

SUBJECT: Vesting Tentative Subdivision Map 7813

**APPLICANT/
OWNER:** Charles Austin and Scott Austin

PURPOSE: Application of a vesting tentative map to subdivide an approximately 30.15-acre property into 8 single-family custom home lots, 4 parcels that will be transferred to adjoining property owners, and with the remaining land dedicated to the City of Pleasanton for open space purposes.

**GENERAL
PLAN:** Low Density Residential (< 2 du/ac) and Agriculture and Grazing

ZONING: PUD – LDR and AG (Planned Unit Development – Low Density Residential and Agriculture and Grazing) District

LOCATION: 3459 Old Foothill Road.

ATTACHMENTS:

1. Location Map.
2. Exhibit “A”, Vesting Tentative Tract Map 7813, dated “Received April 13, 2007”.
3. Exhibit “B”, Draft Conditions of Approval, dated May 23, 2007.
4. Exhibit “C”, PUD Development Plan Conditions Applicable to Vesting Tentative Subdivision Map 7813, dated May 23, 2007.
5. Urban/Wildland Interface Fire Management Plan prepared by Wildland Resource Management, Inc., dated March 2007.
6. Reforestation/Landscape Plan Prepared by PGADesign, dated April 13, 2007.
7. Updated Tree Report and Tree Survey Map prepared by HortScience, Inc., dated January 2007.
8. Ordinance No. 1942 for PUD-58.
9. Public communications

I. BACKGROUND

At its public hearing held on October 17, 2006, the City Council introduced Ordinance No. 1942, attachment #8, approving PUD-58, the PUD Development Plan for the development of the approximately 30-acre Austin property (3459 Old Foothill Road). Charles and Scott Austin have now submitted their request for the approval of Vesting Tentative Subdivision Map 7813 that will subdivide their property in conformance to the PUD development plan approval.

This project is before the Planning Commission to review the proposed tentative subdivision map only for its conformance to the California Subdivision Map Act and for its substantial conformance to the approved PUD development plan. The Planning Commission's decision is final and will not be forwarded to the City Council unless appealed.

II. PROJECT DESCRIPTION

The proposed Vesting Tentative Subdivision Map 7813 would allow the subdivision of the 30-acre Austin property into eight building sites, four parcels that will be transferred to the property owners on Jorgenson Lane, and one parcel that will be dedicated to the City as permanent open space. The proposed lotting pattern, open space area, and lot access is in substantial conformance to the PUD development plan.

The public infrastructure improvements that are part of the overall development would include the reconstruction of a portion of the southernmost end of Old Foothill Road to accommodate Austin Place and the entrance to the parking area for the Alviso Adobe park, the construction of Austin Place, and the installation of utilities necessary to provide services to the site. Staff notes that the surplus graded material from this property will be transported to the Bernal properties and stockpiled for the future construction of sports fields and other future public facilities.

III. ANALYSIS

The PUD approval specified the implementation of specified items with the Tentative Subdivision Map. The conditions specifically addressing these items are listed in Attachment #4. The conditions that were required to be submitted with the tentative map consist largely of studies needed and coordination with state agencies or open space management. The items are minor and can be evaluated in conjunction with the final subdivision map.

These changes are applicable to the development portion of the project, a relatively small component of the overall development, reflecting past City practice that deferred this review to the final map, and conforms to the California Subdivision Map Act. Staff notes that doing this would expedite the dedication of the open space area to the City and the construction of infrastructure for the parking area of the Alviso Adobe Park. A summary follows.

- Grading – The proposed grading plan is consistent with the PUD approval. Investigation into additional retaining walls and/or split pads to reduce the height of the slope banks on the south sides of Lots 6 and 7 would be deferred to the final subdivision map.

