

Planning Commission  
Staff Report

July 11, 2012  
Item 5.b.

- SUBJECT:** Vesting Tentative Subdivision Map 7968
- APPLICANT:** Robert Molinaro, David DiDonato (Donato Builders, Inc.)
- PROPERTY OWNER:** Robert Molinaro
- PURPOSE:** Application for a Vesting Tentative Subdivision Map to subdivide an approximately 1.17-acre property into 13 residential lots and 1 common area parcel.
- GENERAL PLAN:** High Density Residential (>8 du/ac).
- SPECIFIC PLAN:** Downtown Specific Plan – High Density Residential (>8 du/ac).
- ZONING:** PUD – HDR (Planned Unit Development – How Density Residential) District
- LOCATION:** 4171 and 4189 Stanley Boulevard
- EXHIBITS:**
- A. Draft Conditions of Approval, dated July 11, 2012.
  - B. Vesting Tentative Subdivision Map 7968, dated “Received, July 2, 2012,” with Vesting Tentative Map (TM-1), Topographic Survey (TM-2), Grading and Drainage Plan (TM-3), Site Plan (TM-4), Off-Site Storm Drainage Plan (TM-5), and Stormwater Control Plan Exhibit (TM-6).
  - C. Copy of PUD Development Plan for PUD-82, dated July 1, 2011.
  - D. Planning Commission Staff Report, dated July 13, 2011.
  - E. Excerpts of the minutes of the Planning Commission Public Hearing held on July 13, 2011
  - F. City Council Staff Report for PUD-82, dated September 6, 2011.
  - G. Minutes of the City Council Public Hearing held on September 6, 2011
  - H. Ordinance No. 2021, with conditions of approval, for PUD-82.
  - I. Location Map
  - J. Noticing Area

## I. BACKGROUND

At its public hearing held on September 6, 2011, the City Council introduced Ordinance No. 2021 for PUD-82, the PUD Rezoning and Development Plan approval for the development of the approximately 1.17-acre DiDonato/Molinaro property, on the north side of Stanley Boulevard, located at 4171 and 4189 Stanley Boulevard. Ordinance No. 2021 is effective. Exhibit C is a copy of the approved PUD Development Plan for PUD-82.

Figure 1, below, is the 2010 aerial photograph/ location map of the site and surrounding area showing streets and land uses.

