

- SUBJECT:** Vesting Tentative Subdivision Map 7721
- APPLICANTS:** Ponderosa Homes, Carol Lehman, and William and Kathryn Selway
- PROPERTY OWNERS:** Carol Lehman (3157 Trenergy Drive) and William and Kathryn Selway (2313 Martin Avenue)
- PURPOSE:** Application for a Vesting Tentative Subdivision Map to subdivide an approximately 19.6-acre property into 31 lots consisting of 29 lots for 29 new single-family homes and two lots for two existing single-family homes; and ten remainder parcels for land to be conveyed to adjacent owners.
- GENERAL PLAN:** Low Density Residential (< 2.0 du/ac)
- ZONING:** PUD – LDR (Planned Unit Development – Low Density Residential) District
- LOCATION:** 3157 Trenergy Drive and 2313 Martin Avenue
- EXHIBITS:**
- A. Draft Conditions of Approval, dated January 11, 2012.
 - B. Vesting Tentative Subdivision Map 7721, dated “Received, January 3, 2012” including Site Development Plan, Preliminary Grading and Utility Plan, and Preliminary Landscape Plan .
 - C. Rodent Control Plan.
 - D. Dust control plan.
 - E. Excerpts of the minutes of the Planning Commission Public Hearing held on September 14, 2011
 - F. Planning Commission Staff Report, dated September 14, 2011.
 - G. Ordinance No. 2025 for PUD-50-01M, dated December 6, 2011
 - H. City Council Staff Report, dated November 15, 2011.
 - I. City Council Memorandum, dated November 26, 2011.
 - J. Excerpts of the minutes of the Planning Commission Public Hearing held on December 13, 2006
 - K. First Planning Commission Staff Report on Vesting Tentative Subdivision Map 7721, dated December 13, 2006.

- L. Excerpts of the minutes of the Planning Commission Public Hearing held on December 27, 2006
 - M. Second Planning Commission Staff Report on Vesting Tentative Subdivision Map 7721, dated December 27, 2006.
 - N. Planning Commission Memo, dated December 27, 2006, with two new conditions.
 - O. Location Map
 - P. Noticing Area
-

I. BACKGROUND

At its public hearing held on December 6, 2011, the City Council introduced Ordinance No. 2025 for PUD-50-01M, the PUD Development Plan major modification for the proposed development of the approximately 19.6-acre Lehman/Selway property, on the north side of Cameron Avenue, located at 3157 Trenerly Drive and 2313 Martin Avenue. The City Council adopted Ordinance No. 2025 on January 4, 2012; it will become effective on February 4, 2012.

