



Planning Commission Staff Report

May 16, 2007
Item. 6.a.

- SUBJECT:** PUD-05-02M
- APPLICANT:** Jim Happ
Kenneth and Pamela Chrisman
- PROPERTY OWNER:** Kenneth and Pamela Chrisman
- PURPOSE:** Application for a major modification to an approved PUD development plan to replace the approved production home designs with design guidelines
- GENERAL PLAN:** Vineyard Avenue Corridor Specific Plan (Low Density Residential land uses)
- ZONING:** PUD- LDR (Planned Unit Development –Low Density Residential) District.
- LOCATION:** On the South Side of Vineyard Avenue Trail (formerly known as 1944 Vineyard Avenue)
- ATTACHMENTS:**
1. Location Map
 2. Exhibit A – Silver Oaks Estates Design Guidelines, dated “Received, January 19, 2007”
 3. Exhibit B – Draft Conditions of Approval for PUD-05-02
 4. Exhibit C – Ordinance No.1832 City Council’s Approval of PUD-05
 5. Exhibit D – Email to Donna Decker from Steve Brozosky, dated May 9, 2007, regarding concerns about the development
 6. Exhibit E – Memo to the City Council from the Deputy City Manager, dated August 19, 2003, regarding the well issue
 7. Exhibit F – Staff Report of the Planning Commission Meeting of June 28, 2006, without attachments
 8. Exhibit G – Excerpt of the Minutes of the Planning Commission Meeting of June 28, 2006

I. BACKGROUND

PUD-05 was a proposal by Centex Homes for a 19-lot single-family residential community known as Apperson Ridge (Ordinance No. 1832). It was covered by Vineyard Avenue Corridor Specific Plan and Final Environmental Impact Report. The original approval consisted two properties: Berlogars located at 2200 Vineyard Avenue and Chrismans located at 1944 Vineyard Avenue. The approval included design review for production homes.

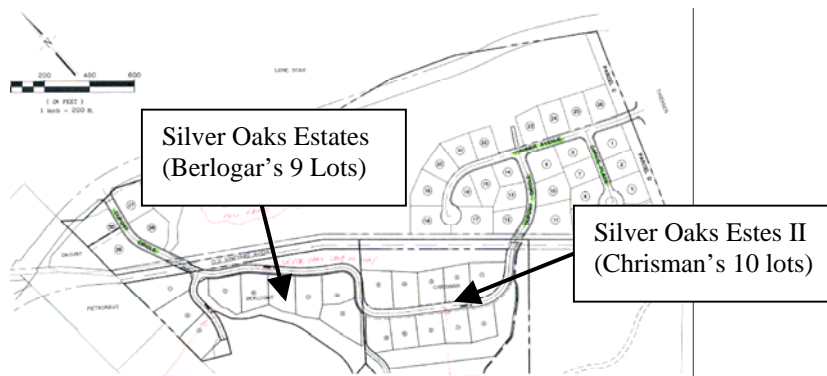
On October 4, 2005, the City Council allowed the separation of the overall Berlogar/Chrisman development into two phases (PUD-05-01M), and the establishment of revised design guidelines to replace the approved production home design on Berlogar's parcel (Ordinance No. 1927). On April 4, 2006, the City Council approved the nine-lot subdivision that occurs on the Berlogar site, known as Silver Oaks Estates. Subsequently in June 2006, the Planning Commission approved a set of detailed design guidelines for Silver Oaks Estates. This nine-lot subdivision is served by two streets: Silver Oaks Court (Lots 1-3) and Silver Oaks Lane (Lots 4-9).

The Chrisman's site, though separated by development phases, is still connected to the Berlogar's site via Silver Oaks Lane. Mr. and Mrs. Chrisman wish to use the design guidelines approved for Berlogar's Silver Oaks Estates, and make their 10-lot as Phase II of Silver Oaks Estate. As such, the Chrismans submitted an application for a PUD major modification to change the design of the homes from the previously approved production homes to custom homes utilizing the approved Silver Oaks Estates design guidelines.

The Berlogars are in support of using the guidelines to provide a compatible neighborhood regarding architecture style and materials.

II. SITE DESCRIPTION

The subject site is located on the south side of the Vineyard Avenue Trail. An existing street, Silver Oaks Lane, provides access to the site.



