

**Planning Commission
Staff Report**

September 11, 2013
Item 5.a.

- SUBJECT:** Vesting Tentative Subdivision Map 8147
- APPLICANT:** Pleasanton Gateway, L.L.C. (Scott Trobbe)
- PROPERTY OWNER:** Pleasanton Gateway, L.L.C. (Scott Trobbe)
- PURPOSE:** Application for a Vesting Tentative Subdivision Map to subdivide an approximately 26.7-acre property into 98 residential lots and 19 common area and private street parcels.
- GENERAL PLAN:** Medium Density Residential (2 to 8 dwelling units per acre) on 19.72 acres and High Density Residential (minimum density of 30.0 dwelling units per acre) on 7.0 acres.
- SPECIFIC PLAN:** Bernal Property Specific Plan – Medium Density Residential (2 to 8 dwelling units per acre) on 19.72 acres and High Density Residential (minimum density of 30.0 dwelling units per acre) on 7.0 acres.
- ZONING:** PUD-HDR and MDR (Planned Unit Development-High Density Residential and Medium Density Residential) District.
- LOCATION:** 1600 Valley Avenue (south side of the Pleasanton Gateway Shopping Center).
- EXHIBITS:**
- A. Draft Conditions of Approval, dated September 11, 2013.
 - B. Vesting Tentative Subdivision Map 8147, dated "Received, August 30, 2013."
 - C. City Council Staff Report for PUD-96.
 - D. Ordinance approving PUD-96.
 - E. Location Map and Noticing Area

I. BACKGROUND

At its public hearing held on September 3, 2013, the City Council introduced the ordinances approving PUD-96, the PUD Development Plan for the 307-unit development

of the subject 26.7-acre property, and P13-1928, the Development Agreement for PUD-96. The City Council also adopted the resolutions approving the Affordable Housing Agreement and Growth Management Agreement for PUD-96. The ordinances for the PUD development plan and for the Development Agreement will become effective on October 18, 2013.

The project site is located at 1600 Valley Avenue (south side of the Pleasanton Gateway Shopping Center). Figure 1, below, is the aerial photograph of the approved project with the surrounding streets and intersections, driveway entrances, and land uses including the Pleasanton Gateway shopping center under construction when the photograph was taken.



Figure 1: 2010 Aerial Photograph of the Commons at Gateway Property with Surrounding Land Uses

II. PROJECT DESCRIPTION

Vesting Tentative Subdivision Map 8147 would subdivide the 26.7-acre property in compliance with the approved PUD Development Plan and conditions of approval. The proposed subdivision map will create 97 lots for the 97 single-family homes, 1 lot for the 9 apartment buildings and manager's/leasing office building, and 19 parcels for common areas and amenities, such as the recreation area and the public trail along the west side of the site, private streets, courts, and guest parking spaces, and for utilities and storm water treatment areas.

Figure 2, below, is a copy of the proposed subdivision map with the lotting diagrams. The proposed subdivision map with supporting information such as grading and street sections was part of Exhibit B, the PUD Development Plan, reviewed by the Planning Commission at its public hearing held on August 14, 2013.

