



**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

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## BACKGROUND

The subject property is a 20-acre site located within the Vineyard Avenue Corridor Specific Plan Area.<sup>1</sup> The property is one of two parcels<sup>2</sup> 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,

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

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

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.

Of particular interest to the City at that time was the Chrismans' willingness to immediately dedicate to the City right-of-way needed for relocating Vineyard Avenue and easements for water and sewer infrastructure (as, otherwise, the City might have to condemn the needed property or simply wait for the Chrisman site to actually develop). As consideration for this early dedication, the Development Agreement vested for a period of ten years, until November 2012, the right 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 November 18, 2012 to November 18, 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 November 18, 2012, the applicants request a five-year extension of the Development Agreement to November 18, 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 Vineyard Avenue Corridor Specific Plan as a low-density residential development. The Chrismans' earlier dedication of needed right-of-way and utility easements facilitated timely development of the Vineyard Corridor. Under 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. As of the date of the preparation of this report, staff has not received any comments from the public.

## **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 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.

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