

## Planning Commission Staff Report

March 28, 2012  
Item 6.b.

- SUBJECT:** Work Session for PUD-86
- APPLICANT:** James Tong
- PROPERTY OWNER:** Lin Family
- PURPOSE:** Work Session to review and receive comments on applications for General Plan Amendment and Planned Unit Development (PUD) rezoning and development plan to construct 10 custom homes and related improvements on the approximately 562-acre Lin property located at 1400 Hearst Drive, generally located east of the present terminus of Hearst Drive.
- GENERAL PLAN:** The current General Plan Land Use designations for the parcel are: Low Density Residential; Open Space - Parks and Recreation; and Open Space - Public Health and Safety
- ZONING:** The current zoning is Planned Unit Development-Rural Density Residential/Open Space (PUD-RDR/OS) District.
- LOCATION:** 1400 Hearst Drive
- EXHIBITS:**
- A. Development Plans, Design Guidelines, and Applicant's Written Narrative
  - B. Planning Commission Work Session Topics
  - C. 51-Unit Site Plan for PUD-33 and Condition No. 8 Modifying Court 1 [*for historical information only*]
  - D. List of Public Hearings for PUD-33
  - E. Measures PP and QQ
  - F. Current General Plan Land Use Designations for the Property
  - G. Community Trails Master Plan Map
  - H. Public Emails and Letters
  - I. Location Map
  - J. Public Noticing Map

## **I. PURPOSE OF THIS MEETING**

The purpose of this work session is to give the Planning Commission and the public the opportunity to review and discuss the 10-unit residential project proposed on the Lin property. No action on the project will be made at the work session.

## **II. BACKGROUND**

### **Site History**

The applicant, James Tong, submitted the above-noted application on behalf of the property owners, the Lin Family. This is the third application to develop the subject property. In 1991, the Lin Family applied for Planned Unit Development (PUD) development plan approval to construct 122 single-family detached production homes and an 18-hole golf course on the site (Case No. PUD-91-13, also known as “Kottinger Hills”). The project was ultimately approved with 86 homes, an 18-hole golf course, and approximately 237 acres of open space to be dedicated to the City. The City Council’s approval of the project was overturned in a referendum election held on November 2, 1993.

On November 20, 2003, James Tong applied for PUD development plan approval to construct a 98-unit custom home development with a 6.5-acre neighborhood park, and approximately 482 acres of permanent open space with a staging area and trails to be offered for dedication to the City (Case No. PUD-33, known as “Oak Grove”). The City determined that the proposed project may have significant impacts on the environment and required that an Environmental Impact Report (EIR) be prepared to evaluate the significance of the impacts and possible mitigation measures. The EIR analyzed the 98-unit project and several alternatives. One of the alternatives, Alternative 4, was found to be the environmentally preferred plan. The environmentally preferred plan included 51 lots ranging in size from 30,290 to 90,834 sq. ft. for custom homes and approximately 496 acres of permanent open space with a staging area and trails to be offered to the City. The environmentally preferred plan was the plan presented to the Planning Commission and City Council for review and action.

The City Council adopted a resolution certifying as adequate and complete the Final Environmental Impact Report (FEIR) for the Oak Grove project on October 2, 2007. Ordinance Nos. 1961 and 1962 approving the 51-unit development plan and development agreement, respectively, were adopted by the City Council on November 7, 2007 (see Exhibit C for a copy of the approved site plan with condition no. 8 modifying Court 1). A referendum petition for Ordinance 1961 was then circulated by members of the public and the petitioners gathered the required number of signatures for certification by the City Clerk, the City’s election official. However, before certification could take place, the Lin Family commenced litigation and prevented the City Clerk from certifying the results. Following court hearings and appeals, on December 15, 2009, the City received a court order allowing the City Clerk to certify the referendum petition. As provided in State Elections Code, once the elections official certifies

the referendum petition, the City Council must either repeal the ordinance or submit the ordinance to the voters for a decision. On February 16, 2010, the Council decided to submit Ordinance 1961 to a vote rather than repeal the ordinance. At an election held on June 8, 2010, the project approval was overturned by the voters.

### **Environmental Analysis**

Although the previous PUD-33 project was denied, the certified EIR for the PUD-33 project could still be used for the environmental analysis of future projects unless the lead agency (in this case, the City) determines that substantial changes are proposed in the new project which would require revisions of the previous EIR. In such cases, the lead agency can determine that a Supplemental EIR (or SEIR) be prepared to make the previous EIR adequate for the project as revised. Staff determined that the proposed 10-unit project will require revisions of the previous EIR and determined that a SEIR should be prepared. The SEIR will contain the information necessary to make the previous EIR adequate for the project as revised. While all environmental topics of the prior EIR will be considered and discussed, several of the analyses are expected to be brief and to reference the more detailed evaluation in the previously certified Oak Grove PUD-33 EIR.

The City hired LSA Associates, Inc. to prepare the SEIR. After the Draft SEIR is completed, public notices will be sent out informing the public of the availability of the Draft SEIR for review and comment.

### **Measures PP and QQ**

In November 2008, Pleasanton voters passed two initiatives, Measures PP and QQ (attached as Exhibit E). Each measure adopted General Plan policies regarding hillside development. Measure PP created new policies while Measure QQ readopted and reaffirmed existing General Plan policies.

