

SUBJECT: PRZ-59/PDR-965/Tract 7534

**APPLICANT/
PROPERTY OWNER:** Lynn Jansen

PURPOSE: Applications for: (1) Rezoning approximately three-acres of the existing approximately four-acre site at 1623 Cindy Way from A (Agriculture) District to PUD-MDR (Planned Unit Development – Medium Density Residential) District; (2) Design Review approval to construct an approximately 2,720-square-foot one-story home with an approximately 580-square-foot attached garage at 1619 Cindy Way (Lot 9, Tract 7534); and (3) modifying a condition of approval for Tract 7534 to allow the continued use of the existing driveway to 1623 Cindy Way.

GENERAL PLAN: Medium Density Residential

ZONING: Current zoning for the property located at 1623 Cindy Way is A (Agricultural) and PUD-MDR (Planned Unit Development – Medium Density Residential) Districts; zoning for the property located at 1619 Cindy Way is PUD-MDR (Planned Unit Development – Medium Density Residential) District.

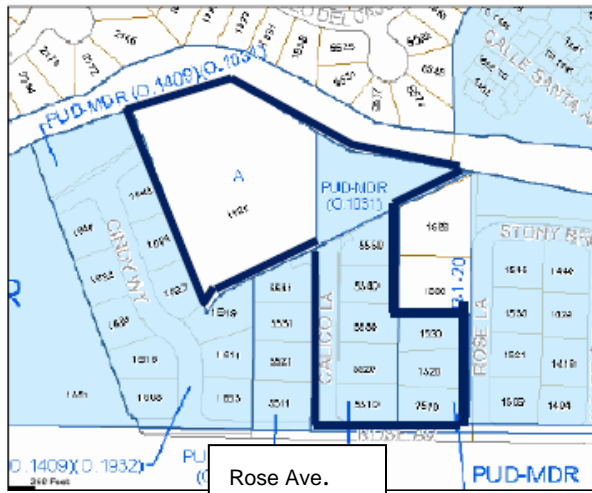
LOCATION: 1623 Cindy Way and 1619 Cindy Way

ATTACHMENTS: Exhibit A-1, Draft Conditions of Approval for PDR-965
Exhibit A-2, Draft Conditions of Approval for Tract 7534
Exhibit B, Proposed Rezoning Exhibit; Proposed House Design Exhibit
Exhibit C, Draft Negative Declaration
Exhibit D, Ordinance 1932 (PUD-38 original approval) with Design Guidelines and Landscaping Plan
Exhibit E, Resolution No. PC-2006-08 Approving Vesting Tentative Tract Map 7534
Exhibit F, Conceptual Lot Layout for a Future PUD Development
Exhibit G, Project Location Map
Exhibit H, Notification Map

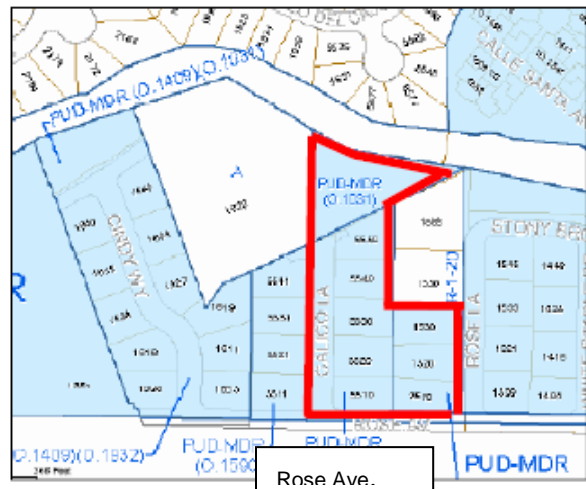
BACKGROUND

The subject site, previously owned by Ernest and Charlotte Jones, was known as the Jones property located at 1725 Rose Avenue. It was approximately 7.5 acres in size (see figure below; outlined in black). At that time, the Jones property was zoned A (Agriculture) District.