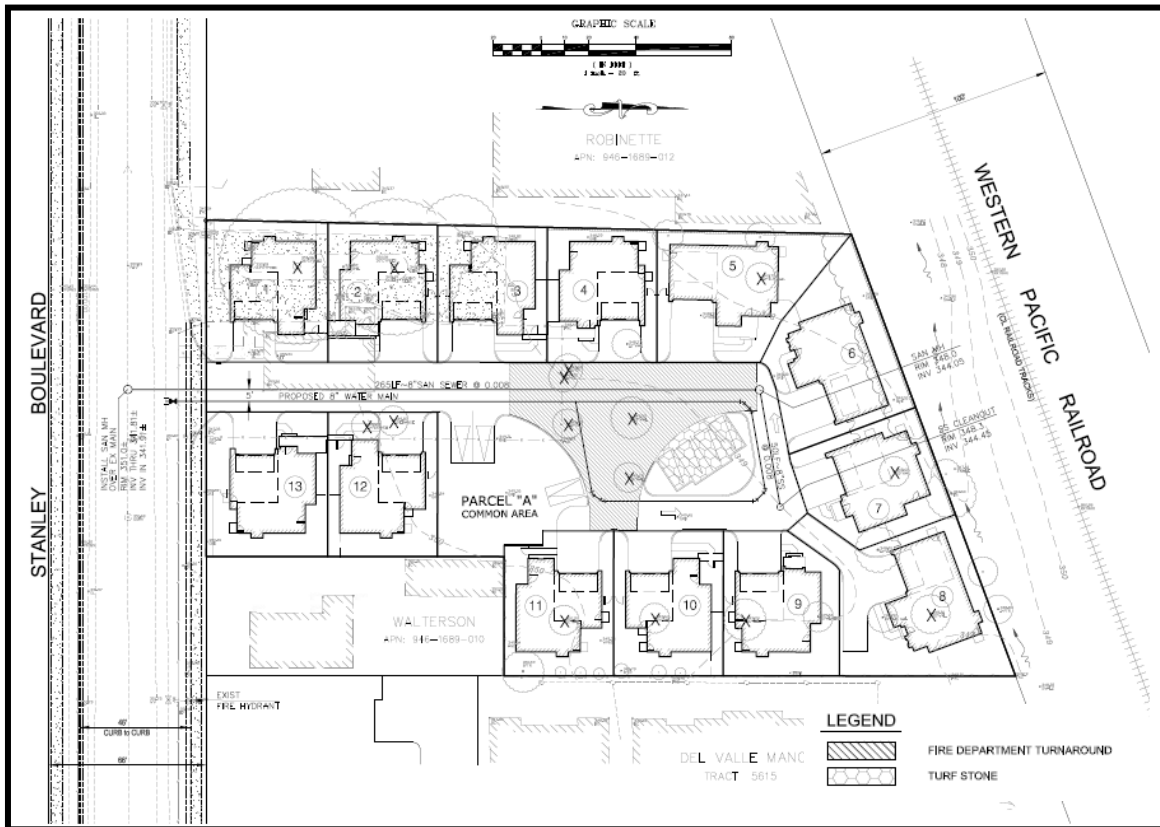


Figure 2: 2010 Aerial Photograph/Location Map

## II. PROJECT DESCRIPTION

Vesting Tentative Subdivision Map 7968 would subdivide the existing property in compliance with the approved PUD Development Plan and conditions. The proposed subdivision map will create 13 lots for 13 new single-family homes with each lot having a driveway apron for two guest parking spaces and private front, side, and rear yard areas, and one common area parcel with the private street, seven guest parking spaces, amenity area, utilities, and stormwater treatment areas.

Figure 2, below, is a copy of the proposed subdivision.



**Figure 2: Vesting Tentative Subdivision Map 7968**

This development will include construction of frontage improvements along the Stanley Boulevard project frontage, masonry sound walls along the rear and side property lines to mitigate railroad noise, vegetative stormwater treatment areas, and utilities to provide services to the lots within this site. As required by PUD-82, the project developer for this subdivision will pay the development's pro-rata share of public improvements on Stanley Boulevard.

### III. CITY COUNCIL ACTION ON PUD-82

Exhibit F is a copy of the City Council staff report for PUD-82, Exhibit G a copy of the minutes of the September 6, 2011 public hearing, and Exhibit H a copy Ordinance 2021. The City Council approved the PUD Development Plan as recommended by the Planning Commission with the following revisions:

1. Add Condition 23.i. that the applicant shall work with staff to increase the number of trees planted in front of the property by Stanley Boulevard.
2. Modify Condition 25 to require all trees used within the development to be a minimum of 24-inch box-size trees.

3. Add Condition 43 to require a bond for the cost to install play equipment in the common open space area upon demand by the Director of Community Development after the 11<sup>th</sup> house is sold; that the decision to install the play equipment shall be based on a majority vote of the 11 homeowners; and that the type and design of the play equipment shall be subject to the City Planning Division and Landscape Architect.
4. Add Condition 45 requiring the City, with the tentative map application, to review access to the detached garage photovoltaic panels on the adjacent property located at 4151 Stanley Boulevard.

#### **IV. ANALYSIS**

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

##### **Grading and Storm Drain Design**

The proposed grading plan (Sheet TM-6) is consistent with the preliminary grading plan provided with PUD-82 – the lots' private yard areas drain through the vegetative filter areas provided on each lot for pretreatment before entering the on-site storm drain system. The subdivision's private street and guest parking spaces drain to the central landscape area for pretreatment before entering the on-site system. The onsite storm drain system is connected to the planned storm drain line in Stanley Boulevard.

Condition 47 of PUD-82 states,

“If the applicant's project precedes the City's Capital Improvement Project to reconstruct Stanley Boulevard, then the applicant shall install the storm drain pipe in Stanley Boulevard to the westerly side of Santa Rita Road/Main Street unless otherwise approved by the City Engineer. If the City's Capital Improvement Project for Stanley Boulevard precedes approval of the Final Map, then the applicant shall pay a pro-rata share of the storm drain line to serve this development.”

Sheet TM-5 shows the preliminary design for the subdivision's storm drain connection to Stanley Boulevard. The City's Capital Improvement Project (CIP) to reconstruct Stanley Boulevard, including a storm line and undergrounding overhead utilities, is anticipated to begin within four years upon the collection of P.G. & E. undergrounding funds. The applicant may precede the City CIP and install the storm line from the site westerly to Santa Rita Road with the construction of the subdivision.

The subdivision drains front-to-back reflecting the existing slope of the property, which places the elevation of the storm drain inlets in the central landscape area approximately 6-inches lower than the elevation of the inlets on Stanley Boulevard. To

provide an overland release of stormwater runoff if the inlets or the pipe to Stanley Boulevard are blocked, the applicant has the following options:

1. Option One:  
Design and install an overland release from the central landscape area of the subdivision across Lot 6, 7, or 8 to the Union Pacific Railroad right-of-way. The overland release will require an easement across the lot of this subdivision and from the railroad.
2. Option Two:  
Design and install an underground tank (sump) to collect the stormwater runoff in the event that the on-site storm drain is blocked. (The sump would have to be emptied manually by a portable pump.)