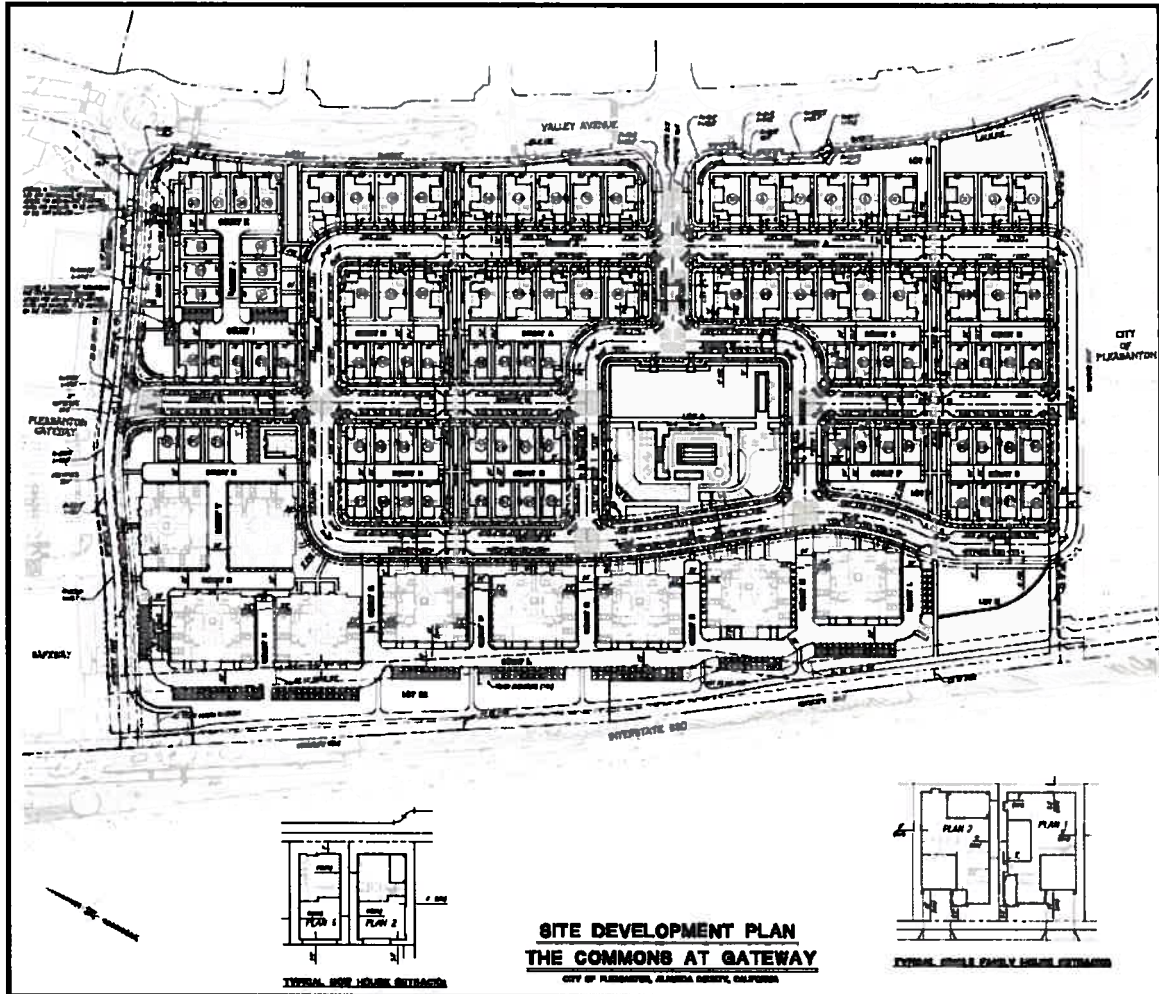


Figure 2: Vesting Tentative Map 8147

This development will include construction of frontage improvements along the Valley Avenue project frontage, vegetative storm water treatment areas, and utilities to provide services to the lots within this site.

III. CITY COUNCIL ACTION ON PUD-96

Exhibit C is a copy of the City Council staff report for PUD-96. Exhibit D is a copy of the Ordinance approving PUD-96. The City Council approved the PUD Development Plan as recommended by the Planning Commission with the requirement that the applicant provide a second pedestrian access from the proposed development to the Bernal Property on the south side of the project site. This revision would not affect the proposed subdivision map.

IV. ANALYSIS

The design of the proposed subdivision including lot pattern, internal street alignment, sidewalk placement along the Valley Avenue street frontage, public and private street sections, and storm water retention/treatment measures match the approved PUD Development Plan.

Expiration Date of the Tentative Subdivision Map

Normally, a tentative subdivision map will expire two years from the effective date of its approval by the Planning Commission unless a final subdivision map is recorded or an extension of the Planning Commission's approval is approved by the City. The expiration date for the proposed subdivision map, however, is conditioned to concur with the expiration date of the Commons at Gateway Development Agreement, which is scheduled to occur ten years after the effective date of the City Council's adoption of the ordinance approving the Development Agreement.

Public Street and Private Names

The tentative subdivision map includes the proposed names for the public streets and private courts of the development. The names have been reviewed and supported by the applicable departments and divisions of the City of Pleasanton and Alameda County.