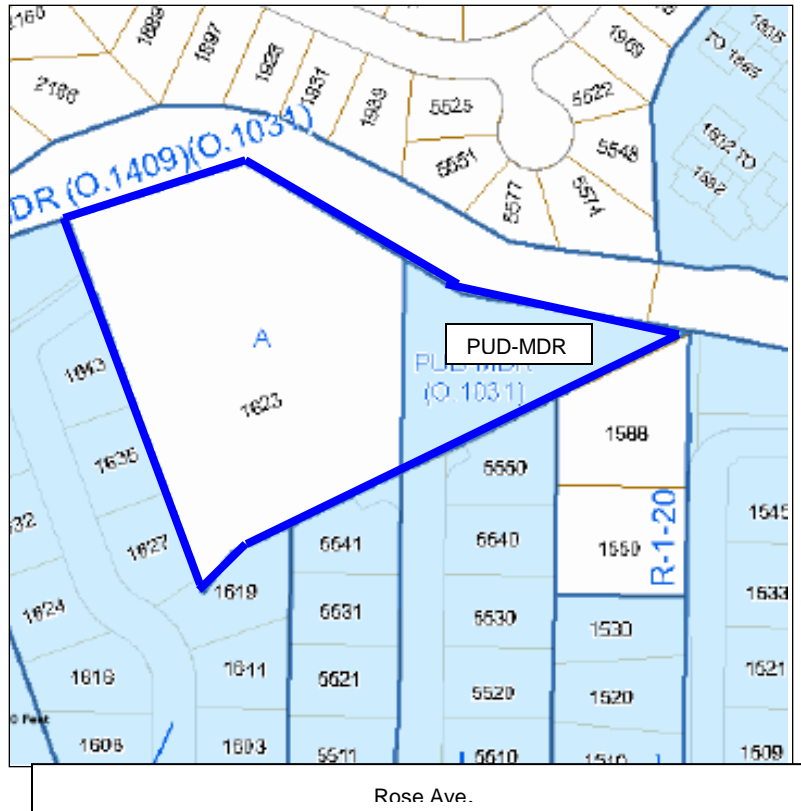
In 1982, the Jones received approval to rezone an approximately 4.5-acre portion of the site (see figure below; outlined in red) from A District to PUD-MDR (Planned Unit Development) District (Ord.1031). The PUD development plan approved later covered 3.5-acres of the rezoned parcel. Therefore, the Jones remaining site (see project site figure on the following page) has two zoning designations, both A and PUD-MDR, totaling approximately four acres.



