

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2007-25

RESOLUTION APPROVING VESTING TENTATIVE TRACT MAP 7813,
THE APPLICATION OF CHARLES AUSTIN AND SCOTT AUSTIN

- WHEREAS, Charles Austin and Scott Austin have applied for Vesting Tentative Tract Map approval to subdivide an approximately 30.15-acre property located at 3459 Old Foothill Road into eight single-family custom home lots, four parcels that will be transferred to adjoining property owners, and with the remaining land dedicated to the City of Pleasanton for open space purposes; and
- WHEREAS, The subdivision map is submitted in conformance to the previously approved applications, PGPA-11 and PUD-58; and
- WHEREAS, zoning for the property is PUD-LDR and AG (Planned Unit Development – Low Density Residential and Agriculture and Grazing) District; and
- WHEREAS, at its duly noticed public hearing of May 23, 2007, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning this application; and
- WHEREAS, the environmental review for this project is covered by the Initial Study/ Mitigated Negative Declaration for PUD-58 and PGPA-11, approved by the City Council on October 17, 2006; and
- WHEREAS, the Planning Commission made the following findings:

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 eight acres, with a maximum of eight units, and Agriculture and Grazing on the remaining 22 acres. The subdivision map and its improvements are consistent with these land use designations. Therefore, 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.

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 also provided to all structures for police, fire, and other emergency vehicles. Therefore, 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, 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, this finding can be made.

WHEREAS, the Planning Commission has determined that the proposed subdivision is in keeping with the requirements of the previously approved PUD development plan.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Approves Vesting Tentative Tract Map 7813, the application of Charles Austin and Scott Austin for Vesting Tentative Tract Map approval to subdivide an approximately 30.15-acre property located at 3459 Old Foothill Road into eight single-family custom home lots, four parcels that will be transferred to adjoining property owners, and with the remaining land dedicated to the City of Pleasanton for open space purposes, subject to the conditions shown in Exhibit B, attached hereto and made part of this case by reference.

Section 2. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 23RD DAY OF MAY 2007 BY THE FOLLOWING VOTE:

AYES: Commissioners Blank, Fox, Narum, Olson, and Pearce.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

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ATTEST:



Donna Decker
Secretary to the Planning Commission



Anne Fox
Chairperson

APPROVED AS TO FORM:



Julie Harryman
Assistant City Attorney

**EXHIBIT B
CONDITIONS OF APPROVAL**

**Vesting Tentative Subdivision Map 7813
Charles Austin and Scott Austin
3459 Old Foothill Road
May 23, 2007**

1. The final subdivision map shall substantially conform to the vesting tentative subdivision map and grading/utility plan, Exhibit A, dated "Received April 13, 2007" on file with the Planning Department, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to the approved exhibits.
2. This vesting tentative map shall incorporate by reference all conditions and requirements of PUD-58, the approved PUD Development Plan covering this subdivision, as approved by the City Council, except for the items listed in the attached Exhibit C, which shall be reviewed and approved with the final subdivision map.
3. An easement shall be shown on the final subdivision map to the satisfaction of the Planning Director and the City Engineer for the wildland fire buffer area and the reforestation areas that will be maintained by the homeowners association (HOA).
4. Condition Nos. 5 through 18 shall be submitted to the City Engineer for review and approval with the final subdivision map.
5. The following typical Driveway section shall be revised as follows:
 - a. The Typical Private Driveway Section with bridges:
The driveway section with bridges: the bridge shall be 24-foot wide curb-to-curb or rail-to-rail whichever is wider. The approach to the bridge from the public street shall be the same width as the bridge. The other bridge approach and the remainder of the driveway section shall be a minimum of 16 feet wide with two feet of class II aggregate Base Rock on both sides of the driveway, unless otherwise approved by the Fire Marshall. The structural section of the driveway/bridge shall support the Fire apparatus and maintenance vehicle as determined by the City Engineer. The minimum inside radius of the driveway shall be 55 feet. The maximum grade of the driveway shall be 15 percent except at bridge or road intersection where the grade shall not exceed seven percent. Additionally, the landscaping shall be trimmed back to

maintain 14 feet clear area above the roadway (20 feet). The water and sewer laterals and storm drain system within the driveways shall be private and maintained by the individual property owners or HOA.

- b. The Typical Private Driveway Section (without bridges):
The driveway section shall be a minimum of 16 feet wide paved surface with 2 feet of class II aggregate base rock on both sides of the driveway unless otherwise approved by the Fire Marshall. The structural section of the driveway shall support the Fire apparatus and maintenance vehicle as determined by the City Engineer. The minimum outside radius of the driveway shall be 55 feet. The maximum grade of the driveway shall be 15 percent except at driveway intersections where the grade shall not exceed 7 percent. The landscaping shall be trimmed back to maintain 14 feet clear area above the roadway (20 feet). The water and sewer laterals and storm drain system within the driveways shall be private and maintained by the individual property owners or HOA.
6. The typical lot side slope shall be 3:1 maximum, unless otherwise approved by the City Engineer.
7. The concrete V-ditch located between the lots shall extend down the slope and tie into the V-ditch along the north and south sides of the development unless otherwise approved by the City Engineer.
8. The homeowners association shall maintain the Filterra stormwater filtering system unless otherwise approved by the City Engineer.
9. The subdivider's engineer shall demonstrate to the satisfaction of the City Engineer that the Filterra stormwater filtering system will capture a minimum of 0.2 inches per hour storm with a 15 percent street grade.
10. The northeasterly curb return at the intersection of Austin Place and the City parking lot the radius shall be adjusted to accommodate the fire truck otherwise approved by the City Engineer
11. If the existing home is to remain the overhead utilities serving the home shall be underground as part of the subdivision improvements. The subdivider shall convert these homes from overhead services to underground.
12. The curb and gutter of all streets within the development, shall have subdrains installed at either the back of curb or lip of gutter at the discretion of the City Engineer. This detail shall be shown on the