Measure PP's hillside policy reads:

Ridgelines and hillsides shall be protected. Housing units and structures shall not be placed on slopes of 25 percent or greater, or within 100 vertical feet of a ridgeline. No grading to construct residential or commercial structures shall occur on hillside slopes 25% or greater, or within 100 vertical feet of a ridgeline. Exempt from this policy are housing developments of 10 or fewer housing units on a single property that was, as of January 1, 2007, "legal parcel" pursuant to the California Subdivision Map law. Splitting, dividing, or sub-dividing a "legal parcel" of January 1, 2007 to approve more than 10 housing units is not allowed.

Measure PP specifically exempts housing developments of 10 or fewer units on a single property that was a legal parcel as of January 1, 2007. The proposed project is a 10-unit housing development on a single legal parcel created prior to January 1, 2007. Therefore, Measure PP does not apply to the subject application.

Measure QQ readopted and reaffirmed the existing policies and a program from the 1996 General Plan to generally: (1) preserve hillside and ridge views of the Pleasanton, Main, and Southeast Hills; (2) study the feasibility of preserving large open-space areas in the Southeast Hills; and (3) protect all large, contiguous areas of Open Space. When this project is being considered for action, a finding of General Plan conformity to these policies and program will be needed, as applicable.

### **Historical Documents**

The Planning Commission will frequently request that historical project materials (e.g., minutes, staff reports, etc.) be provided when it reviews an application. Given the long project history and large number of documents for both PUD-91-13 and PUD-33, staff has not included any of the prior project materials as part of this work session staff report. Should the Commission wish to receive any of the historical documents from the prior projects, please contact staff. A list of the various hearings for the PUD-33 project is included as Exhibit D.