7.5-acre Jones Property



1982 Rezoned Portion of Jones Property

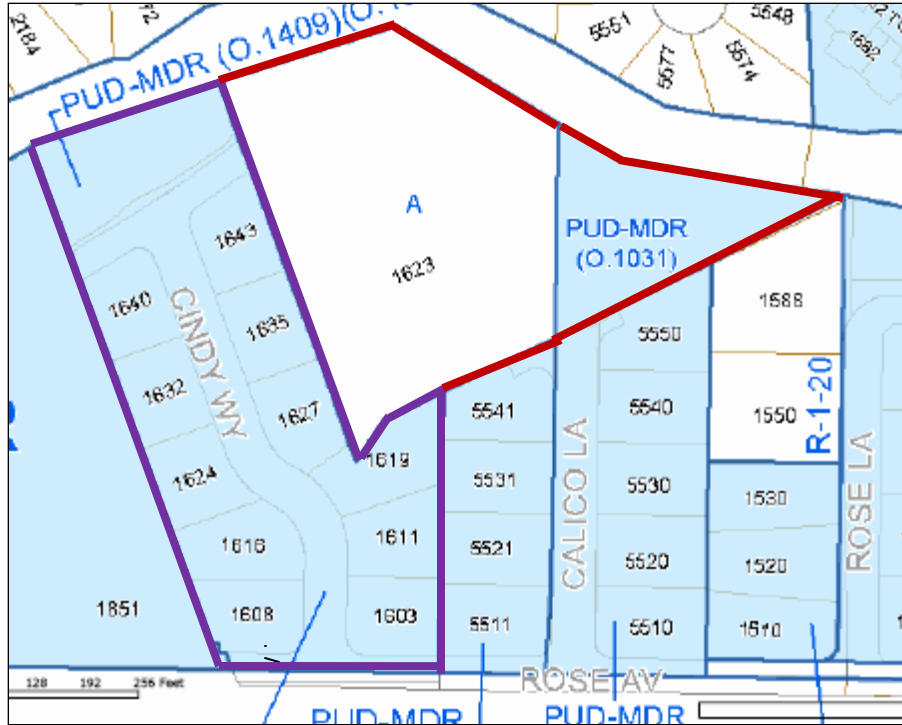


Subject Site (Existing)

In 2007 when Mr. Lynn Jansen developed the site to the immediate west (Roselyn Estates¹/PUD-38), a new street named “Cindy Way” was created which then became the access street to the former Jones residence. Subsequently the address of the Jones property was changed from 1725 Rose Avenue to 1623 Cindy Way. During the PUD-38 process, in response to the potential privacy impact issue addressed by the Jones, conditions of approval for PUD-38 placed a restriction on the home design on Lot 7 (1635 Cindy Way) not allowing windows other than clearstory windows on the second floor rear elevation facing the Jones. Further, conditions of approval of the subsequent tract map approval required the existing driveway to the Jones property be eliminated should the Jones property be developed in the future and that access then should be from elsewhere, such as Calico Lane.

In April 2011, Lynn Jansen acquired the Jones property, wanting to develop the former Jones property as Phase II of Roselyn Estates. In order to accomplish this second phase of PUD-38 development, a rezoning to change the existing A zoning designation to PUD-MDR is required. Additionally, Mr. Jansen proposes to modify condition No.24Tract 7534 for continued use of the existing driveway.

¹ Roselyn Estates was referred as Roselyn Lane Project in PUD-38 staff reports and files.



Adjoining Rosalyn Estates (PUD-38) and the Proposed Site

Mr. Jansen has also applied for a minor modification to PUD-38 to allow second floor windows on the rear elevation of 1635 Cindy Way (Lot 7, Tract 7534) and to merge the former Jones property (1623 Cindy Way) as part of Rosalyn Estates and be managed by the existing homeowners association, subject to the rules and regulations of PUD-38 development plan approval. Staff is currently processing this modification. The Director of Community Development takes action on PUD Minor Modification applications with the Planning Commission and the City Council being notified of the action on a Zoning Administrator Action Report. Action by the Planning Commission is not necessary unless the Planning Commission has concerns with the application.

SITE DESCRIPTION

The former Jones site (1623 Cindy) is approximately four-acres in size and is in a shape of a triangle. The project site is located north of Rose Avenue and northeast of Cindy Way. It is currently occupied by a single-family home, several accessory buildings, and swimming pool. The home is supported by a septic sewer system.



Location Map

The site is bounded on the east, west, and south by single-family homes, on the north by the Arroyo Del Valle, a controlled release storm water channel. The Alameda County Fairgrounds is on the south side of Rose Avenue.

According to the building permit records, the existing one-story home was constructed in the early 1970s. It is habitable but the existing garage and various out buildings are in a dilapidated condition and are proposed to be demolished. The northerly portion of the site has trees and shrubs adjacent to the Arroyo Del Valle. The site generally has flat terrain with slopes to the north towards Arroyo Del Valle.

Lot 9 of Tract 7534 (1619 Cindy Way), a currently vacant lot, is part of the existing Roselyn Estates development. It abuts the driveway of 1623 Cindy Way on the southeast. It is surrounded by single family homes (see location map above).