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

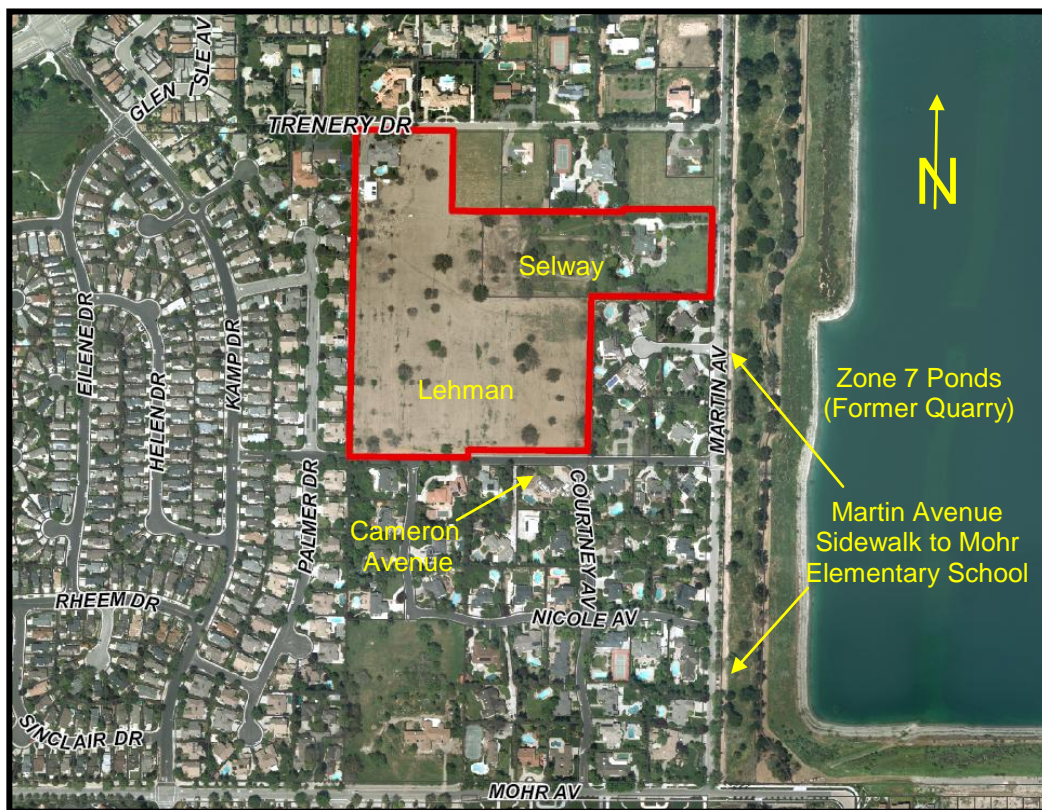


Figure 1: 2010 Aerial Photograph/Location Map

II. PROJECT DESCRIPTION

Vesting Tentative Subdivision Map 7721 would subdivide the existing Lehman and Selway properties into 29 lots in compliance with the approved PUD Development Plan modification and conditions. The proposed subdivision map will create 29 lots for 29 new single-family homes and two lots for two existing single-family homes, and ten remainder parcels for land to be conveyed to the seven Palmer Drive property owners adjacent to the east side of the subject property and to the two Trenergy Drive property owners on the north side subject property for incorporation into their properties.