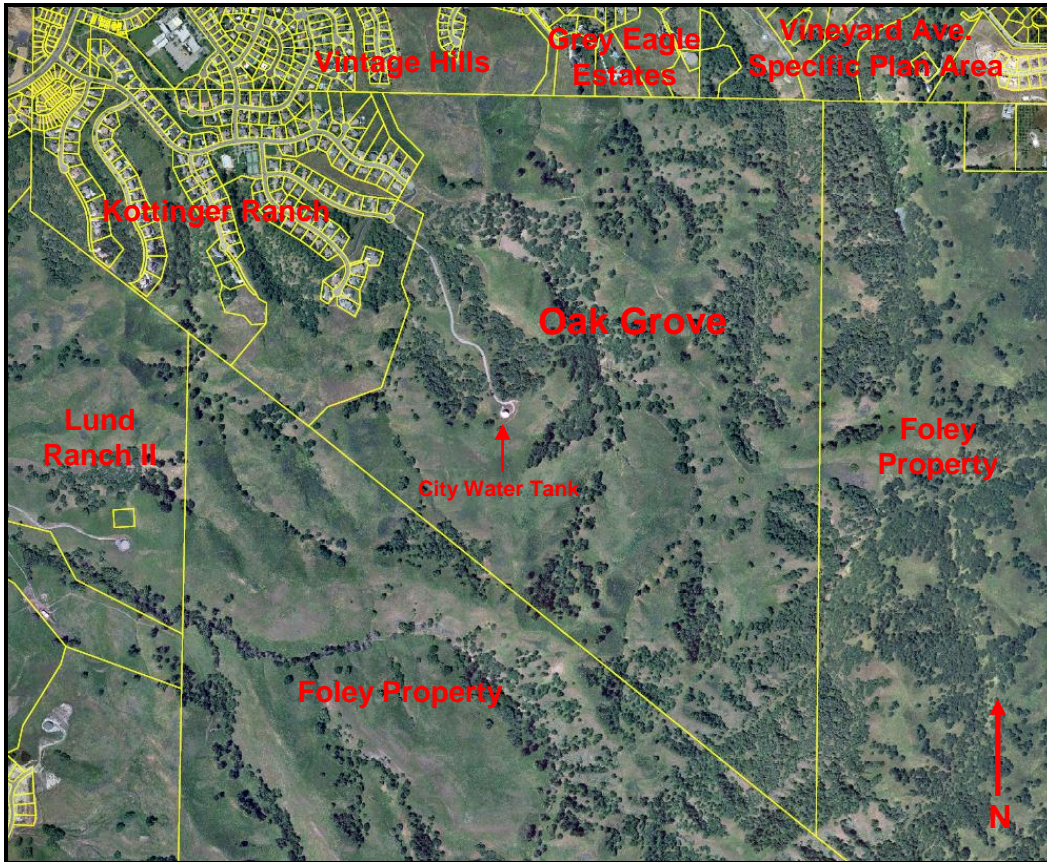
## **III. SITE DESCRIPTION**

### **Subject Property and Surrounding Area**

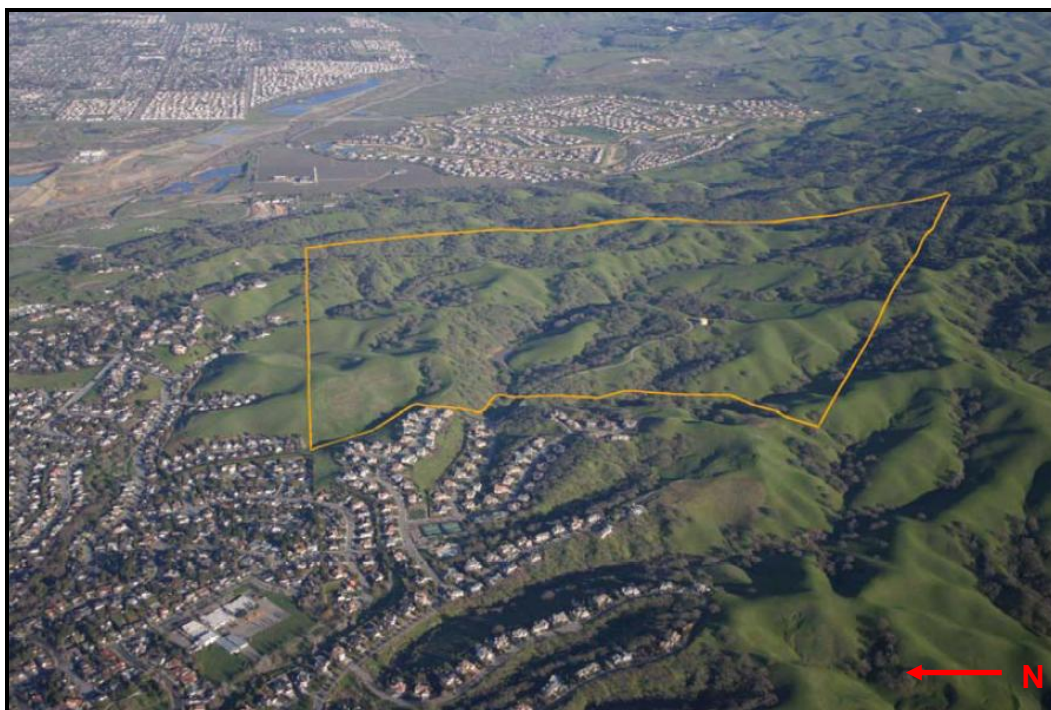
The approximately 562-acre project site is located at 1400 Hearst Drive, generally located east of the present terminus of Hearst Drive (see Figures 1-3 on the following pages). The site, which currently consists of undeveloped land used for cattle grazing and a City water tank, is bordered by the Grey Eagle Estates and Vintage Hills residential neighborhoods and Vineyard Avenue Corridor Specific Plan properties (Berlogar and Roberts) to the north; grazing land in unincorporated Alameda County to the east and south (Foley property); and the Kottinger Ranch residential neighborhood to the west.

The site topography is dominated by a series of hills and ridges incised by ephemeral and intermittent creek channels. Most of the creek channels and ridges trend north or northwesterly. The elevation ranges from approximately 520 ft. (above mean sea level) at the northwest corner of the site to approximately 1,085 ft. at the southeast corner of the site. Site vegetation includes grass-covered slopes punctuated by dense oak woodlands. It is estimated that over 12,000 trees are on the site with blue oak being the dominant species. Other species include, coast live oak, valley oak, and California buckeye.





**Figure 1, 2005 Aerial Photograph of the Site and Surrounding Area**



**Figure 2, Oblique Aerial of the Subject Property Looking East**  
 Note: project site boundary is approximate



**Figure 3, End of Hearst Drive Generally Looking East (Google Maps)**

#### **IV. PROJECT DESCRIPTION**

The applicant desires to subdivide the property into 10 large lots for single-family custom homes with no commonly held property or open space dedication. The proposed project consists of these components:

- Changing the General Plan Land Use Designation for portions of the site;
- Rezoning the property to be consistent with the new General Plan Land Use Designations; and
- PUD development plan of the proposed development, including establishing the regulations for the future custom homes.

#### **General Plan Amendment**

When PUD-33 was submitted, the 1996 General Plan Land Use Designations for the property were Rural Density Residential (approximately 489 acres) and Open Space - Public Health and Safety (approximately 73 acres). The PUD-33 proposed plan with 98 units and later approved with 51 units did not require a General Plan Amendment. However, as part of the 2005-2025 General Plan adopted on July 21, 2009, the subject property's General Plan Land Use Designations were changed to Low Density Residential (LDR); Open Space - Parks and Recreation (OS-P&R); and Open Space - Public Health and Safety (OS-PH&S) to better reflect the development plan and approved uses on the then still valid PUD-33 project approval (see



General Plan Land Use Map for the property, Exhibit F). The approximately 76.8-acre LDR portion of the property contained the land for the 51 lots. The approximately 397.4-acre OS-P&R portion of the property was designated for the open space areas surrounding the 51 lots up to the City's Urban Growth Boundary (UGB) line. The remaining, approximately 86 acres of land located east of the UGB line was designated OS-PH&S. In addition, a note was added to the legend of the 2005-2025 General Plan Land Use Map indicating a maximum of 51 units for the Oak Grove project.

As noted above, approximately 397.4 acres of the subject property were designated as OS-P&R with the 2005-2025 General Plan update. The intent of this change was to reflect the open space land being dedicated to the City as part of the then still valid PUD-33 project approval and it was not intended to require a future developer to create or dedicate parkland on a future project should PUD-33 not be built. Given that the open space areas are no longer proposed to be dedicated to the City for park purposes, the Open Space - Parks and Recreation land use designation would be changed to Open Space - Agriculture and Grazing (OS-A&G) to reflect the proposed uses of the property surrounding the proposed development envelopes on the lots (see Proposed Development Plan section below for further discussion on the development envelopes). The approximately 86 acres of land with an Open Space – Public Health and Safety land use designation would not be changed because no development is proposed in those areas.