PUD Development Plan Requirements

As required by the PUD Development Plan, disclosures and CC&R's will be reviewed and recorded with the first final subdivision map. Requirements of the PUD Development Plan pertaining to grading and drainage, public and private street designs, and urban storm water runoff treatment measures will be implemented with the improvement plans submitted with the first final subdivision map.

Easements

San Francisco Public Utilities Commission

The San Francisco Public Utilities Commission (SFPUC) owns an existing 25-foot wide easement along the west side of the project site and owns and maintains an 18-inch diameter water line within the easement. The SFPUC uses this water line to transport water from its wells located in the Bernal Business Park to the Castlewood golf course, country club, and homes. The water line and easement are shown on the tentative subdivision map with all buildings and deep-rooted landscaping, such as trees, located so as not to encroach upon the easement. The easement and water line may not be modified without SFPUC approval.

Shared Access Easements

The project site is accessed from Valley Avenue and from Bernal Avenue by the driveway aisles shared with the Pleasanton Gateway shopping center. The subject property retains ingress/egress easements, plus shared maintenance responsibilities, over the shared driveways and entrances to/from Bernal Avenue and Valley Avenue. These rights and responsibilities would be transferred to the proposed development upon recordation of the first Final Subdivision Map.

Public Trail Easement

A public trail easement over the trail shown on the west side of the subdivision (Lot 98 and Lot B) by I-680 is required to be dedicated to the City with the first final subdivision map. The final location of the trail easement and connection shall be subject to the review and approval by the Director of Community Development. The project applicant/developer concurs with this requirement.

City Storm Drain Easement

As shown on the subdivision map, the existing 15-foot wide storm drain easement with a 48-inch diameter pipe runs westerly from Valley Avenue towards I-680 and would be located on the south sides of Lots 50 and 51 and 85 and 86. A draft condition of approval requires the easement and pipe to be abandoned with the first final subdivision map and then moved to Brookline Loop with construction of the subdivision. At the southwest corner of Brookline Loop and Brookline Loop, the pipe and easement will be moved from Lot B to the adjoining City property where it will connect to the existing 54-inch diameter storm line, which conveys storm water runoff from the subdivision and from the shopping center to the City's storm water retention/treatment ponds. The project applicant/developer concurs with these requirements.

Cross-Access Easements Between Adjacent Single-Family Lots

All of the single-family lots of the proposed subdivision will have a minimum 5-foot wide side yard. Cross-access easements are required with the final subdivision map and with the property deeds and CC&R's over the adjacent 5-foot wide side yard to create a 10-foot wide yard area for the use of the property designated on the deed. The project applicant/developer concurs with this requirement.

V. PUBLIC COMMENT

Public notices were sent to the property owners, business owners, and business tenants within a 1,000-foot radius for the property and to residents in portions of the Laguna Oaks development and the Bernal Specific Plan area. Exhibit E is the noticing area. Staff has not received any public comment as of the writing of the Planning Commission staff report. Any comments received by staff will be forwarded to the Planning Commission.

VI. VESTING TENTATIVE SUBDIVISION MAP FINDINGS

State law and the Zoning Ordinance of the Pleasanton Municipal Code set forth the purposes and the "considerations" to be addressed in reviewing Vesting Tentative Subdivision Map (VTSM) 8147. The Planning Commission must make the following findings that the proposed tentative subdivision map conforms to the purposes of the Pleasanton Municipal Code, before making its action.

1. The proposed vesting tentative subdivision map conforms to the zoning regulations/development plan.

The vesting tentative subdivision map and improvements follow the design of the PUD Development Plan and conditions of PUD-96.

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

The north/south alignment of the site enables some, but not all of the apartment units and the single-family homes to have an east/west alignment for some southern exposure. The apartments and homes themselves in this development will incorporate a number of "Green Building" measures into the project, providing approximately 136 points for the apartment buildings, 126 points for the row house units, and 127 points for the single-family homes, which exceed the 50-point minimum for residential projects. The project will also provide for the future addition of photovoltaic electrical panels and solar water heating; will provide charging stations for electrical vehicles and the provision for charging stations in the units.

3. The proposed vesting tentative subdivision map, together with its design and improvement, is consistent with the Pleasanton General Plan.

The PUD Development Plan (PUD-96) was found to be consistent with the Pleasanton General Plan – VTSM 8147 is based on the approved development plan. The proposed subdivision and its improvements are compatible with the objectives, policies, land uses, and programs specified in the General Plan.

