7: the second floor area of the home shall not exceed 20 percent of the first floor area; and the second floor shall be “set into” the roof of the home so that the second floor walls are set back from the first floor walls or the second floor shall be integrated into the roof of the house with dormers used for windows or to provide adequate head clearance.

Tree Replacement Plan

A total of 66 trees were approved to be removed with the PUD and design review of the water tank, consisting of 29 trees for the private road, five trees for the water tank construction, and 32 trees for the building pads. Six additional trees were proposed to be removed by the applicant for “aesthetic” reasons, although a PUD condition only allows a tree to be removed for “aesthetic” reasons if it is found to be dead, poses a safety hazard, or improves the health of the woodland. Also, an additional 18 trees are located near the road and may need to be removed during its construction. If all six of the “aesthetic” trees and all 18 of the road construction trees were removed, then a total of 90 trees would be removed on the site.

The PUD conditions require that a tree replacement plan be prepared to mitigate the trees that are removed and that this plan shall be submitted for Planning Commission approval as part of its review of the tentative map. The condition requires that the tree replacement plan comply with the following requirements: 1) native trees shall be planted on the site at a six-to-one replacement ratio for each tree over six-inches in diameter that is removed; and 2) replacement trees shall range in size from five-gallon (20 percent), 15-gallon (60 percent), and 24-inch box (20 percent). The tree replacement plan shows a total of 356 trees that would be planted near the roads and building pads, consisting of native coast live oak, blue oak, valley oak, and buckeye trees. In addition, 72 trees would be planted on the water tank parcel as shown on the previously approved water tank landscape plan (see Attachment #7) and 112 trees would be planted by the future homeowners as required by the design guidelines. In sum, a total of 540 trees would be planted, which is based on a 6:1 replacement ratio for an assumed removal of 90 trees.

Peer Review of the Geotechnical Report

As required by General Plan policies and the Specific Plan, a geotechnical analysis was prepared for the subject site entitled “Design-Level Geotechnical Investigation Windy Oaks Subdivision” by Berlogar Geotechnical Consultants (BGC). Consistent with City policy, the geotechnical

report was peer reviewed by the City's consulting geologist, Mr. Alan Kropp, of Alan Kropp and Associates. At the time of the PUD review, Mr. Kropp indicated that the geotechnical investigation performed by BGC generally conforms to accepted geotechnical standards of practice, but there were a few items that needed to be addressed as the project progresses, such as additional evaluation/investigation regarding possible landslides on some of the lots.

A PUD condition required that the applicant's geotechnical consultant address the peer review comments to the satisfaction of the City Engineer prior to tentative map approval. The applicant's consultant responded to the peer review comments in its letter dated June 16, 2006. Mr. Kropp's supplemental comments are indicated in his letter dated July 6, 2006.

DISCUSSION

Review of a tentative subdivision map requires review of its consistency with the approved PUD development plan (including review of any issues expressly deferred to the map review) and compliance with State-mandated findings. As described above, the vesting tentative map closely follows the PUD development plan. Staff believes the modifications required by the PUD conditions have been satisfactorily incorporated into the tentative map, with the exception of PUD Condition No. 8.a., which has been addressed by a condition of approval for the tentative map (see additional discussion below). Furthermore, although minor changes have been made to the PUD development plan to move the location of the infiltration planters and to move or modify a few retaining walls, staff believes that the minor changes are acceptable. In sum, staff believes the vesting tentative map has satisfactorily addressed all issues it was required to address and has incorporated all required modifications, as conditioned. Further discussion on the four deferred items are discussed below.

PUD Condition No. 8.a.

PUD condition no. 8.a. required that the proposed grading and retaining wall along at the southeastern corner of Lot 1 be set back at least three feet from the common property line shared with the Roberts. Although the applicant agreed to make this change, it was inadvertently left off the tentative map. Therefore, a condition requires that this change be shown on the improvement plans.

EVA

The proposed EVA as shown on the tentative map is acceptable to the applicant and staff, including the Fire Department. Staff believes that the proposed EVA alignment is the most feasible location on the Reznick property given the existing site topography. As noted earlier, the Roberts have indicated that they are willing to allow the EVA to connect to their property, but have not yet provided their approval of the exact location of the EVA connection. Prior to

the Planning Commission hearing, the applicant plans to meet with Mary Roberts on her property to stake the exact location of the EVA and obtain her approval. Mary Roberts has indicated to staff that she intends to be present at the Planning Commission hearing to state her acceptance of the EVA alignment, assuming that its staked location is acceptable to her. In the event that the Roberts do not agree to connect the EVA to their property, a condition of approval requires that the applicant provide an alternative EVA alignment.

Architectural Design Guidelines

Staff believes that the guidelines are consistent with the requirements of the Vineyard Avenue Corridor Specific Plan and present a good set of development standards for the project. As indicated earlier, the applicant incorporated all but one of staff's prior recommendations: the applicant has not yet created an enlarged site plan for each lot with the Designated Development Area (DDA), height and story limits, and maximum house size specified. Therefore, a condition of approval has been included to address this item.