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

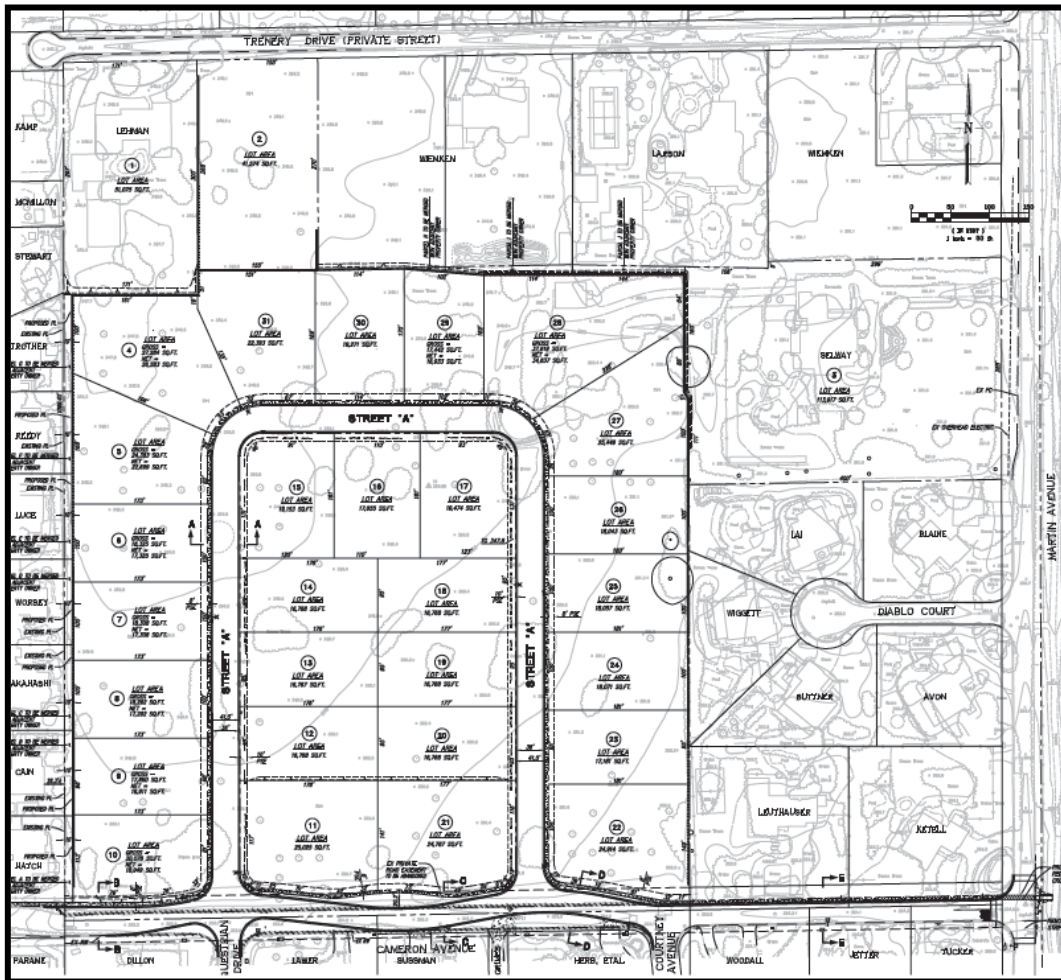


Figure 2: Proposed Subdivision Map

Public infrastructure improvements covered by this application to serve the proposed lots and the surrounding neighborhoods will match the approved PUD development plan and conditions. A brief summary of the improvements to be constructed by this development will include: reconstruct a portion of Cameron Avenue following the curvilinear alignment approved under PUD-50-01M; install a public sidewalk along the entire north side of Cameron Avenue from Palmer Drive to Martin Avenue; install bio-

retention/treatment swales within this development to pretreat stormwater runoff from the street and lots; and install utilities as necessary to provide services to the future lots within this site.

III. CITY COUNCIL ACTION ON PUD-50-01M

Exhibit H are the minutes of the December 6, 2011 City Council hearing on PUD-50-01M. The City Council approved the PUD Development Plan as recommended by the Planning Commission with the following revisions to Ordinance 2025:

1. Add Condition 37 requiring the preparation of a traffic management plan to coordinate construction traffic with a.m./p.m. traffic to Mohr Elementary school.
2. Add Condition 48 requiring the applicant pay \$25,000 to the Bernal Park fund with the recordation of the Final Subdivision Map.
3. Revise Conditions 84 and 104 to state that the grading plans for this development and the lots within this development shall be designed so that stormwater will not runoff onto adjacent properties.

The City Council directed staff to work out the property line concerns with the adjacent homeowners Terry and Debra Leuthauser (3623 Cameron Avenue) before the Planning Commission's public hearing on the proposed subdivision. As discussed further in the staff report, the City resolved this matter to the satisfaction of the Leuthausers – the property line between Lehman-Selway and Leuthauser is accurately shown on the exhibits – and the Planning Commission can proceed with its review of the proposed subdivision map.

After the Planning Commission's public hearing on PUD-50-01M, it was brought to the City's attention that title to a portion of 3710 Cameron Avenue is retained by the property owner. This issue does not affect the proposed subdivision, including the improvements to Cameron Avenue (curvilinear alignment and public sidewalk), and will be corrected by recording a deed transferring title on this portion of Cameron Avenue to the City of Pleasanton. The property owner on Cameron Avenue has agreed to negotiate a transfer of the portion of right-of-way in question based on an appraisal by a qualified professional.

III. ANALYSIS

Compliance with the Effective Date for Ordinance 2025

Ordinance 2025 for PUD-50-01M will become effective on February 4, 2012. The Planning Commission may approve the proposed Tentative Subdivision Map before the Ordinance becomes effective provided that the effective date of the Planning Commission's resolution coincides with the effective date of the ordinance and, as conditioned, should Ordinance 2025 for PUD-50-01M fail to become effective that the Planning Commission's resolution will expire with no further force and effect. The applicant concurs with this requirement.

Lehman/Leuthauser Property Line

Staff met with Terry and Debra Leuthauser on-site after the City Council hearing to address their concerns with respect to the locations of the common north/south property line separating the Lehman and Leuthauser properties. (The Lehman property separates the Selway and Leuthauser properties.) Staff presented the property line and survey history of the area and project site to the Leuthausers related to their concerns. At the end of the meeting, the Leuthausers agreed that it could be reported to the Planning Commission and to the City Council that their concerns had been met and that they were satisfied that the property lines were correctly shown. Staff, therefore, considers this matter resolved.

