

## Planning Commission Staff Report

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June 12, 2013  
Item 5.b.

- SUBJECT:** Vesting Tentative Subdivision Map 8139
- APPLICANT/  
PROPERTY OWNER:** Lynn Jansen
- PURPOSE:** Application for Vesting Tentative Subdivision Map approval to subdivide an approximately 3.71-acre lot (APN 946-4610-014-00) into seven single-family home lots plus two common area parcels.
- LOCATION:** Generally located north of the present terminus of Calico Lane and east of the present terminus of Lynn Drive
- GENERAL PLAN:** Medium Density Residential and Open Space-Public Health and Safety/Wildland Overlay
- ZONING:** PUD-MDR (Planned Unit Development – Medium Density Residential) District.
- EXHIBITS:**
- A. Draft Conditions of Approval
  - B. Vesting Tentative Subdivision Map 8139 dated “Received May 22, 2013”
  - C. Ordinance No. 2069, Approving Case PUD-94 with conditions of approval
  - D. Approved PUD Development Plan for PUD-94
  - E. Planning Commission Staff Report for PUD-94, without attachments, dated April 24, 2013
  - F. Planning Commission Meeting Minutes Excerpt, dated April 24, 2013
  - G. City Council Staff Report for PUD-94, without attachments, dated May 21, 2013
  - H. Location and Noticing Maps

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### BACKGROUND

On April 24, 2013, the Planning Commission unanimously recommended approval of PUD-94, a seven-lot single-family residential development on an approximately 3.7-acre parcel to the City Council. On May 21, 2013, the City Council introduced Ordinance No. 2069 approving PUD-94 subject to conditions of approval as recommended by the Planning Commission. Please refer to Exhibit C for Ordinance No. 2069.

Following the City Council’s action, the applicant, Mr. Lynn Jansen, submitted an application to subdivide the existing parcel into to seven single-family home lots and two common parcels. Vesting tentative subdivision maps are reviewed and acted on by the Planning Commission.

### PROJECT DESCRIPTION

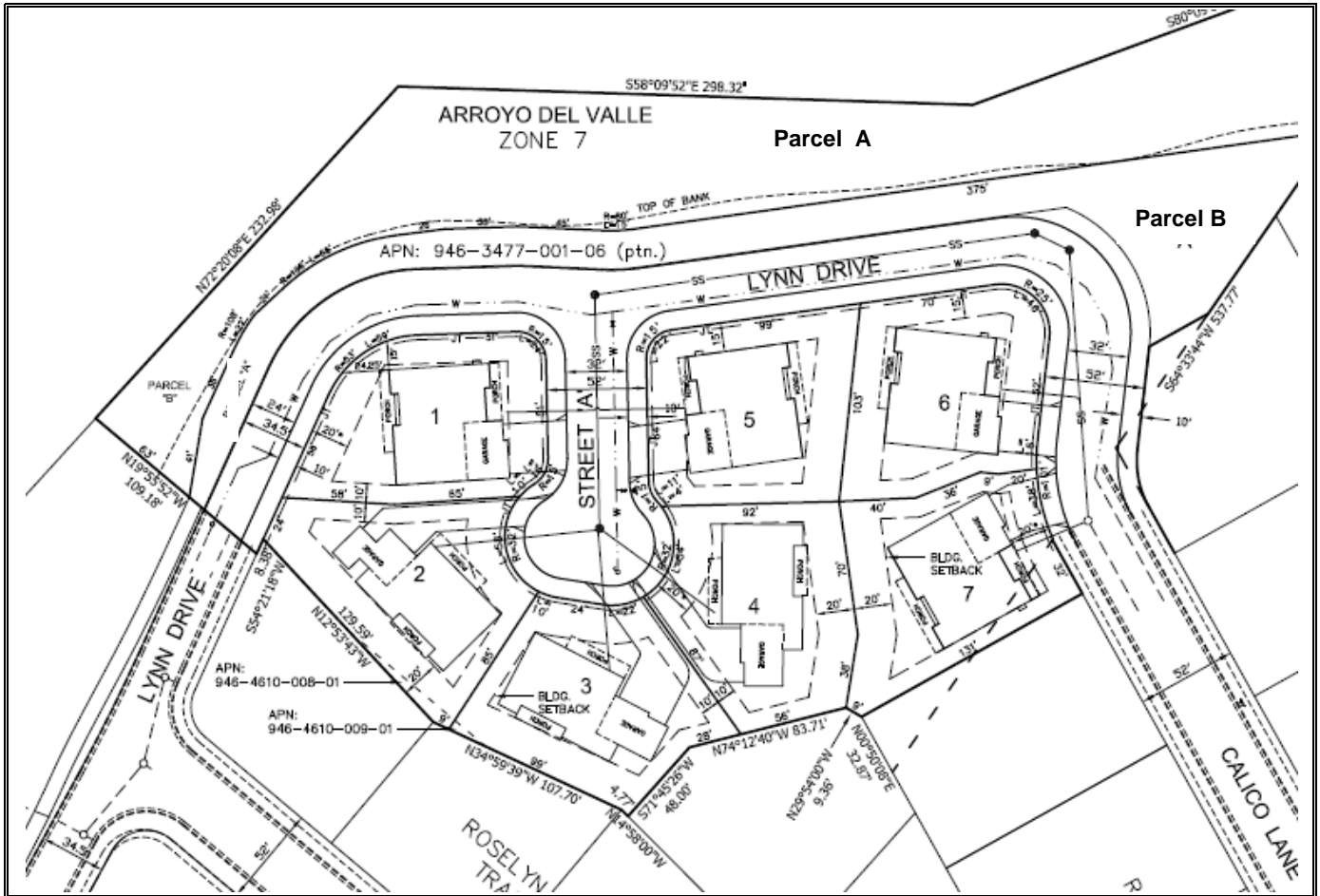
Vesting Tentative Subdivision Map 8139 will create seven new single-family residential lots, two common-area parcels, a new cul-de-sac (Jansen Court) providing access for Lots 1-5, a street to connect the existing Lynn Drive and Calico Lane, and related improvements (sidewalks, bio swales/retention area, utilities, landscaping, and a public pedestrian trail). The common area Parcel A is the portion of the Arroyo Del Valle that is located within the subject site, and Parcel B is the area between the arroyo and the northern right-of-way line of Lynn Drive, including bio retention/swale area, landscaping, trail, and fence<sup>1</sup>.