The LDR Land Use Designation allows a density of less than two dwelling units per acre (with a midpoint density of one dwelling unit per acre). The existing 76.8 acres of LDR-designated land would theoretically allow up to 153 units at the LDR density of less than two dwelling units per acre (<2 DU/AC), but is limited to 51 units based on the note on the General Plan Land Use Map. Since the applicant is proposing a 10-unit project and future development would not be allowed in order to meet the Measure PP exemption, staff believes it prudent to change all of the LDR-designated land on the property to better reflect the very low density proposed for the project. Staff recommends designating approximately 50 acres in and around the proposed development envelopes to RDR, the City's residential land use designation with the lowest allowable density (1 DU/5 AC), and designating the remainder of the LDR-designated land to OS-A&G. In addition, the 51-unit note on the General Plan Land Use Map legend would be deleted.

## **Rezoning**

The site is currently zoned Planned Unit Development (PUD) Rural Density Residential/Open Space. The site would be rezoned to PUD Rural Density Residential/Open Space – Agriculture and Grazing/Open Space – Public Health and Safety to make the zoning consistent with the proposed General Plan Land Use Designations.

## **Proposed Development Plan**

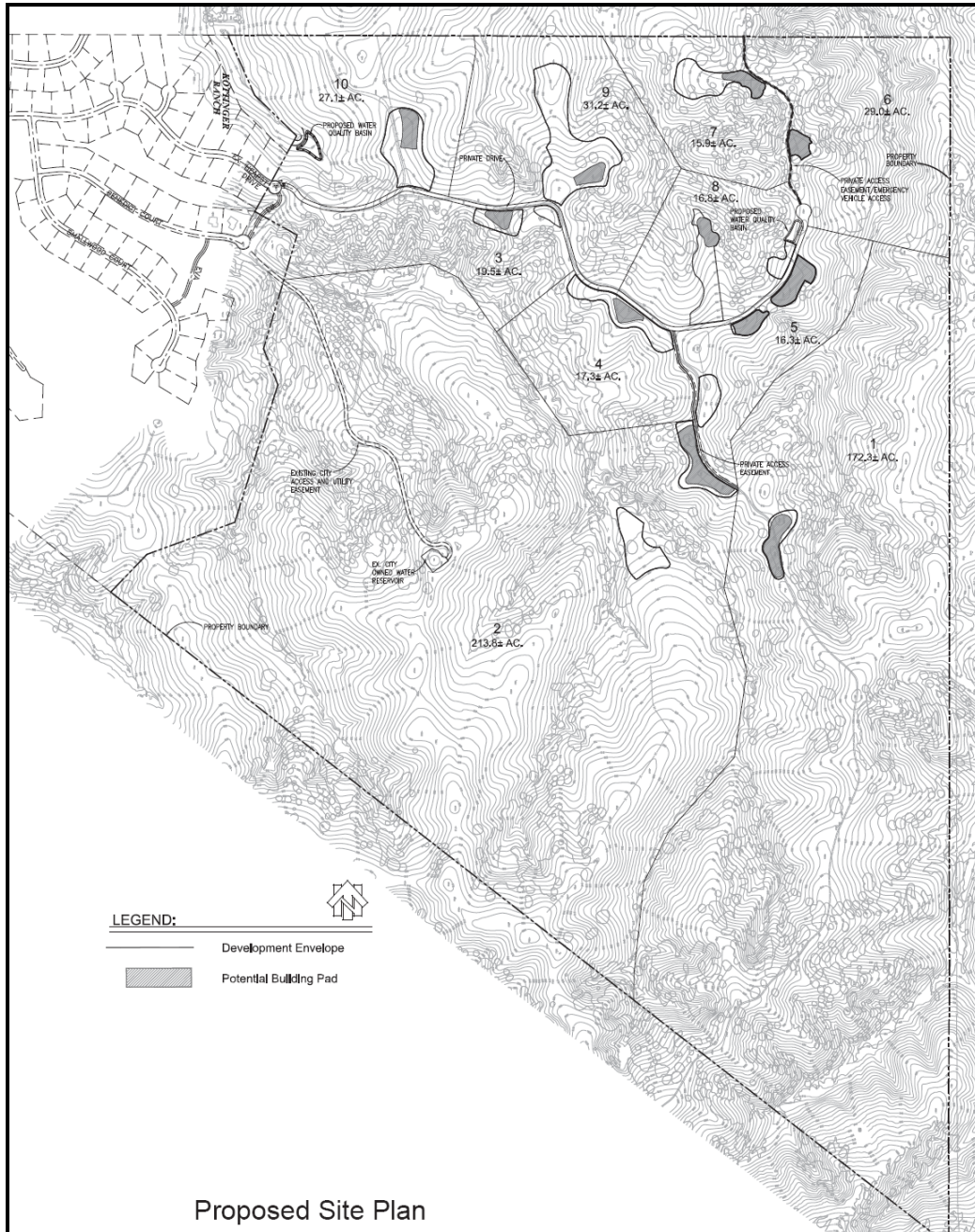
Staff has included only the proposed plan sheets and design guidelines for this work session report. In addition to the Supplemental EIR and prior Final and Draft EIRs, the following documents for the project will be provided to the Commission when it reviews the formal application: Open Space Management Plan; Integrated Pest Management Plan; Wildland Urban Interface Plan; and updated Tree Report.

### Site Design

The project is a development plan for 10 custom lots, varying in area from approximately 16 to 214 acres in size. No common land or open space is proposed. The lots would be accessed via a 25-ft. wide gated private road extending from Hearst Drive (and driveways extending from this private street). Lots 1 and 2 and Lots 6 and 7 would utilize shared driveways off the private road. A gated emergency vehicle access (EVA) road is proposed to connect the site to Grey Eagle Court in the Grey Eagle Estates subdivision to the north of the site. Lot 2, the largest parcel, would utilize the proposed road extension of Hearst Drive to access the home like all of the other lots. However, the applicant is also proposing to allow Lot 2 to utilize the City's water tank access road off Benedict Ct. for agricultural purposes only. A proposed public trail easement would cross the eastern portion of the site between the Berlogar Property to the north and the Foley Property to the south. Two water quality/detention basins would be provided (one on Lot 8 and one on Lot 10).