Compliance with PUD Development Plan

Ordinance 2025 required the following items be implemented with the Tentative Subdivision Map:

1. Condition 4 required a comprehensive fencing plan. The preliminary fencing plan was approved by the City Council plan at its public hearing and requires no changes regarding the design and locations of property lines fences. Staff, therefore, considers this condition to be implemented. Following standard procedure, a final fence plan will be attached to the subdivision improvement plans submitted with the Final Subdivision Map. (A copy of the preliminary landscape plan is attached for reference.)
2. Condition 8.c. stated that the north side of Cameron Avenue will be posted with “No Parking” signs. Condition 45 stated that the appropriateness of parking and red-painted curbs on Cameron Avenue will be reviewed with the Tentative Subdivision Map. The “No Parking” requirement was required with the original Development Plan (PUD-50) and carries. Staff considers the “No-Parking” signs on the north side of Cameron Avenue to provide adequate notice to motorists. Therefore, as conditioned, parking will be prohibited on the north side of Cameron Avenue per Ordinance 2025 and “No Parking” signs will be provided in lieu of red-painted curbs.
3. Condition 8.g. required the installation of a sanitary sewer lateral to the Lehman home on Lot 1, to show the location of the lateral on the Tentative Subdivision Map, and to show the location of the leach field for the Lehman’s septic system on the Tentative Subdivision Map. The Lehmans removed the septic tank/leach field from their property and connected their home to the sanitary sewer line in Trener Drive in conjunction with their home addition approved after the City Council’s approval of PUD-50. Staff, therefore, considers this condition to be implemented.
4. Condition 8.i. required the applicant extend the sanitary sewer line in Martin Avenue from Diablo Court to the Selway property and to show the leach field for Selway on the Tentative Subdivision Map. The sewer extension in Martin Avenue and the septic tank/leach field in the Selway front yard are shown on the utility plan submitted with the Tentative Subdivision Map. Staff, therefore, considers this condition to be implemented.

The proposed lot pattern, internal street alignment, sidewalk placement, modifications to Cameron Avenue, public street sections, and stormwater retention/treatment measures match the approved PUD Development Plan.

Traffic Calming

With the previous Tentative Subdivision Map, the applicant was required to install a “speed table” at the Cameron Avenue/Martin Avenue intersection, and to contribute the sum of \$10,000 to the City for the installation of future traffic calming measures if needed. The City Traffic Engineer does not consider a speed table to be necessary at the present time. Additionally, during the preparation of the improvement plans for the previous subdivision, staff was contacted by the two owners on the corners of Martin Avenue and Cameron Avenue on their noise concerns with the operations of the speed table.

For these reasons, staff recommends modifying this previous requirement to require the applicant contribute \$10,000 to the City for traffic calming measures that would be determined by the Traffic Engineer upon investigation of the area’s traffic conditions. The applicant may request that the City conduct a speed study two years after 15 production homes (50%) are occupied. If the speed study determines that there is no need for additional traffic calming measures, the applicant may request that any unused portion of the \$10,000 payment be returned to the applicant.

Dedication

As required by PUD-50-01M, the right-of-way required for the construction of Cameron Avenue following the curvilinear alignment will be conveyed to the City upon recordation of the Final Subdivision Map. The surplus street right-of-way on the south side of the realigned Cameron Avenue will be offered to the south side property owners. If not accepted by an owner, the right-of-way will remain with the City. The applicant would offer to landscape the surplus right-of-way with sod that, if accepted by the adjacent property owner, would be maintained by the adjacent property owner as is normal with any residential subdivision.

Grading

The proposed grading plan is consistent with the preliminary grading plan provided with the PUD Development Plan with minimal adjustments required by the City Engineer to insure positive drainage of the lots and the internal loop street to the bio-retention swales, and to ensure that the stormwater runoff does not drain into any adjoining property.

Vermin Abatement

The applicant submitted an updated vermin abatement plan with the Tentative Subdivision Map to address neighbors’ concern that this development’s construction would cause vermin to migrate from the site to neighboring properties. The vermin abatement plan provides vector control and abatement procedures to be initiated prior to the onset of construction. Staff will meet with the neighbors on the final details of the control plan before construction begins.

Sewer Share

The applicant is required to pay a pro-rata share of the cost to upgrade the following sanitary sewer lines:

1. Stoneridge Drive between Santa Rita Road and Kamp Drive – Upgrade the existing 12-inch line to a 15-inch line, a distance of approximately 2,400 feet.
2. Santa Rita Road at the Arroyo Mocho – Install a parallel sanitary sewer siphon under the Arroyo Mocho.