- Engineering Requirements – The City Engineer considers the civil design details – streets, utilities, etc. – to be consistent with the PUD approval. Final review will be completed with the final subdivision map and will include the engineering conditions covered under Exhibit “B”.
- Urban Stormwater Runoff – A bio-retention pond was shown on the PUD development plan between the east side of Lot 1 and Old Foothill Road. The applicant now proposes to treat the development’s storm water runoff with a system of filters, provided in lieu of the retention pond, before it enters the City’s storm drain system. This proposal was reviewed and accepted by the City Engineer.
- Regional Water Quality Control Board – Staff referred a copy of the tentative map/grading plan to the RWQCB staff for review and comment. The RWQCB will formally review the subdivision’s grading and urban stormwater runoff mitigation measures with its review of the NPDES permit for this development.
- Cattle Grazing Density – The determination of grazing density would be deferred to the final subdivision map.
- Open Space Preservation – The consensus of the hearing bodies reviewing the PUD development plan was that the City’s open space area should be covered by an open space/conservation easement granted to a third party. Staff believes the easement should be held by the East Bay Regional Park District or its foundation given the Austin property’s proximity to the Pleasanton Ridge Regional Park, owned by the park district. Representatives of the park district have indicated their willingness to accept the easement with an endowment that would provide the principal from which interest would accrue to fund the park district’s annual monitoring of the City’s performance. This matter will be resolved with the City Council’s approval of the final subdivision map.
- Wildland Fire Management Plan – The Wildland Fire Management Plan (WFMP), Attachment #5, was reviewed and accepted by the Fire Marshal. These measures will be incorporated into the City’s management/maintenance plan of the open space area.
- Reforestation Plan for the Open Space Area – The reforestation plan, Attachment #6, is designed in conformance to the approved landscape design guidelines and was reviewed and accepted by the City’s Landscape Architect.
- Updated Tree Analysis – Based on the updated tree analysis, Attachment #7, staff will work with the applicant to preserve additional trees on Lot 8.
- Easements – The wildland fire management and reforestation areas on the City land will be covered by an easement to the Homeowners Association for its maintenance.
- Miscellaneous – Resolution of setback lines, design guidelines, common maintenance areas, geotechnical review, etc., would be completed with the final map.

The final subdivision map includes very detailed engineering drawings, legal documents, etc., that pertain to the subdivision and must be completed in order for the City Council to be able to approve the subdivision in conformance to the California Subdivision Map Act. As previously stated, deferring their review to the final map expedites the dedication of open space area to the City, considered a Citywide amenity, and the construction of infrastructure for the facilitating the Alviso Adobe Park. Staff has provided a condition of approval to have these items completed prior to the approval of the Final Subdivision Map.

IV. PUBLIC COMMENT

Public notices were sent to all property owners within a 1,000-foot radius of the project site and to all homeowners living in the Foothill Knolls development and both phases of the Laguna Oaks development. Attachment #9 is an email from Kathryn Krebs (8343 Regency Drive) citing their concerns over the loss of open space and cattle grazing. Staff has not received any written communications on this development.

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 PGPA-11, the amendment to the Pleasanton General Plan that changed the land use designation to Low Density Residential (< 2 du/ac) on 8 acres, with a maximum of 8 units, and Agriculture and Grazing on the remaining 22 acres. The subdivision map and its improvements are consistent with these land use designations.

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 the alteration of a relative small portion of the site’s existing topography. An existing central drainage course would be altered with retaining walls flanking the drainage course. All other drainage courses would be maintained in their natural condition. Existing trees would be preserved where feasible. However, the removal of an existing tree with the subdivision’s construction 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 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 face-of-curb with the storm water runoff directed into public bio-retention swales for pretreatment before entering 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 existing utility and driveway easements from Old Foothill Road to the Segundo and Messa properties will be maintained. A new utility easement will be provided from Austin Place, across Lot 5 and the open space parcel, to the Segundo property. The proposed subdivision would not affect any other existing public utility and/or access easements.
- Except for access to the open space parcel, all direct access from the Austin property to Old Foothill Road will be deleted with the recordation of the final subdivision map.

Therefore, staff believes that this finding can be made.

VI. ENVIRONMENTAL ASSESSMENT

Environmental review for Vesting Tentative Subdivision Map 7813 is covered by the Initial Study/Mitigated Negative Declaration approved by the City Council with PUD-58 and PGPA-11. 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. Deferring the review of the items that are in progress to the City Council's review of the final subdivision map expedites the dedication of open space area to the City, considered a Citywide amenity, and the construction of infrastructure for the facilitating the Alviso Adobe Park. 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 7813 by taking the following actions to approve the project as recommended by staff.

1. Make the finding that the proposed vesting tentative subdivision map is covered by the approved negative declaration for PUD-58;
2. Make the finding that the proposed vesting tentative subdivision map 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 7813 subject to the draft conditions of approval stated in Exhibit "B".

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