



SUBJECT: PDAM-02

APPLICANTS: Jim Happ
Kenneth and Pamela Chrisman

PROPERTY OWNER: Kenneth and Pamela Chrisman

PURPOSE: Application to extend the Development Agreement with Kenneth and Pamela Chrisman for a five-year period from 2012 to 2017.

GENERAL PLAN: Vineyard Avenue Corridor Specific Plan (Low Density Residential land uses)

ZONING: PUD - LDR (Planned Unit Development – Low Density Residential) District.

LOCATION: 1944 Three Oaks Drive (formerly known as 1944 Vineyard Avenue) on the south side of Vineyard Avenue Trail

ATTACHMENTS: Exhibit A, Original Development Agreement
Exhibit B, Location Map

BACKGROUND

The subject property is a 20-acre site located within the Vineyard Avenue Corridor Specific Plan Area.¹ The property is one of two parcels² comprising a 19-lot residential Planned Unit Development proposed by Centex Homes and adopted by the City Council in June 2001 (Ord. 1832, PUD-05). Ten of the 19 lots would be developed on the Chrisman's site.

The City Council subsequently approved a Development Agreement between the City and the Chrismans (Ord. 1855, adopted June 4, 2002). Development agreements are contracts specifically authorized by State law with the intended purpose of giving property owners more certainty about policies which will apply to their property and, therefore, encourage investment, including the provision of public facilities. This Development Agreement sets forth the development rights and responsibilities related to the planned unit development.

¹ The Chrisman's property is Lot No. 23 in the Specific Plan, formerly 1944 Vineyard Avenue.

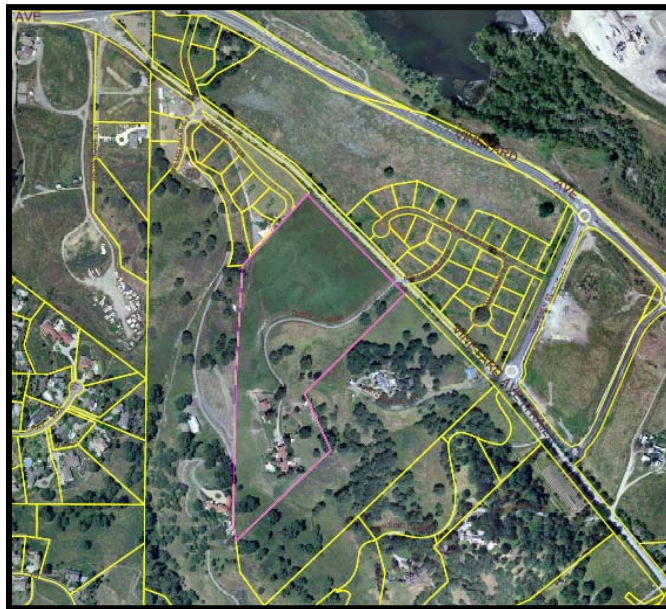
² The adjacent westerly Berlogar property, Lot 22 in the Specific Plan, is the second parcel within this PUD.

Of particular interest to the City at that time was the Chrismans' agreement to a coordinated process to timely fund and build utility infrastructure, safer roads, and public trail amenities to serve all development in the Vineyard Corridor (which was of particular interest to the School District in 2002). As consideration for this commitment, the Development Agreement vested for a period of ten years, until September 2012, the right of the Chrismans to develop the property subject to the rules and regulations in place at the time of approval.

More recently, in December 2006, the Chrismans requested to amend the design of the 10 homes on their property from the approved production home models (originally proposed by Centex) to custom-designed homes with a set of specific design guidelines. In August 2008, the City Council approved that request; however, due to the current economic climate, development has not proceeded on the property.

SITE DESCRIPTION

The project site is located in the Vineyard Avenue Corridor Specific Plan Area. It abuts the Vineyard Avenue Trail.



Subject Site

PROJECT DESCRIPTION

The applicants request that the Development Agreement be extended from September 23, 2012 to September 23, 2017. The extension process requires that the Planning Commission provide a recommendation to the City Council for action.

ANALYSIS

Because the current Development Agreement will expire on September 23, 2012, the applicants request a five-year extension of the Development Agreement to September 23, 2017. With such an extension, the development rights and responsibilities described in the original Development Agreement (Exhibit A) as amended by the subsequent design change, would remain in effect during this extended period.

The underlying planned unit development, as modified by the 2006 design change, remains consistent with the current General Plan and Vineyard Avenue Corridor Specific Plan. For the approved project, no grading is required in areas with a 25% or greater natural slope, as the slope on the north-east portion of the property was created during the construction of Old Vineyard Avenue, and this berm's slope appears to be slightly less than 25%. A small area of the project's roadway does cross a slope that appears to be 25% or greater, but this overlaps the existing roadway providing access to existing development - the Chrisman's current home. Thus, the proposed extension is consistent with the current General Plan. The project is a low-density residential development as allowed by the Specific Plan. The Chrismans' earlier agreement on area-wide infrastructure improvements and financing facilitated timely development of the Vineyard Corridor.

One condition that City staff proposes to impose on this request for extension is that the Vineyard Avenue Corridor Specific Plan Preparation Fee (covering costs of the City in preparing the Specific Plan, Environmental Impact Report, and supporting economic analysis reports [see pg. 109, paragraph 6, of the Specific Plan]) still be levied on the project when a final subdivision map is submitted for approval. Under the current terms of the Vineyard Avenue Corridor Specific Plan, such Specific Plan Preparation Fee is payable for 15 years after the City's 1999 adoption of the Specific Plan (effectively 2014). However, with the proposed extension of the Development Agreement, the Chrismans could delay the filing of a final map until 2017. City staff therefore recommends that this Specific Plan Preparation Fee still be collected, as this results in the Chrismans still fulfilling their existing obligations. In any event, the payment of other Vineyard Avenue Corridor Specific Plan fees does not expire after 15 years (or at all).

Because of the current challenging economic climate, staff supports the request for the extension and recommends that the Planning Commission provide a positive recommendation to the City Council.

PUBLIC NOTICE

Notice was mailed to all property owners and residents within a 1,000-foot radius of the project site. Mary Roberts contacted staff, expressing her objection to the extension as she did not believe there would be any benefits to the City to extend the Development Agreement.

ENVIRONMENTAL ASSESSMENT

The underlying planned unit development, original development agreement, and subsequent design modification have all been subject to environmental review, including an Environmental Impact Report for the original approval, pursuant to the California Environmental Quality Act (CEQA). As the physical environment has not significantly changed since that time, and the extension of the Development Agreement does not modify the approved project, no further environmental document accompanies the consideration of this extension. [See §15061(b)(3).]

CONCLUSION

The request for an extension would allow the applicants to proceed with the intended development when the economic climate improves. This extension would not alter or modify the obligations and responsibilities described in the original Agreement, which remain consistent with the current General Plan and Vineyard Avenue Corridor Specific Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending approval to the City Council of this extension of the Development Agreement between the City and the Chrismans, subject to the condition for payment of the Specific Plan Preparation Fee when a final map is submitted for approval.

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