The applicant's share is 3.2 percent of the cost of these improvements, and is required to be paid prior to the recordation of the final subdivision map.

Dust Control Plan

The applicant submitted an updated dust control plan with the Tentative Subdivision Map to address neighbors' concern with dust impacts to their properties during construction. Mitigations during construction often include watering, keeping the streets cleaned and covering debris that leaves the site. Staff is satisfied with the plan and recommends its approval with the following changes:

1. Unless otherwise required by the City Engineer, the project developer shall establish a watering schedule for the development with, minimally, watering the site in the morning and afternoon and having water trucks precede the grader/scrapers to continuously water the site as grading is being done.
2. The project developer shall schedule street sweepers to clean the haul route as required by the City Engineer.
3. If determined to be necessary by the City Engineer, the applicant shall engage in the cleanup of surrounding properties including, but not limited to, power-washing, pool cleaning, etc., as required by the City Engineer upon investigation.

IV. PUBLIC COMMENT

Public notices were sent to property owners living in an area generally defined by a portion of Stoneridge Drive, Martin Avenue, Mohr Avenue, Katie Lane, Rheem Drive, and Oakland Avenue. Staff has not received any verbal or written communications on this proposal.

V. VESTING TENTATIVE SUBDIVISION MAP FINDINGS

The Zoning Ordinance of the Pleasanton Municipal Code sets 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 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 is consistent with the Pleasanton General Plan.

The PUD Development Plan that the proposed vesting tentative subdivision map is based on was found by the City Council to be consistent with the Pleasanton General Plan. The subdivision map and its improvements are consistent with the Council-approved development plan and satisfactorily implement the applicable conditions and requirements imposed by the City Council with its approval.

Therefore, staff believes that this finding can be made.

2. The subject property/project site is physically suitable for this type of development and density.

Project construction would involve site grading and alteration of existing topography. No existing drainage courses would be altered. Existing trees to be removed would be mitigated in accordance with the development plan approval.

Therefore, staff believes that this finding can be made.

3. 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.

- Grading has been designed to reflect existing topographic conditions, minimize impacts on adjoining properties, and to be consistent with the requirements and geotechnical report recommendations that have been prepared for the proposed project. All lots will be designed to drain to the bio-retention swales for pretreatment before entering the City storm drains.
- Adequate access is provided to all structures for police, fire, and other emergency vehicles.

Therefore, staff believes that this finding can be made.

4. The design of the proposed subdivision is not likely to cause serious public health problems.

The proposed project, including the recommended conditions of approval, meets all applicable City standards pertaining to public health, safety, and welfare, e.g., vehicle access, geologic hazards, and flood hazards. All public safety measures are addressed through provisions of approval of the development plan and conditions of approval for the tentative subdivision map.

Therefore, staff believes that this finding can be made.

5. 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 subject property is not covered by any extant public access easements that would have to be maintained with the proposed subdivision.
- A public sidewalk will be constructed on the north side of Cameron Avenue as required by PUD-50-01M, the approved PUD development plan.

Therefore, staff believes that this finding can be made.

VI. ENVIRONMENTAL ASSESSMENT

Environmental review for Vesting Tentative Subdivision Map 7721 is covered by the Mitigated Negative Declaration approved by the City Council with PUD-50-01M. For this reason, no separate environmental document accompanies the Planning Commission staff report for this item.

VII. CONCLUSION

Staff believes that the proposed subdivision is well designed, in keeping with the requirements of the previously approved PUD Development Plan, i.e., reconstruct Cameron Avenue with a curvilinear alignment for traffic calming; bio-swales to treat its stormwater runoff, etc. The proposed project has been refined, following the direction provided by the City Council. Staff, therefore, believes that the proposal merits a favorable action by the Planning Commission.

VIII. STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Vesting Tentative Subdivision Map 7721 by taking the following actions:

1. Make the finding that Vesting Tentative Subdivision Map 7721 is covered by the approved mitigated negative declaration for PUD-50-01M;
2. Make the finding that Vesting Tentative Subdivision Map 7721 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 7721 subject to the draft conditions of approval stated in Exhibit A.

Staff Planner: Marion Pavan, (925) 931-5610, mpavan@ci.pleasanton.ca.us