

Planning Commission Staff Report

February 27, 2013
Item 5.a.

- SUBJECT:** Vesting Tentative Subdivision Map 7975
- APPLICANT:** Mike Carey
- PROPERTY OWNER:** Gordon W. Braker
- PURPOSE:** Application for Vesting Tentative Map approval to subdivide an approximately 13,161-square-foot parcel located at 4238 First Street into five single-family residential parcels (approved under PUD-64).
- LOCATION:** 4238 First Street
- GENERAL PLAN:** High Density Residential (greater than 8 dwelling units per gross acre).
- SPECIFIC PLAN:** Downtown Specific Plan – High Density Residential
- ZONING:** PUD-HDR (Planned Unit Development – High Density Residential) District.
- EXHIBITS:**
- A. Draft Conditions of Approval
 - B. Vesting Tentative Subdivision Map 7975 with Grading and Drainage Plan and Topographic Survey dated “Received November 27, 2012”
 - C. Approved PUD Development Plan for PUD-64
 - D. Ordinance No. 1971, with conditions of approval, for PUD-64
 - E. Planning Commission Staff Report for PUD-64, without attachments, dated October 10, 2007
 - F. Planning Commission Meeting Minutes Excerpt, dated October 10, 2007
 - G. City Council Staff Report for PUD-64, without attachments, dated February 5, 2008
 - H. City Council Meeting Minutes Excerpt, dated February 5, 2008
 - I. PUD-64 Extension Letter, dated August 10, 2010
 - J. PUD-64-01M Minor Modification Approval Letter, dated December 17, 2012
 - K. Location and Noticing Maps
 - L. Email from Tom Gill dated “March 3, 2013”
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BACKGROUND

At its public hearing held on February 5, 2008, the City Council introduced Ordinance No. 1971 for PUD-64, the Planned Unit Development (PUD) rezoning and development plan approval for the approximately 13,161 square-foot parcel located at 4238 First Street. Please refer to Exhibit C for a copy of the approved PUD development plan and Exhibit D for Ordinance No. 1971, with conditions of approval, for PUD-64. Staff has also included the Planning Commission and City Council staff reports and meeting minute excerpts as Exhibits E-H for the Commission's reference.

PROJECT DESCRIPTION

Vesting Tentative Subdivision Map 7975 would subdivide the existing parcel in compliance with the approved PUD development plan. Please refer to Figure 1 (below) for the project location. The proposed subdivision map will create five new parcels, one parcel for the existing home and four parcels for the new single-family homes, with each parcel having an easement for the guest parking stall, located between lots 3 and 4 in Exhibit B, and private street. Each lot will have private front, side and rear yard areas with lots 2-5 having private driveway aprons for tandem parking in front of the lot's one car garage and lot 1 will have two uncovered parking spaces.

Figure 1: Project Location



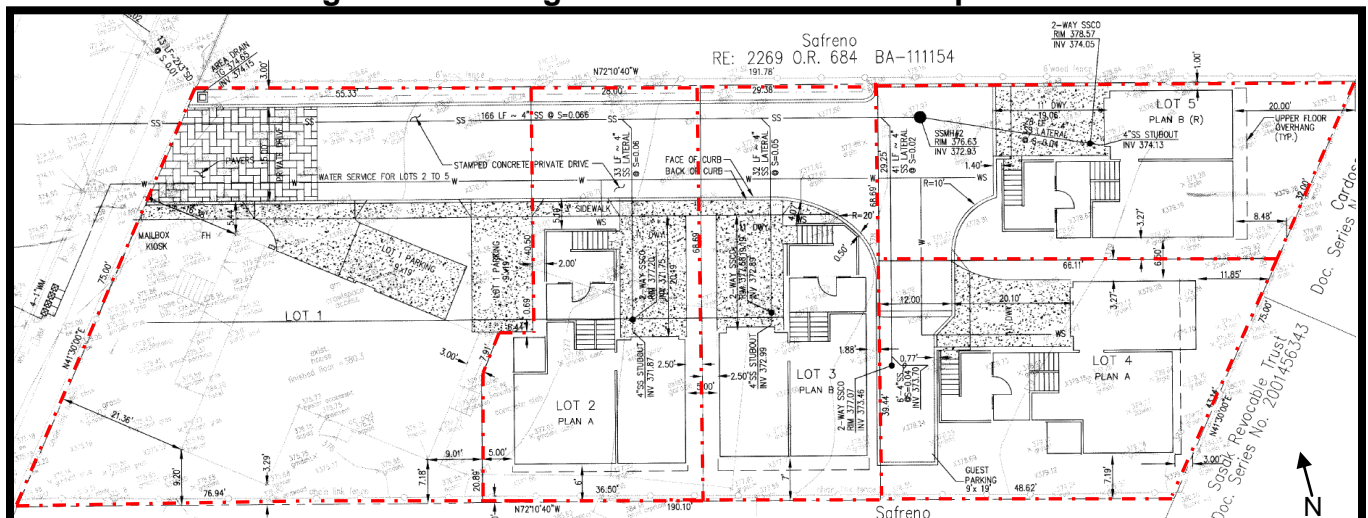
Condition of approval No. 5 of PUD-64 (please refer to Exhibit D of this report) states:

“The plans shall be revised to show that: (1) the second and third floor cantilevering maintain a five-foot setback from the rear (south) property line; (2) Lots 2 and 3 will be moved forward approximately one to two feet; and (3) the interior floor space of Lots 2 and 3 has been reduced.”