The guidelines indicate that minor finish grading to achieve the approved landscape plan or Fire Protection Plan is permitted outside of the DDA. Since this standard is subject to interpretation (e.g., an individual could believe that adding a few feet of fill in the open space area is considered "minor finish grading"), staff recommends that the applicant clarify this standard and has included a condition of approval that requires paragraph two of Section 4.3 of the guidelines be modified as follows:

The grading and drainage plan approval must be obtained from the Architectural Design Committee before any earth is moved. Grading shall be generally prohibited in Open Space Areas, and shall be strictly limited to the Designated Development Area of the Lot. ~~Additional details shall be provided for any m~~Minor finish grading outside of the Designated Development Area to achieve the approved landscape plan or Fire Protection Plan is permitted (Minor finish grading is considered that grading usually performed by the landscaper and necessary to complete the approved planting plan and shall not change the existing grades by more than 12 inches). Lot owners are not permitted to re-grade, alter, or modify any aspect of the existing drainage facilities or add fill to any lot without the prior approval of the ADC. In addition to approval from the ADC a permit from the City of Pleasanton must be issued before any grading can begin.

Tree Replacement Plan

Staff believes that the proposed tree replacement plan is generally well designed and feels that the proposed trees would help screen the private road and future homes from off-site views. The plan also conforms to the 6:1 replacement ratio, native species requirement, and plant sizes stipulated in the PUD condition.

However, staff does recommend a few changes to the plan:

1. As proposed, the trees are generally planted at 15 feet on center. Staff recommends that the trees be spaced further apart, as space allows, to accommodate future growth of the trees and be planted to avoid an “orchard-looking” effect (e.g., cluster some trees together in a group, but then space others randomly apart from each other). Although the existing trees limit where new trees could be planted, there appears to be several areas on Lots 4-7 that could accommodate the spacing out of the new trees.
2. Several trees on Lots 1-3 are located in the Designated Development Area. Staff recommends that the replacement trees be moved out of the DDAs since they could conflict with future development by the homeowners.
3. Staff recommends that some of the trees be relocated to the north side of the EVA to increase the screening of the Lot 3 house from the Roberts’ property.
4. Since tree no. 1747 along the Old Vineyard Avenue frontage will be removed, some of the replacement trees can be relocated below its existing dripline.
5. The tree replacement plan needs to be updated to show the revised improvements on the tentative map (i.e., show the EVA, infiltration planter, and relocated retaining walls). Replacement tree locations will need to be adjusted, as necessary, to accommodate the revised improvements.

Since some trees near the road construction may be saved and not all of the trees proposed to be removed for “aesthetic” reasons may be removed, fewer than 90 trees could be removed for the water tank and subdivision projects. Should the applicant and City not remove all 90 trees assumed for the replacement plan, then the number of trees on the tree replacement plan may be reduced accordingly so long as it complies with the 6:1 replacement ratio and plant sizes required in the PUD condition. A condition of approval has been included that allows the Planning Director to approve any such modifications to the tree replacement plan.

Staff is aware that Mary and Ford Roberts have some issues with the tree replacement plan, but the exact details of the issues were not provided to staff at the time this report was written. Staff will attempt to resolve the Roberts’ issues prior to Planning Commission hearing and create revised conditions, as needed.

Peer Review of the Geotechnical Report

The response to peer review letter prepared by Berlogar Geotechnical Consultants and the supplemental comment letter prepared by Alan Kropp and Associates were reviewed and

accepted by the City Engineer. A condition of approval has been included that requires the applicant to comply with the recommendations listed in the geotechnical report and the supplemental peer review and response letters.

VESTING TENTATIVE SUBDIVISION MAP FINDINGS

State law and the 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 closely follow the development plan and conditions of PUD-54. The required modifications have been made as described above or are addressed in conditions.

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

Being a hillside development with varying topography and limited building envelopes, some, but not all of lots would accommodate situating the future homes on an east-west alignment for southern exposure. Some of the homes could also be oriented to take advantage of shade provided by existing trees. The homes in this project will be required to comply with the City's residential Green Building Ordinance (provided that they are 2,000 sq. ft. or more in size), which requires that each home achieve a "Green Home" rating 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 systems, 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 is closely based on 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 Vineyard Avenue Corridor Specific Plan.

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

Most of the subject property contains steep slopes. Graded areas have been minimized to preserve the natural topography of the site and reduce tree removal. In addition, rounded landform grading techniques are used to achieve a natural transition between graded areas and existing terrain. Parallel retaining walls have been used in order to minimize large cut slopes. Grading for the building pads is proposed to be set back at least 100 feet from the intermittent drainage swale on the adjacent property. The new private road would generally follow the alignment of an existing paved road on the site. 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 natural terrain and hillside setting.

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.

The Vineyard Avenue Corridor Specific Plan EIR established overall mitigations for potential environmental impacts throughout the Corridor, including this site, and this project has incorporated those which are relevant to its site. These include creation of an Open Space Management Plan, measures to protect nesting raptors and bats, mitigation for tree removal, pretreatment of urban runoff, and best management practices for construction stage 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.

No easements exist. This tentative map establishes the EVA easement required by the Specific Plan and an access easement to the City water tank parcel. The project anticipates the vacation of a portion of the Old Vineyard right-of-way to Lot 1. This vacation of the portion of the excess roadway right-of-way is consistent with the Vineyard Avenue Corridor Specific Plan.

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

Notice of the proposed tentative map application was mailed to the surrounding property owners and tenants within 1,000 feet of the subject property. As discussed above, staff had received some initial comments from Ford and Mary Roberts, adjacent neighbors at 1666 Frog Hill Lane. In addition, staff had previously received a letter from Mary Roberts at the time of the PUD review commenting on the proposed design guidelines (see Attachment #4).

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) was prepared and adopted for the Vineyard Avenue Corridor Specific Plan. This project was reviewed at the PUD stage and found to conform with the Vineyard Avenue Corridor Specific Plan. 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 7815 by taking the following actions:

1. Find that there are no new or changed circumstances which require additional 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 7815 by resolution, subject to the conditions attached as Exhibit B.

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