III. PROJECT DESCRIPTION

The applicants propose to:

1. Replace the previously approved production homes with design guidelines approved for Silver Oaks Estates, and make this 10-lot subdivision as Silver Oaks Estates, Phase II.
2. Request the design review approval for these homes be conducted by the Zoning Administrator following standard City procedures with additional procedures, increasing the approval time to 20 days, as well as pertaining to the notification provided to the Planning Commission.

IV. ANALYSIS

Proposed Design Guidelines

Gorny & Associates, an architectural firm, was the author of the design guidelines for the Silver Oaks Estates. The information contained in the design guidelines is detailed and comprehensive. In addition to the setbacks, building height, and floor area ratio requirements, the approved design guidelines for Silver Oaks Estates includes written text with diagrams, photographs, and drawings, providing clear concise direction for the future individual homeowners at the Silver Oaks Estates Phase II development. The detail of architectural elements, such as dormers, shutters, bay windows, roofline, etc., provided in the design guidelines ensures the homeowners and their design team's successful translation from guideline statements to physical designs. Staff believes that the proposed guidelines would provide this comprehensive level of detail and direction to the future homeowners regarding all aspects of the designs of their homes.

Design Guidelines Review Procedures

The review of the home designs for these lots would be administered by a two-step process.

1. First, there would be an "in-house" review administered by a design review architect composed of Silver Oaks Estate Development and Gorny & Associates Architecture. The review procedures are described in the proposed design guidelines. Where a home would be designed by a different design firm, Gorny & Associates Architecture would be retained to provide architectural peer review of the proposed designs. The design plans would be approved by Gorny & Associates Architecture before being submitted to City staff for review.
2. Second, after completion of the "in-house" review, there would then be the formal design review administered by the Planning Department following the review procedures set forth in Section 18.20 of the Pleasanton Municipal Code.

Having Silver Oaks Estates development and Gorny & Associates Architecture administer the first stage of design review through its own “design review architect” ensures compliance with the design guidelines as well as a continuity of review among the various house designs, e.g., ensuring that the individual design works well within the design ensemble of the surrounding homes. Similar procedures have been successfully implemented in the Ruby Hill development and Mariposa Ranch at Callippe Preserve Golf Course.

Planning Commission Notification

The proposed process incorporates notification to the Planning Commission of the Zoning Administrator’s actions on these home designs. Staff recommends the following procedures for each custom home site proposal:

1. Notice of the proposed house design application would be sent to the Planning Commission and to surrounding neighbors. This notice would provide to the Planning Commission notification of the application in the review process.
2. Notification of the Zoning Administrator’s action will be forwarded to the Planning Commission with a copy of the approval letter, conditions of approval, and reduced copies of the plan set of the proposed house design including colored building perspectives and building elevations, the floor plans, landscape plans, grading plans, and/or any other design details considered to be pertinent to the proposed design.

This process would provide to the Planning Commission a comprehensive description and analysis of the application and the Zoning Administrator’s action.

V. PUBLIC NOTICE

Notices of the Planning Commission’s public hearing on this item were sent to the homeowners located within 1,000-feet of the subject property and living in the Vineyard Avenue Corridor Specific Plan area.

Mr. Steve Brozosky, 1 Brozosky Lane, discussed the proposal with staff. He provided staff with questions concerning: dirt hauling and hauling route, visual impacts, landscaping, amenities, existing accessory building on-site, open space management, etc. These concerns are related generally more to the PUD Development Plan, the tract map, and implementation of the PUD.

Mr. Brozosky also pointed that proposed change of design review criteria from production homes to custom homes would impact his residence in that unlike production homes that would be constructed at the same time, the construction of custom home would be based on the sales of the property; therefore, it is unpredictable when the construction of the homes would be complete. Consequently, he and his family would be impacted by a long-period of noise, dust, traffic, etc. resulted from construction.

In addition Mr. Brozosky brought up the issue of the well on his property. Mr. Brozosky stated that his family and the Chrismans share the well, and that the Chrismans have the easement on his property to access the well. He requests that the Chrisman give up their rights to use the well and to remove the access easement on his property.

The well issue was reviewed and discussed thoroughly during the tentative map review (Case PTR-7399) and then again in the appeal review (PAP-53). Condition of approval of PTR-7399 has addressed the well usage issue. Staff does not believe that there is a nexus between the well usage and change of design criteria. Copy of documents clarifying the well is attached as reference.