PROJECT DESCRIPTION

The proposal consists of:

- Rezoning approximately three-acres of the existing approximately four-acre site at 1623 Cindy Way from A (Agriculture) District to PUD-MDR (Planned Unit Development – Medium Density Residential) District so that the entire site would have one single zoning designation;
- Design review approval to construct an approximately 2,720 square foot one-story home with an approximately 580 square foot attached garage at 1619 Cindy Way (Lot 9, Tract 7534); and
- Modifying a condition of approval for Tract 7534 to allow the continued use of the existing driveway to the existing lot at 1623 Cindy Way and to adjust the driveway location.

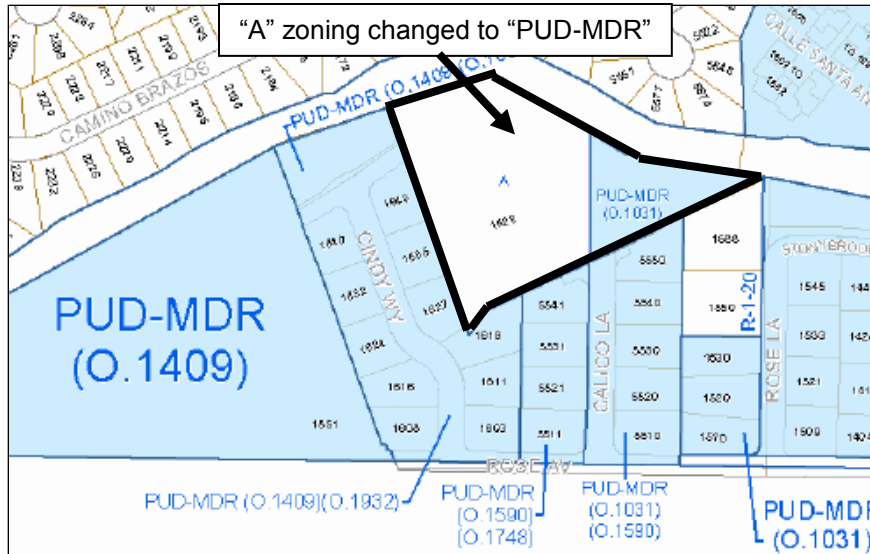
ANALYSIS

General Plan and Land Use Conformity

The General Plan land use designation for the subject site is Medium Density Residential (two - eight dwelling units per gross acre). The proposed project is to change the current zoning from A (Agriculture) District to PUD-MDR (Planned Unit Development – Medium Density Residential) district, making the entire site conforming to the General Plan Land Use Designation. With the approval of the rezoning, the applicant intends to submit an application to develop the site with a project that would meet the medium density requirement and be compatible in lot size and design concept with the surrounding homes. This future PUD development would be an extension to the existing Roselyn Estates development (more discussion later in the report).

1) Rezoning

Zoning is the land use designation defining site development standards for building setbacks, height, floor area ratio, etc. During the development of projects on Rose Avenue, the City Council and Planning Commission have directed that the area should maintain the existing “rural character” through the creation of large single-family lots at least 10,000 square feet in size and that these developments should be designed at the low end of the General Plan density range. As was mentioned the “Background” section, the existing property has two zoning designations. The proposal is to rezone the “A” zoned portion of the site to a PUD-MDR district so that the entire site would conform to the General Plan Land Use Designation as well as being consistent with the surrounding residential properties.



Site Plan with Current Zoning Designations

With the approval of the rezoning from A to PUD-MDR, the applicant intends to subdivide the existing four-acre site into two lots: one lot that would have the existing home for 13,000 square feet and one lot for 3.7 acres. This would require a subsequent parcel map application². The applicant also intends to relocate to the existing home closer to the driveway, remodel the existing home, and construct a new garage. The relocation and remodel is part of the PUD minor modification, and the process of which was previously explained. As for the large 3.7-acre lot, a further subdivision and PUD development plan would be proposed, as described in more detail later, as “Future Development of Remainder Parcel.”