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

The project site slopes downward north to south from the shopping center to the future Bernal Park property. Subdivision grading generally reflects site topography and will create the buildable sites for the future apartment buildings, single-family homes, private streets, and the proper function of utilities. The proposed subdivision will be graded and constructed to drain its storm water runoff to the City's storm water treatment/detention ponds before discharge to the Arroyo de la Laguna. The site is not located in an Alquist-Priolo Earthquake Fault Zone. No drainage courses exist on the site. The flood hazard maps of the Federal Emergency Management Agency (FEMA) indicate that the subject property is not located in a flood hazard zone.

5. The design of the subdivision and improvements covered by the proposed vesting tentative subdivision map will not cause substantial environmental damage and avoidably injure fish and/or wildlife or their habitat.

There are no wetlands, streams, or other sensitive areas on the site. The site is not habitat for nesting raptors or burrowing owls. Urban stormwater treatment measures are incorporated in the design of the subdivision in compliance with the NPDES (National Pollution Discharge Elimination System) standards of the San Francisco Regional Water Quality Control Board (RWQCB) to filter contaminants and capture litter before entering the City's storm water treatment/detention ponds. PUD-96 requires best management

practices that will be incorporated before and during the construction of the subdivision to minimize impacts.

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

The proposed subdivision meets all applicable City standards pertaining to public health, safety, and welfare, e.g., adequate public utilities and services, private road design and traffic safety, fire hazards, geologic hazards, flood hazards, noise hazards, etc.). All public safety measures are addressed through the design and conditions of approval for PUD-96 and the vesting tentative subdivision map. The public and private street connections to Valley Avenue are satisfactory and can be negotiated by fire and other emergency vehicles. The site is free from toxic or hazardous materials. No earthquake, landslide, flooding, or other natural hazards exist at this site at a level deemed to be "unacceptable" by the Pleasanton General Plan.

7. The design of the subdivision or its related improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

The existing easements belonging to the San Francisco Public Utilities Commission (SFPUC) for its water line will be maintained and not affected by this subdivision. The existing 15-foot wide storm drain easement and pipe will be relocated to Brookline Loop of this subdivision and to the adjacent City property or will be maintained in its present location. The subject property retains an ingress/egress easement, plus shared maintenance responsibility, over the shared driveways and entrances to/from Bernal Avenue and Valley Avenue, which will be transferred to the proposed subdivision upon recordation of the first final subdivision map. A public trail easement over the trail on the west side of the subdivision will be dedicated to the City with the first final subdivision map. Cross-access easements are required over the adjacent 5-foot wide side yards of adjoining single-family lots to create a 10-foot wide yard area for the use by the designated property owner.

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

The site is not covered by a land conservation 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 (RWQCB).

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.

VII. ENVIRONMENTAL ASSESSMENT

Environmental review for Vesting Tentative Subdivision Map 8147 is covered by the Supplemental Environmental Impact Report (SEIR) for the Housing Element update and Climate Action Plan General Plan Amendment and Rezoning, certified by the City Council on January 4, 2012, and by the Addendum to the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezoning Supplemental Environmental Impact Report for the Commons at Gateway, approved by the City Council on September 3, 2013. The addendum to the SEIR determined that the proposed project will not trigger any new or more severe significant environmental impacts as compared to those previously analyzed in the SEIR.

VIII. CONCLUSION

The proposed subdivision is designed in keeping with the PUD development Plan and requirements of the PUD approval. The proposal, therefore, merits a favorable action by the Planning Commission.

IX. STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Vesting Tentative Subdivision Map 8147 by taking the following actions:

1. Make the finding that the physical environment has not significantly changed since the time that the Supplemental Environmental Impact Report (SEIR) for the Housing Element update and Climate Action Plan General Plan Amendment and Rezoning and the Addendum to the SEIR for the Commons at Gateway were approved and that no newer information or changed circumstances which require additional CEQA review;
2. Make the finding that Vesting Tentative Subdivision Map 8147 is consistent with the Pleasanton General Plan and the Bernal Property Specific Plan;
3. Make the subdivision map findings as stated in the Planning Commission staff report; and,
4. Approve Vesting Tentative Subdivision Map 8147 subject to the draft conditions of approval stated in Exhibit A.

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