VI. PUD DEVELOPMENT PLAN FINDINGS

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD development plan proposal or modifications of an approved development plan. These considerations would also apply to the major modification of an approved development plan. The Planning Commission must make the following findings that the proposed modification conforms to the purposes of the PUD District, before making its recommendation.

1. Whether the proposed development is in the best interest of the public health, safety, and general welfare.

The proposed development plan modification is designed in conformance with the Pleasanton General plan and Specific Plan designations for this site and all other relevant policies and programs. Therefore, staff believes that this finding can be made.

2. Whether the modified development is consistent with the Pleasanton General Plan.

The proposed modification would have no change upon the density or other General Plan policies previously approve for this project. Therefore, staff believes that this finding can be made.

3. Whether the modified development is compatible with previously developed properties in the vicinity and the natural, topographic features of the site.

The proposed public street is situated in a manner consistent with City standards and which provides adequate access to the proposed development for access and/or emergency vehicles. Custom homes would be subject to the same design standards of an approved design guidelines for a development to the immediate west. Therefore, staff believes that this finding can be made.

4. Whether grading takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding to have as minimal an effect upon the environment as possible.

Requirements of Uniform Building Code will be implemented by the City at the building permit review to ensure that constructions are done in conformance to the City's requirements. Erosion control and dust suppression measures will be documented in the final subdivision map and will be administrated by the City's Public Works Department.

Therefore, staff feels that this finding can be made.

5. Whether streets and buildings have been designed and located to complement the natural terrain and landscape.

The proposed modification would have no change upon the previously approved grading plan, which was designed to reflect the site's existing topographic condition, minimize impacts on adjoining properties, and be consistent with the requirements and geotechnical report recommendations prepared for PUD-05. Therefore, staff believes that this finding can be made.

6. Whether adequate public safety measures haven incorporated into the design of the plan.

The proposed homes are conditioned to be designed to meet the requirements of the Uniform Building Code, other applicable City codes, and State of California mandated noise, energy, and accessibility requirements. Adequate access is provided to all structures for police, fire, and other emergency vehicles. Therefore, staff believes that this finding can be made.

7. Whether the plan conforms to the purposes of the PUD District.

The proposed modification to the approved PUD Development Plan set for the parameter for the development of the subject property in a manner consistent with the Pleasanton Municipal Code, the Vineyard Avenue Corridor Plan, and with the surrounding area. Through the proposed design guidelines, the project will meet the purposes of the PUD District. Therefore, staff believes that this finding can be made.

VII. ENVIRONMENTAL ASSESSMENT

Environmental review for the proposed project was undertaken with the Final Environmental Impact Report (EIR) approved by the City Council for the Vineyard Avenue Corridor Specific Plan in conformance with the standards of the California Environmental Quality Act (CEQA). There are no substantial changes to the project or to the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially

increase the severity of previously identified effects. Furthermore, there is no new information of substantial importance, which was unknown at the time that the Final EIR was approved by the City Council regarding the project or its effects, mitigation measures, or alternatives. Any previously identified effects or impacts are mitigated to a level of insignificance, with the mitigation measures incorporated into the project's design or imposed on the project pursuant to the conditions of approval. Therefore, no new environmental document accompanies this staff report.

VIII. CONCLUSION

The Chrismans' 10-lot, Phase II of development, was part of the original 19-lot development by Centex Homes. It makes sense to combine the project as part of the Silver Oaks Estate and use the same design guidelines. The aspects of the proposal discussed in the staff report – Proposed Design Guidelines, Review Procedures, and Planning Commission Notification – would work together to secure a high level of design quality for the homes of the Silver Oaks Development in an expedient and efficient manner. Complete notification to the Planning Commission of the proposal and of the Zoning Administrator's actions on these home designs would be provided. Staff believes that the above-described process for these homes would come close to creating such a process within the present procedures set forth by Section 18.20, Design Review, of the Pleasanton Municipal Code.

IX. STAFF RECOMMENDATION

Staff recommends the Planning Commission take the following actions for Case No. PUD-05-01M-01D:

1. Make the finding that the proposed modification is covered by the previously approved Final Environmental Impact Report for Vineyard Avenue Corridor Specific Plan;
2. Make the finding that the proposed modification is covered by the previously approved PUD development plan findings for PUD-05 and that no additional environmental review is needed; and,
3. Approve the proposed modification subject to Exhibit "B", Draft Conditions of Approval.

Staff Planner: Jenny Soo, (925) 931-5615; email: jsoo@ci.pleasanton.ca.us