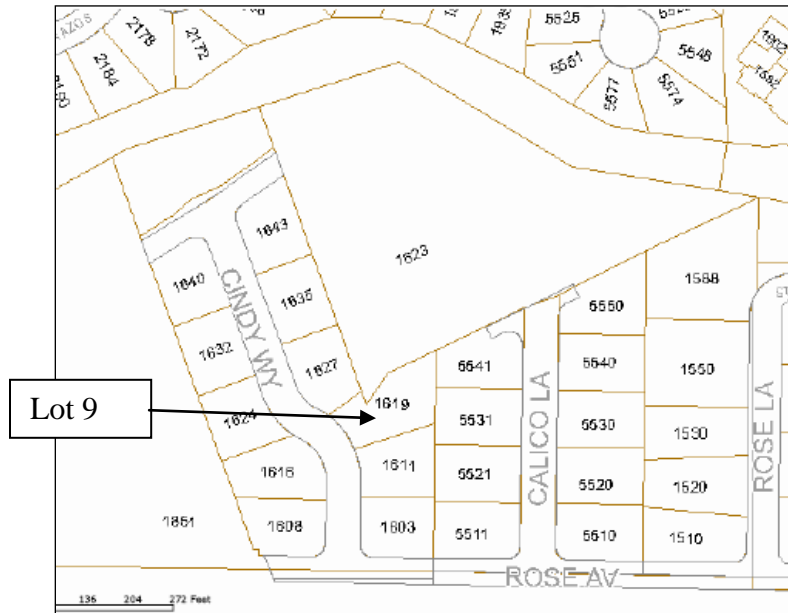
2) Design Review (PDR-965) for 1619 Cindy Way (Lot 9, Tract 7534)

When PUD-38 was approved, the approval included a set of pre-designed homes and each lot had an approved house design, except for Lot 9. Lot 9 at that time was set aside as a home that would have customized design. Condition of Approval No. 2 of PUD-38 states:

The custom home on Lot 9 shall conform to the approved design guidelines, and the design shall attempt to mitigate neighbor concerns; the home shall be processed as a design review application and shall be subject to review and approval by the Planning Commission.

In review of the meeting minutes, staff believes that this condition was at the request of the Jones as related to potential visual and privacy impacts as Lot 9 abuts the then Jones property on the east. As Mr. Jansen now owns both Lot 9 and the former Jones property, this issue is no longer germane.

² A two-lot subdivision does not require the review and approval by the Planning Commission. It is reviewed and approved by the Director of Community Development.

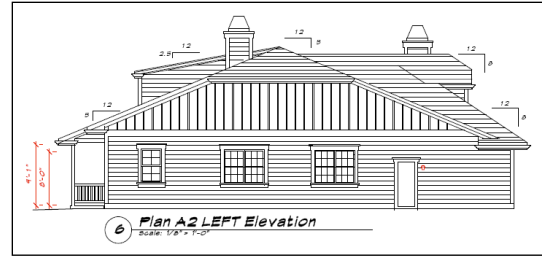
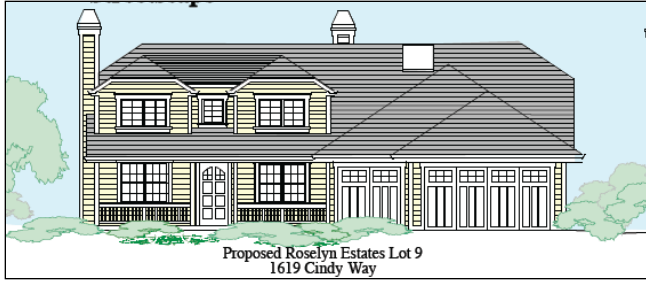


Location of Lot 9, Tract 7534 (1619 Cindy Way)

To keep consistency in home design, the applicant proposes to utilize the previously approved Plan 2A model for Lot 9 but in a reversed form. The reasons to use a reserved plan are to accommodate the driveway relocation for 1623 Cindy Way and most importantly to avoid repetition of home designs on the same side of the street.