The majority of the site would remain undeveloped. A specific "Development Envelope" would be established for each lot limiting where most\* structures could be located (\*see Development Standards and Design Guidelines section below for the placement of agricultural accessory structures). Within each Development Envelope is a specific "Potential Building Pad" with approximate pad elevations shown. The Potential Building Pads would be the approved house locations within the Development Envelopes. These designated building pad locations are intended by the applicant to reduce the effects of home construction on the existing topography, viewsheds, trees, wetlands, and wildlife habitat. Should a future lot owner wish to locate the house outside of this pad area, but within the Development Envelope, then a modification would need to be requested and additional analysis would be required, including view impacts. Figures 4 and 5, on the following pages, show the proposed site plan and the approximate house locations from an oblique aerial view, respectively.





**Figure 4, Proposed Site Plan with Development Envelopes and Potential Building Pads**



**Figure 5, 10/29/11 Google Earth Oblique Aerial with the Approximate House Locations**

### Development Standards and Design Guidelines

Since custom lots are proposed, the applicant has created design guidelines (“Oak Grove Design Guidelines”) for the future development of the lots, including uses, house design, landscaping, and grading. While the document contains flexible “encouraged” and “should” language typically found in design guidelines, it also includes land use restrictions and development standards that would be regulations without flexibility.

### *Location of Homes and Accessory Structures*

As noted above, the future homes would need to be located within the Potential Building Pad areas. With respect to accessory structures, given the large size of the lots, the applicant is proposing to differentiate between structures accessory to the residential use (e.g., gazebos, cabanas, second/in-law units, etc.) and structures accessory to agricultural uses (e.g., barns, stables, etc.) and establish different regulations for each. Residential accessory structures could be located anywhere within the Development Envelope while agricultural accessory structures would be allowed anywhere on a lot (except if they house agricultural animals) provided they are



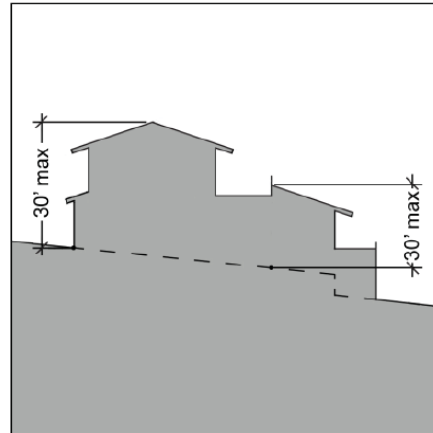
sited to reduce visibility, require minimal grading, and are not located in environmentally sensitive areas. Agricultural accessory structures housing agricultural animals such as stables, coops, hutches, etc., would follow the same rules above plus they would need to be setback at least 100 ft. from a dwelling on an adjacent property and at least 50 ft. from a property line. In addition, requests to locate agricultural accessory structures outside of the Development Envelope would be subject to the same design review process, view analysis, and public noticing as the home (discussed later in this report).

### *House Size and Calculation*

As proposed by the applicant, the maximum allowed house size for all lots would be 12,500 sq. ft. and garage area over 800 sq. ft. would count towards the 12,500 sq. ft. limit. Enclosed residential accessory structures such as sheds, second (in-law) units, or cabanas would count towards the 12,500 sq. ft. limit, but agricultural accessory structures such as barns or stables, would not. Second units could not exceed 20% of the primary home's floor area.

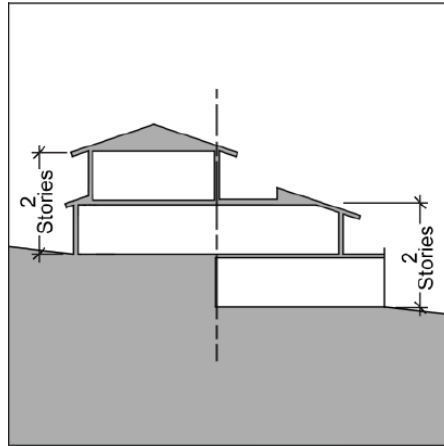
### *House Height*

All of the proposed homes and accessory structures would be limited to a maximum height of 30 ft., measured vertically at the outside of the footprint from the adjacent grade. Figure 6, below, is the Building Height graphic from the proposed design guidelines further explaining how the house height is measured (although staff believes that the graphic will need to be revised to clarify how the height of the lower house portion is measured).



**Figure 6, Building Height Graphic from Design Guidelines**

A maximum of two stories would be permitted at any point with three stories allowed if no more than two stories overlap at any point. Figure 7, on the following page, is the Number of Stories graphic from the proposed design guidelines further explaining the three story allowance.



**Figure 7, Number of Stories Graphic from Design Guidelines**

### *Design Review Process*

Each house would be subject to design review approval by the City's Zoning Administrator as specified by Chapter 18.20 of the Pleasanton Municipal Code with a few added requirements:

- Computer-generated and professionally rendered view analyses would be required for the home, including at least one front and one rear view of the home.
- An expanded notice area including all neighbors within 1,000 ft. of the northern and western boundaries of the Oak Grove project site.
- After the Zoning Administrator takes action on the design review application and during the appeal period, the Zoning Administrator would send the Planning Commission a notice of said action along with the plans including colored building perspectives and elevations, view analyses, conditions, and any other design details considered by the Zoning Administrator to be pertinent to the proposed design. The Planning Commission, applicant, or a concerned resident could appeal the Zoning Administrator's action.