Project Location

<sup>1</sup>The applicant indicated to staff that the names of Parcel A and Parcel B as shown on the PUD plan were switched. Parcel A should have been the portion of Arroyo Del Valle located within the project site, and Parcel B should have been the common area between the arroyo and the north right-of-way of Lynn Drive. The tentative map has correctly named these two parcels.

The proposed lot sizes range from 9,905 sq.ft. to 10,010 sq.ft. with home sizes varying from 2,635 sq.ft. to 3,433 sq.ft. The floor plans and building elevations for the homes were approved with PUD-94. Please refer to the following figure for the proposed subdivision layout.



Proposed Vesting Tentative Map

**DISCUSSION**

Review of a tentative subdivision map requires consideration of consistency with the approved PUD development plan and compliance with State-mandated findings. The proposed lotting was approved with PUD-94, and the current submitted map is consistent with the approved PUD plan.

After introduction on May 21, 2013, the City Council adopted Ordinance No. 2069 on June 4, 2013. The ordinance becomes effective on July 4, 2013. As such, a condition has been included stating the approval of this vesting tentative map is contingent upon Ordinance No. 2069 becoming effective.

## **PUBLIC NOTICE**

Notice of this application was sent to surrounding property owners within a 1,000-foot radius of the site. At the time this report was prepared, no comments from the public were received.

## **VESTING TENTATIVE SUBDIVISION MAP FINDINGS**

State law and the Zoning Ordinance of the Pleasanton Municipal Code (PMC) set forth the purposes and the considerations to be addressed in reviewing a Vesting Tentative Subdivision Map. The Planning Commission must make the following findings that Vesting Tentative to the purposes of the PMC, before making its action.

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

The vesting subdivision map and improvements follow the design of the PUD development plan and conditions of Ordinance 2069.

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

The homes will comply with the City's residential Green Building Ordinance, which requires that each home achieve a "Green Home" rating on the "Single-Family Green Building Rating System." The homes in the development will incorporate a number of green building measures into the project. Furthermore, a PUD condition requires the GreenPoints for the homes be increased.

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

PUD-94 was found to be consistent with the Pleasanton General Plan and Vesting Tentative Subdivision Map 8139 is consistent with 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 property is not in a flood zone or earthquake fault zone. The site is relatively flat and project construction would involve minimal site grading and alteration of existing topography. In addition, the proposed density is consistent with Medium Density Residential requirements per the General Plan.

- 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.**

The subject site abuts Arroyo Del Valle on the north. With the rezoning and PUD review, the City found no potential for significant environmental effects and adopted a negative declaration. PUD-94 includes conditions that require protection of Arroyo Del Valle during all grading and construction activities and compliance with the recommendations of the project's geotechnical consultant (Engeo) and geotechnical peer review consultant (Kropp & Associates).

- 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, noise hazards, etc.). All public safety measures are addressed through the design and conditions of approval for PUD-94 and the vesting tentative subdivision map. The homes will be equipped with automatic residential fire sprinklers and will be required to meet the requirements of the California Building Code, Fire Code, and other applicable City codes and/or requirements. The site is free from toxic or hazardous materials and no earthquake, landslide, flooding, or other natural hazards exist at this site.

- 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.**

No easements exist. The vesting tentative subdivision map establishes an easement for public utilities as required in the PUD development plan conditions of approval.

- 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 and 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 (Regional Water Quality Control Board) permit requirements for urban development.

## **ENVIRONMENTAL ASSESSMENT**

A Negative Declaration was prepared in conjunction with the rezoning of the property in 2011. The Negative Declaration analyzed the proposed seven-lot development as a future development of the site. The Negative Declaration states that a separate Negative Declaration would be prepared if significant changes have occurred.

The project site and its surrounding remain as they were until the unauthorized dumping into the creek bank occurred in November 2012. The State's Dept. of Fish and Wildlife reviewed the incident and determined that the impacts resulting from the dumping were insignificant.

The PUD-94 Development was found to be consistent with the Negative Declaration previously prepared for the rezoning of the subject site (PRZ-59) and that none of the conditions in CEQA Guidelines Section 15162 calling for preparation of a subsequent negative declaration had occurred.

The proposed Vesting Tentative Subdivision Map 8139 is consistent with PUD-94. No newer information or changed circumstances which require additional CEQA review has been identified to the City. Therefore, no separate environmental document accompanies this staff report for this item.

## **CONCLUSION**

The proposed subdivision is consistent with the previously approved PUD development plan and requirements of the PUD approval (PUD-94).

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission approve Vesting Tentative Subdivision Map 8139 by taking the following actions:

1. Find that the proposed vesting tentative map is consistent with the PUD Development and the Negative Declaration previously prepared for the rezoning of the subject site (PRZ-59) and that none of the conditions in CEQA Guidelines Section 15162 calling for preparation of a subsequent negative declaration have occurred;
2. Make the subdivision map findings as stated in the Planning Commission staff report; and,
3. Approve Vesting Tentative Subdivision Map 8139 subject to the draft conditions of approval stated in Exhibit A.

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