The following table shows the required and proposed development standards:

	PUD-38 (in feet)	Proposed (in feet)
Front Setback:		
Living Area/House	20	65
Covered Porch	15	57
Garage (Front Facing)	20	49
Side Yard Setback	10 ft min/20 ft. combined	10/20
Rea Yard Setback:		
Living Area	20	20
Porches	15	20
Height:	One-story: 24 Two-story: 32	24
FAR:	40%	26%



The selected home design for Lot 9 was part of the pre-approved designs for Roselyn Estates. As Lot 9 is part the development, it is appropriate to use one of the pre-approved models for this lot. Staff finds that using a reserved plan is sensible to create a more appealing streetscape within the development.

3) Continued Use of the Existing Driveway to 1623 Cindy Way.

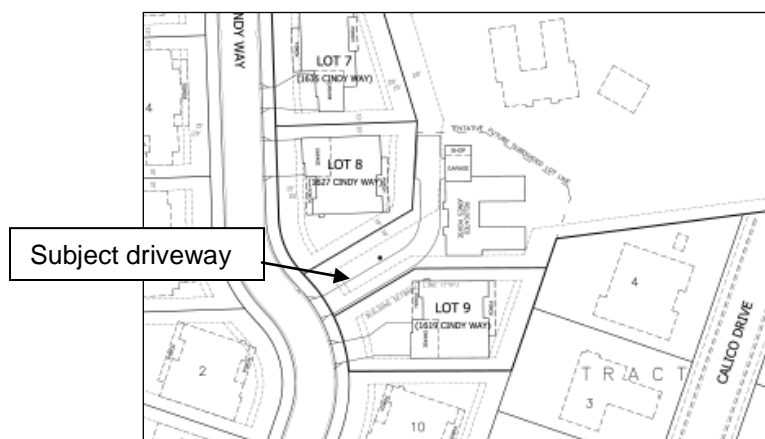
Condition of Approval No. 24 of Tract 7534 states:

The existing 20-foot easement located on the westerly boundary of APN 946-3477-002 shall be extinguished, unless otherwise agreed to by the City Attorney and City Engineer, and shall also establish a new 20-foot easement between Lots 8 and 9 located contiguous to the northerly boundary of Lot 9 for the benefit of the Jones property for access to that property, prior to final map recordation. This easement shall be an exclusive easement for the purposes of ingress and egress for the benefit of the existing Jones residence and provide for a non-exclusive easement for the purposes of underground utilities, including, but not limited to, storm drainage, sanitary sewer, water, cable TV, telephone, etc. or as approved by the City Engineer and City Attorney. In the event that the Jones property is developed, the exclusive access easement will be required to be extinguished.

The staff report for PUD-38 stated that *“Mr. David Jones has suggested that the proposed 20-foot access easement is inadequate and should be designed as a standard residential road section to accommodate and serve as the primary entrance to the Jones' property should the family wish to subdivide. City staff discussed this as an alternative and determined that it would not be desirable to have this as a standard street which would cut through the Roselyn Lane project area. Should the Jones family wish to subdivide, access would be provided with both Calico Lane and the proposed*

Street B of the Roselyn Lane project.” (Staff note: Street B is now Lynn Drive, the street along the Arroyo Del Valle.)

At that time, it was believed that when the Jones property is ready for development, the existing home would then be demolished and the access easement would no longer be required. The plan to develop the property has since changed. The proposal is to retain the existing home and thus, to allow it to continue to use the existing 20-foot access easement.