As noted earlier, requests to locate agricultural accessory structures outside of the Development Envelope would be subject to the same design review process and noticing as the home.

### *Uses*

The permitted and conditionally permitted uses would be similar to what is allowed in the City's other single-family home developments. In addition, given the size of the lots, the applicant is proposing to allow animal grazing, farm animals (similar type and number to what was established for the large parcels in the Vineyard Avenue Corridor Specific Plan), and private (non-commercial) wineries as permitted uses.

### Proposed Street and EVA

An EVA is proposed at the northeast portion of the site, extending from the shared driveway between Lots 6 and 7 into Grey Eagle Estates that would tie into the City's existing water tank

road off of Grey Eagle Court. In the event of an emergency warranting its use, the EVA would be used for emergency vehicle access and/or public egress. A locked gate would be located at the northern boundary of the project site to prevent unauthorized use during non emergencies. Between the project site and the water tank, the EVA would cross an undeveloped lot owned by Allen Roberts where the City has an existing 20-ft. wide access easement (as well as a public service easement). This access easement was established in 1984 as part of the subdivision map creating the Grey Eagle Estates development, as a future EVA from Grey Eagle Estates to the south into the Oak Grove site was anticipated at that time. Condition of approval no. 2 of the 1983 ordinance approving the Grey Eagle Estates PUD also addressed the easement:

That the developer shall dedicate to the city for emergency access and utility purposes a 20 foot wide section of land necessary to connect the cul de sac shown as Grey Eagle Court to the southeast corner of the subject property. The CC&Rs shall provide that the homeowners' association shall be responsible for maintenance of the 20 foot easement and, if deemed necessary at some future date by the City, to improve to City specifications said easement. The CC&Rs shall also provide that the homeowners' association will be responsible for keeping said easement unobstructed and usable.

Allen Roberts intends to construct a house within the existing access easement on his property and had discussed moving the EVA and easements to the west, but still on his property, to accommodate his proposed home. The prior Oak Grove project was approved with a condition allowing the easement to be moved within Mr. Roberts' property in a location acceptable to the City and Mr. Roberts and, in the event the City and Mr. Roberts were unable to agree on the relocation, the existing easement alignment would be used for the EVA.

The City's Fire Department has indicated that an EVA is still recommended for the project and that the northern EVA route into Grey Eagle Court is the preferred route for the proposed development plan. However, the Fire Department is still evaluating the road standards that would be acceptable (e.g., road width, road material, etc.). These items will be addressed while the project progresses through the review process.

### Utilities

Utilities (sewer, water, power, etc.) would be extended from Hearst Drive to serve the project site. In addition, a water line would be extended from the northeastern portion of the site into Grey Eagle Estates following the proposed EVA alignment and tying into the City's existing water tank off of Grey Eagle Court. This water line connection would allow the City's existing hydropneumatic pump station at 3 Red Feather Court to be removed. The water line connection would provide added reliability and redundancy to the water needs of not only the project site, but also to the homes in Grey Eagle Estates.

The City would accept and maintain the domestic main water line and gravity portions of the sanitary sewer main line. A Maintenance Association would be created to maintain the commonly shared infrastructure and improvements (i.e., private road and gate, fire service water lines and pump station, non-gravity portions of the sanitary sewer system, storm drain system including the water quality/detention basins, landscaping at the entry and detention basins, etc.).



Since there would be no commonly owned land by the 10 lot owners, the road and other infrastructure would be located on the individual lots and the appropriate easements and covenants would be created for these improvements.

### Trees

Four trees have been identified for removal to accommodate the proposed road and infrastructure: one blue oak (heritage sized) in excellent condition and one California buckeye (heritage sized) in good condition located on Lot 4 which need to be removed for the fill area; and two blue oak trees (one heritage sized) in fair condition located on Lot 3 which need to be removed for the road. Six other trees may be impacted and/or need to be pruned or removed to accommodate the road or EVA: one blue oak (heritage sized) in fair condition and one valley oak (not heritage sized) in fair condition on Lot 6; and four blue oak (three heritage sized) in good condition on Lot 7. The applicant is proposing a 3:1 tree replacement ratio for the 4-10 trees which are removed to install the road and infrastructure. Replacement trees would be planted with the following mix of sizes: 20% five-gallon, 60% 15-gallon, and 20% 24-inch box.

While the Potential Building Pads for the future homes do not include any trees within their boundaries, some of the Development Envelopes include a few existing trees that could be proposed for removal by future lot owners. While tree removal will be discouraged and subject to case-by-case approval by the City, any trees approved for removal by a homeowner would need to be mitigated at a 6:1 tree replacement ratio with the same sizes noted above.

### Public Trails

There are several General Plan goals, policies, and programs promoting the creation of public trails in the City. The City's Community Trails Master Plan shows Class A and C trails and three recommended staging areas on the subject property (see attached Community Trails Master Plan Map, Exhibit G). The Community Trails Master Plan notes that the trail alignments shown on the map are conceptual and that every trail does not need to be built exactly as shown. The Class A trail portion for this site is part of the "Vallecitos Hills" trail segment between Old Vineyard Ave. and Sunol Blvd. and is also part of the planned East Bay Regional Park District (EBRPD) regional trail.