Staff notes that the Vesting Tentative Subdivision Map (Exhibit B) reflects the five-foot setback and the one- to two-foot change in distance in distance for Lots 2 and 3. Staff notes that floor plans are not required for Vesting Tentative Subdivision Map approval and, therefore, staff cannot verify if item No. 3 of condition of approval No. 5 has been satisfied. Floor plans and their respective square-footages will be required upon submittal to the Building and Safety Division for plan check and permit issuance.

Furthermore, the stormwater requirements have changed since the approval of the PUD development plan. Since the project is required to meet current stormwater requirements, changes to the approved development plan were required. The previously approved 18-foot wide private street was reduced to a 15-foot wide private street to accommodate an approximately 113-foot long by 3-foot wide vegetative swale along the north side of the private street. This change was reviewed and approved by the Livermore-Pleasanton Fire Department and the City’s Engineering and Traffic Engineering Divisions. These changes are reflected on the plans in Exhibit B. Staff has also included the revised site plan as Figure 2 below.

Figure 2: Vesting Tentative Subdivision Map 7975



CITY COUNCIL ACTION ON PUD-64

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 modification required by the PUD condition has been satisfactorily incorporated into the tentative map. Furthermore, although minor changes have been made to the PUD development plan to comply with new stormwater requirements, staff believes that the minor changes are consistent with the previous approval and 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.

ANALYSIS

With the exception of the reduced driveway width, 18- to 15-feet, and new 3-foot wide by 113-foot long vegetative swale, the design of the proposed vesting tentative map lot pattern and private street match the approved PUD development plan.

Ordinance 1971

With the approval of PUD-64, the applicant had two years to receive a building permit and commence construction before the development plan would expire. The applicant was not able to pursue developing the property and the development plan (PUD-64) was nearing the expiration date. Therefore, the applicant requested an extension to the development plan approval. On August 10, 2010, the Director of Community Development granted a two-year extension to PUD-64, thereby extending the expiration date to February 11, 2013 (please refer to Exhibit I). Although the expiration date was extended, the applicant was still not able to develop the property and, prior to the February 11, 2013, expiration date, the applicant applied and received approval for a minor modification to PUD-64 to amend condition of approval No. 30 of Ordinance 1971 to extend the expiration of the PUD. The minor modification to the condition of approval, filed under Case No. PUD-64-01M, was amended to read as follows:

“The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a tentative or parcel map, as applicable, is approved. If a tentative or parcel map is approved, the PUD development plan approval shall lapse when the tentative map or parcel map approval expires. If a final map is recorded before the tentative map or parcel map expires, then the PUD development plan approval shall not lapse.”

With the modified condition of approval, the PUD would expire on January 7, 2015, unless a tentative map is approved. A copy of the minor modification approval letter is attached as Exhibit J for the Commission's reference.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners within a 1,000-foot radius of the site. The location and noticing maps are included as Exhibit K. As a result of this notification, staff had received one email from Tom Gill (attached as Exhibit L) and one phone call from Jeff Toll.

Mr. Gill posed questions regarding whether the homes would be detached or attached, if the existing house would be retained, if the project was consistent with the zoning and density, and whether the homes would be rented or owned. Mr. Toll's questions were similar to those of Mr. Gill's. Staff informed both gentlemen that the development plan was for four new detached single-family homes that could be owner-occupied or rented, that the existing house would remain, and that the development is consistent with the zoning and density for the property.

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 Subdivision Map 7975 conforms 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 1971.

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, providing a minimum of 50-points, and will be constructed to accommodate photovoltaic panels. Two of the homes would be oriented on an east-west alignment for southern exposure

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

PUD-64 was found to be consistent with the Pleasanton General Plan and with the Pleasanton Downtown Specific Plan and Vesting Tentative Subdivision Map 7975 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 and the Specific 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.

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 or adjacent to the site. PUD-64 includes conditions that require best management practices be incorporated before and during construction 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, noise hazards, etc.). All public safety measures are addressed through the design and conditions of approval for PUD-64 and the vesting tentative subdivision map. The private street connection to First Street is satisfactory to the Livermore-Pleasanton Fire Department and Traffic Engineer. 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 the private street and shared guest parking space 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

Environmental review for Vesting Tentative Subdivision Map 7975 is covered by the Final EIR (Environmental Impact Report) that was approved by the City Council for the Downtown Specific Plan in conformance with the standards of the California Environmental Quality Act (CEQA). As the physical environment has not significantly changed since that time; no newer information or changed circumstances which require additional CEQA review has been identified to the City. For this reason, no separate environmental document accompanies this staff report for this item.

CONCLUSION

The proposed subdivision is well designed and is in keeping with the previously approved PUD development plan and requirements of the PUD approval (PUD-64). The proposed project has been revised to meet current stormwater requirements and, therefore, warrants a favorable action by the Planning Commission.

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Vesting Tentative Subdivision Map 7975 by taking the following actions:

1. Make the finding that the physical environment has not significantly changed since the time that the Final EIR for the Downtown Specific Plan was approved and that no newer information or changed circumstances require additional CEQA review;
2. Make the finding that Vesting Tentative Subdivision Map 7975 is consistent with the Pleasanton General Plan;
3. Make the subdivision map findings as stated in the Planning Commission staff report; and,
4. Approve Vesting Tentative Subdivision Map 7975 subject to the draft conditions of approval stated in Exhibit A.

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