Location of the Existing Driveway to 1623 Cindy Way

Staff found that the request is reasonable and supportable as it would maintain a single-family use of this driveway. Staff recommends that this condition be modified to read as follows (new text is in **bold underline**):

The existing 20-foot easement located on the westerly boundary of APN 946-3477-002 shall be extinguished, unless otherwise agreed to by the City Attorney and City Engineer, and shall also establish a new 20-foot easement between Lots 8 and 9 located contiguous to the northerly boundary of Lot 9 for the benefit of the Jones property for access to that property, prior to final map recordation. This easement shall be an exclusive easement for the purposes of ingress and egress for the benefit of the existing Jones residence and provide for a non-exclusive easement for the purposes of underground utilities, including, but not limited to, storm drainage, sanitary sewer, water, cable TV, telephone, etc. or as approved by the City Engineer and City Attorney. In the event that the Jones property is developed, the exclusive access easement will be required to be extinguished **unless it is allowed to remain by the City Attorney and City Engineer.**

As part of the continued use of the driveway, this driveway location would be adjusted. The south portion of the driveway abuts the north property line of Lot 9, and that property line is not a straight line. There is a jog in the line. The applicant wishes to

take this opportunity to straighten the north property line of Lot 9 through a lot line adjustment process. Lot line adjustment is an action by the City Engineer.

Future Development of the Remainder Parcel:

As it was previously mentioned, with the approval of this project, the applicant will follow with a minor subdivision request to subdivide the existing site into two lots: one with the relocated home meeting the PUD-38 development standards and the remainder parcel would be proposed as a further subdivision and PUD development plan for seven (7) single-family homes similar (in lot configuration, density, and design) to that of PUD-38. The seven new homes would be called “Roselyn Estates II”. As a reference, below is a preliminary layout of the future PUD development:



Conceptual Lot Layout of a Future PUD Development Plan

Staff notes that this PUD development plan is still in a preliminary stage and is subject to change, including the number of lots, lot size/shape, house locations, etc. The purpose to include it in this application is for reference and is to provide a “big picture” of the overall development which is associated with the outcome of this pending application.

PUBLIC NOTICE

Notice of this application was sent to all property owners and occupants within a 1,000-foot radius of the subject property. John Nassar, property owner of 5531 Calico Lane, contacted staff regarding the design of home on Lot 9 (1619 Cindy Way). Mr. Nassar was fine with the one-story design.

ENVIRONMENTAL ASSESSMENT

Rezoning: A Negative Declaration was prepared in conjunction with the proposed rezoning application. Based on the Initial Study and Negative Declaration, the project would not have a significant effect on the environment.

Design Review: Construction of a new single-family residence at 1619 Cindy Way is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 3(a) – New Construction or Conversion of Small Structures. Therefore, no environmental document accompanies this report.

Continued Use of Driveway: In January 2006, the City Council adopted a Negative Declaration for the PUD-38. The subsequent Tract Map 7534 conforms to the PUD approval. The continued use of the existing driveway will not change conditions or circumstance of the original PUD; thus, conforming to the original PUD approval. Therefore, no additional environmental document is prepared for this part of the request.

CONCLUSION

The proposed rezoning would bring the existing zoning into conformance with the General Plan Land Use Designation. The proposed rezoning would result in one single zoning designation for the site, and it would be consistent with the other rezoning projects in the vicinity. The modified condition to allow second story windows on Lot 7 (1635 Cindy Way) would not impact privacy of the to-be-relocated existing residence. The request to continue use the access easement by a single family home is acceptable.

Choosing one of the pre-approved home models for Lot 9 (1619 Cindy Way) is sensible. It ensures compatible of the home design with the development.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take following actions:

1. Find that the rezoning will not have a significant effect on the environment per the attached Negative Declaration (Exhibit C);
2. Find that the proposed rezoning, PRZ-59, is consistent with the General Plan;
3. Adopt a resolution recommending approval of PRZ-59, PUD rezoning from A District to PUD-MDR District and forward the application to the City Council for public hearing and review.
4. Approve Design Review Case No. PDR-965 for the construction of a one-story home at 1619 Cindy Way (Lot 9, Tract 7534), subject to Conditions of Approval in Exhibit A-1;
5. Modify Condition No. 24 of Tract 7534 as listed in Exhibit A-2.

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