The applicant is willing to provide a trail easement for a trail crossing the eastern portion of site generally in a north to south alignment (the conceptual alignment is shown on the PUD-33 plan, Exhibit C). The applicant is not proposing a staging area or any other trails on the property.

## **V. CONSIDERATIONS FOR THE WORK SESSION**

This work session is the Commission's opportunity to direct the applicant and staff as to items or issues it wishes to be addressed as the project moves forward. While the Commission can provide feedback on any topic, the items noted below may be of interest for the Commission to discuss. Also, while the proposed design guidelines have been included with this report, staff does not expect the Commission to delve into every detail of the guidelines at this work session.

Instead, we believe there are a few key items from the guidelines that would be beneficial for discussion at this work session: maximum allowed house size and maximum height. However, until the SEIR's visual analysis is complete, the Commission may wish to qualify its responses based on the current information it has before it.

#### Site Layout and Location of Structures

While there are a variety of ways to develop the site with 10 lots, the applicant has opted to divide the land into 10 large lots with no common open space area. The applicant has also opted to spread out the proposed homesites so that they are not concentrated near any one existing neighborhood. The proposed homesites are located in the relatively level areas near the ridgelines, where flatter areas are larger than in valley bottoms. The Slope Classification Map (Plan Sheet 4) shows that the majority of the proposed building pads are located in areas with less than 25% slope. Locating the homes near the flatter ridgelines reduces the amount of grading, reduces potential impacts to creeks, wetlands, and wildlife habitat, reduces tree removal since most trees are located in the valleys and slopes, and places the homes in the most geologically stable areas. The main disadvantage to this development pattern is the potential for increased visibility from offsite locations. However, the applicant has attempted to locate the homesites at locations to minimize offsite visibility to the extent feasible. For example, the homesites are not located at the very top of any hill or ridgeline, but have been placed behind or slightly below a hill or ridgeline and the pads are generally cut into the slopes to reduce visibility of the homes. The proposed development pattern is similar (albeit much less dense) to that used for portions of the adjacent Kottinger Ranch and Grey Eagle Estates subdivisions.

The applicant is proposing to allow up to 30-foot tall agricultural accessory structures such as barns anywhere on a lot subject to certain standards. While the likelihood for each lot owner to desire such a structure is unknown, but probably unlikely, it does allow the potential for some structures to be placed closer to the existing residents along the northern and western boundaries of the site. An option the Commission could consider is limiting all accessory structures (residential and agricultural) for Lots 3-10, the smallest lots located closest to the existing neighborhoods, to the Development Envelope. For the larger lots, Lots 1 and 2, located farther away from the existing neighbors, residential (non-agricultural) accessory structures could be limited to the Development Envelope and agricultural accessory structures (e.g., barns, stables, etc.) could be allowed outside of the Development Envelope subject to the same standards proposed by the applicant.

#### Discussion Topic

- *Does the Commission have any issues with the general development pattern or location of the structures?*

#### House Size and Calculation

The proposed house size was a contentious item of the prior project. Ultimately, a 20% Floor Area Ratio (FAR) was approved for 39 of the lots (resulting in a maximum allowable house size between 6,058 to 12,362 sq. ft. based on lot sizes ranging from 30,290 to 61,808 sq. ft.) and a

maximum house size was established for 12 of the larger lots (nine lots were limited to 9,175 sq. ft. and three lots were limited to 12,500 sq. ft.). Given that the lot sizes of the subject project are much larger than the prior project, a FAR does not make sense and the applicant is proposing a maximum house size of 12,500 sq. ft. for each lot. Given that there are now only 10 homes proposed, the visual impacts are expected to be much less than the prior project. However, some may feel that the house sizes are still too large.

Second units would be limited to 20% of the primary home's floor area, but there isn't a distinction between the size of an attached or detached second unit. The Commission may wish to discuss whether to follow the Municipal Code parameters for attached and detached second unit sizes:

Attached - An attached second unit shall not exceed 30 percent of the gross floor area of the existing main dwelling unit. In this instance, the gross floor area of the existing main dwelling unit is the size of the unit prior to the second unit addition/conversion.

Detached - The gross floor area of a detached second unit shall not exceed 1,200 square feet.

#### Discussion Topic

- *Is the Commission satisfied with the proposed size limitation and calculation?*

#### House Height

The applicant is proposing a maximum height of 30 ft., measured vertically at the outside of the footprint from the adjacent grade and the Building Height graphic in the design guidelines allow the height to be measured at separate locations for a home on a slope.

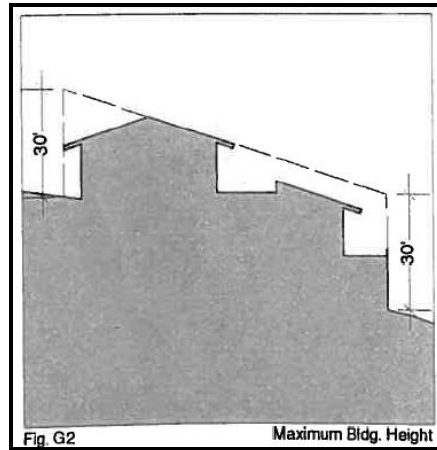
The Municipal Code height limit for single-family residential zones is 30 ft., measured from the average grade covered by the structure to the mean height between the roof ridge and eave. However, many PUD developments have been approved with different height limits and measurements. For example, Mariposa Ranch custom homes are limited to 30 ft. for two-story homes and 24 ft. for one-story homes, measured from the lowest pad elevation to the highest roof peak. Golden Eagle Farm custom homes are limited to 35 ft., measured from the average elevation that the house intersects to the highest point on the roof, excluding chimneys.