If the on-site storm drain system is designed with the collection sump, it will have to contain the runoff from a 50-year storm event. The applicant's representative concurs with this requirement.

### **Photovoltaic Panels**

Darrell Walterson (4151 Stanley Boulevard) expressed concern to the City Council on the shading from homes and landscaping of this subdivision on the photovoltaic panels on the detached garage on his property. The north side of the detached garage is located on the common property line with Lot 11 and the west side of the garage is setback approximately one foot from the common property line with Lot 12 and Parcel A. The photovoltaic panels are installed on the west- and east-facing sloped roofs of the garage.

Shade impacts to the photovoltaic panels on the Walterson property were analyzed in the Planning Commission and City Council staff reports, were discussed at the Planning Commission and City Council public meetings, and are addressed with the following mitigation measures:

1. The applicant reduced the project density from 14 units to 13 units to increase the solar exposure to the panels;
2. The applicant replaced the previously proposed developable lot between Lot 11 and Lot 12 with the common area Parcel A;
3. The applicant is conditioned to use tree and shrub species on the common area parcel to species that would not shade the panels;
4. The applicant agreed to Condition 13 of PUD-82 that requires the chimney on the building plan for Lot 12 to be moved away from the building's east side facing the panels to increase the solar exposure to the panels; and,

5. The applicant will record a disclosure for Lot 12 addressing the trees and shrubs to be planted in the rear and side yards of this lot regarding the photovoltaic panels on the roof of the detached garage on the adjacent property.

The applicant believes that these mitigations together have addressed the impacts to the photovoltaic panels on the Walterson property.

Mr. Walterson had expressed concerns to staff and to the Planning Commission regarding accessibility to the panels on the roof of the west side of the garage. The garage, as previously stated, is constructed one-foot away from the common property line between the Walterson property and Lot 12 and Parcel A of the subdivision. Based on a field evaluation by staff, access for maintenance purposes is available to the roof of the garage building from its south and east sides that would also provide access to the roof panels facing the building's west elevation. Staff acknowledges that this access is not the most convenient access to the panels, but that it is not uncommon for roof panels for solar power and pool heating to be installed and then maintained on zero lot-line structures.

## **V. PUBLIC COMMENT**

Public notices were sent to all property owners and tenants within a 1,000-foot radius of the project site. Exhibit J is a copy of the public notice area. Staff was contacted by a member of the public who identified a clerical error in the notice that the property was addressed as 4174 Stanley Boulevard, not 4171 Stanley Boulevard. A corrected notice has been sent to the noticing area. Staff has not received any other written or verbal comments on the proposed subdivision. Any comments received by staff from the adjacent owners or tenants 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) 7968. 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-82.

- 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 homes to have an east/west alignment for some southern exposure. The homes

themselves in this development will comply with the City's residential Green Building Ordinance, which requires that each home achieve a "Green Home" rating on Alameda County Waste Management Authority's "Single-Family Green Building Rating System." The homes in the development will incorporate a number of "Green Building" measures into the project, providing approximately 79 points exceeding the 50-point minimum, and will be constructed to accommodate photovoltaic panels and solar water heating.

**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-82) was found to be consistent with the Pleasanton General Plan and with the Pleasanton Downtown Specific Plan – VTSM 7968 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 subject property slopes downward from Stanley Boulevard to the Union Pacific Railroad right-of-way. Subdivision grading reflects site topography and will create the buildable lots for the future homes, private streets, and the proper function of utilities and storm water treatment areas. 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. PUD-82 includes conditions to protect nesting raptors and burrowing owls, should they be found on the site. Urban stormwater treatment measures are incorporated in the design of the subdivision. PUD-82 requires best management practices that will 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, geologic hazards, flood hazards, noise hazards, etc.). All public safety measures are addressed

through the design and conditions of approval for PUD-82 and the vesting tentative subdivision map. The private street connection to Stanley Boulevard is satisfactory and can be negotiated by fire and other emergency vehicles. 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, other applicable City codes, and State of California energy and accessibility requirements. 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.**

No easements exist. The vesting tentative subdivision map establishes an easement for an overland release to the Union Pacific Railroad, if provided, and the easements that were shown on the PUD development plan or 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 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 7968 is covered by the Final Environmental Impact Report (Final EIR) 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 the Planning Commission staff report for this item.



## **VIII. CONCLUSION**

The proposed subdivision is designed in keeping with the PUD development Plan and requirements of the PUD approval. The proposed project has been refined, following the direction provided by the City Council. The proposal, therefore, merits a favorable action by the Planning Commission.

## **IX. STAFF RECOMMENDATION**

Staff recommends the Planning Commission approve Vesting Tentative Subdivision Map 7968 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 which require additional CEQA review;
2. Make the finding that Vesting Tentative Subdivision Map 7968 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 7968 subject to the draft conditions of approval stated in Exhibit A.

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