Building height in the Vineyard Avenue Corridor Specific Plan area is measured vertically from the lowest elevation of the building to the highest elevation of the building, excluding chimneys. In the Hillside Residential District, homes are limited to 30 feet in height and two stories below elevations of 540 feet. Above that elevation, homes are limited to 25 feet in height and one story. However, the Specific Plan indicates that site development standards such as building height shall be implemented through the City's PUD development plan approval process and may vary for unusual site conditions as long as any new standards are consistent with the intent of the Specific Plan. Some PUDs in the Specific Plan Area were allowed two story homes up to 27 ft. or 30 ft. in height in order to reduce the size of the house footprint and the grading.

For the prior PUD-33 Oak Grove project, height was measured as follows:

Buildings shall be no higher than 30 feet at any point, as measured vertically at the outside of the footprint from finished or existing grade, whichever is lower. Heights in the center of the structure, between the measured walls, shall be no higher than a line drawn from the permitted 30 feet height at either side of the footprint. Fireplaces, flues and other non-habitable code required projections may exceed the height limit to the minimum as required to meet code. [See Steep Slope Lots for exceptions].

The following graphic was included to illustrate the height limit:



A condition of approval for PUD-33 eliminated the Steep Slope Lot exception and also indicated a 25-ft. height limit for the lots that were limited to single-story structures. Lots 2, 3, and 4 as shown in the condition no. 8 exhibit (Exhibit C) were limited to a single-story. In addition, 15 “high visibility lots” were to be analyzed for possible single-story limits at the tentative map stage, which didn’t occur since the project was ultimately denied by voters.

#### Discussion Topic

- *Is the Commission satisfied with the proposed height measurement?*

#### Gated Development

The applicant is proposing a project entry gate near the current terminus of Hearst Drive. General Plan Circulation Element Program 7.4 indicates “Discourage new gated communities.” The Planning Commission has previously indicated its opposition to gated developments with a few exceptions. In 2008, a majority of the Commission had supported a project entry gate for Ponderosa’s 55 years and older housing at its Ironwood development, indicating that a gated development made sense for the older residents, who preferred additional home and personal security. Also in 2008, the four Commissioners present for a work session for a preliminary application for the Lester property off Dublin Canyon Road had indicated support of a project entry gate given the remoteness of the site and security issues that could be addressed by a gate.

Similarly, a gate could be deemed acceptable for the Oak Grove project to improve security since there would be only 10 homes spread out on the large 562-acre site and the residents would not be able to look after each other's homes compared to a project with houses next to each other. In addition, the isolated road could attract youth or others to hang out, particularly at night, and a gate would prevent such access. In addition, since the Urban Growth Boundary line is located on the project site, development would not be allowed beyond the project site. Therefore, gating the subject road would not divide the community or impact any future circulation network. Also, since the proposed trail easement would only pass through the site and a staging area is no longer proposed as part of the project, the gate would not interfere with public access to the property. Furthermore, the gate would be equipped with override systems (Knox key access for the Fire Department and the keypad code number for Police) so that emergency vehicles/response would not be impeded.

Discussion Topic

- *Could the Commission accept a gate at the project entrance?*

Emergency Vehicle Access

As noted previously, the City's Fire Department is recommending an EVA be provided for the project and that the northern EVA route into Grey Eagle Court is the preferred route for the proposed development plan. The specific details of the EVA will be addressed as the project review progresses.

Discussion Topic

- *Does the Commission wish to provide any comments regarding the EVA at this time?*

Public Trails

With the 51-unit project, the applicant was willing to dedicate 496 acres of land to the City and improve it with a staging area and local and regional trails. Given that the proposal is just 10 units, the applicant is willing to offer a trail easement for the trail that would cross the eastern portion of site.

Discussion Topic

- *Does the Commission wish to provide any comments on the trail proposal?*

Potential Impacts to Biological Resources (plants, amphibians, insects, birds, etc.)

It is anticipated that the current project will significantly reduce biologic impacts compared to the prior 51-unit project, including a substantial reduction in tree removal, reduced impacts to wetlands and creeks, and reduced impacts to special status species. Impacts to these and other species will be evaluated in the SEIR.

Discussion Topic

- *Does the Commission wish to provide any comments at this time?*



## **VI. PUBLIC COMMENT**

Public notices are normally sent to all property owners and tenants within a 1,000-foot radius of the project site. In this case, staff expanded the notice area further into the Kottinger Ranch, Vintage Hills, Grey Eagle, Foxbrough Estates, and Vineyard Avenue Corridor Specific Plan neighborhoods (see Exhibit J). At the time this report was written, staff had received emails from several neighbors (see Exhibit H). Staff has also included project-related comments received in response to the February 10, 2012, Notice of Preparation for the SEIR. Staff will forward to the Commission any additional public comments as they are received.

## **VII. ENVIRONMENTAL ASSESSMENT**

Since the Planning Commission will take no formal action on the project at the work session, no environmental document accompanies this work session report. As previously noted, a Supplemental Environmental Impact Report will be provided in conjunction with the Planning Commission's formal review of the applications.

## **VIII. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the attached material, take public testimony, and make suggestions/comments to the applicant and staff regarding the development of the site.

*For questions or comments about this proposal, please contact: Steve Otto, Senior Planner at 925-931-5608 or [sotto@cityofpleasantonca.gov](mailto:sotto@cityofpleasantonca.gov)*