- improvement plans. Said drains shall be connected to the storm drain system or drained by other means acceptable to the City Engineer.
13. The subdivider shall post with the City prior to approval of final map, an additional performance bond for all subdivision improvements that are not to be accepted by the City of Pleasanton.
 14. The subdivider shall give notice to any prospective owners of the maintenance of the concrete V-ditch storm drain system, the private storm drain system in the private driveways and Filterra stormwater filtering system. The City Attorney shall approve the exact language of the notice.
 15. All existing drainage swales that are filled shall have subdrains installed unless otherwise recommended by the Developer's Soils Engineer and approved by the City Engineer. All subdrains shall have a cleanout installed at the beginning of the pipe. The bottom of the pipe shall terminate in a storm drain or other storm drain outfall; subject the approval of the City Engineer. The subdivider's engineer shall submit a final subdrain location map to the City Engineer prior to acceptance of the Public Improvements. It shall be the responsibility of the homeowner to relocate the subdrain, if during the excavation of a pool or other subsurface structure a subdrain is encountered. All owners within the subdivision shall receive notice of the presence of these subdrains. The City Attorney shall approve said notice.
 16. The subdivider shall acquire written permission from the property owner(s), for any work on the adjoining properties. Proof of such permission shall be required prior to the issuance of a grading permit.
 17. All agency environmental permits shall be obtained prior to the approval of the Final Map.
 18. The overhead utilities serving the existing home on Lot 7 that is to remain within the development shall be placed underground as part of the subdivision improvements. The subdivider shall convert this home from overhead to underground services.

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EXHIBIT C
PUD DEVELOPMENT PLANS CONDITIONS OF APPROVAL
Applicable to
Vesting Tentative Subdivision Map 7813
Charles Austin and Scott Austin
3459 Old Foothill Road
May 23, 2007

2. The design, construction, and landscaping of the development covered by this approval including the individual homes shall be subject to the following design guidelines to the satisfaction of the Planning Director:
 - a. "Meadowlark Estates Subdivision Site Development and Architectural Review Guidelines", dated August 11, 2006 or as subsequently revised by City approval, prepared by Gorny & Associates and PGAdesign.
 - b. "Landscape Design Guidelines for Meadowlark, Austin Property", dated May 2006 or as subsequently revised by City approval, prepared by PGAdesign.

The project developer shall work with staff to further refine the guidelines for clear guidance to future owners regarding all aspects of the designs of these homes. The guidelines shall state the design review procedures for these lots for approval by the Zoning Administrator and shall state the procedures to inform the Planning Commission of the Zoning Administrator's actions. The revised guidelines shall be subject to review and approval by the Planning Commission with its action on the tentative subdivision map.

4. Cattle grazing shall be allowed on the 22-acre open space area surrounding the eight-lot portion of this development. The grazing density shall be based on a combination of factors including, but not limited to, the type of grazing (free-range and/or supplemented with feed), the age of the animals, etc., and shall be determined with review of the tentative subdivision map and shall be subject to the approval by the Planning Commission. The existing cattle shed located near the southern side of the property is allowed to remain. Any future use for the open space area is subject to City review including the Trails Ad Hoc Committee and the Parks and Recreation Commission.
10. The project developer shall submit with the tentative subdivision map application, a Wildland Fire Management Plan (WFMP) prepared by a licensed consultant covering the private lots and open space area for review by the Fire Marshall and review/approval by the Planning Commission. Measures identified in the WFMP will be incorporated into the City's management/maintenance plan of the open space area.

11. The following changes shall be shown on the tentative subdivision map and/or grading plan to the satisfaction of the City Engineer and shall be subject to review/approval by the Planning Commission:
- a. The typical street section for the public street/cul-de-sac accessing Lots 1 through 8 shall include an 8-foot wide Public Service Easement (PSE) measured from the back of curb. Unless otherwise approved by the City Engineer, the first five feet of the easement shall be graded at two percent towards the street.
 - b. The water, stormdrain system, and gravity sanitary sewer mains shall be public and maintained by the City. There shall be individual sanitary sewer and water laterals to each dwelling unit. The gravity sanitary sewer lateral shall have a two-way cleanout located at the back of curb. All water services shall be two inches unless otherwise approved by the City Engineer.
 - c. The width of the court/street between Foothill Road and the Old Foothill Road shall be increased to allow sufficient width for two, 12-foot wide exit lanes and a 16-foot wide entrance lane.
 - d. Old Foothill Road.

The project developer shall:

- Construct an earth swale along the westerly edge of pavement to capture surface drainage along the roadway.
 - Unless otherwise required by the City Engineer based upon further information from P.G. & E., the project developer shall underground the overhead utility lines along Old Foothill Road as determined to the satisfaction of the City Engineer.
 - Improvements to Old Foothill Road shall include a slurry seal or overlay as determined by the City Engineer, if any. If an overlay, a pro-rata cost sharing shall be established between the project developer and the City.
- e. Foothill Road

The project developer shall:

- Construct the new street tie-in to Foothill Road as shown on the plans (except as modified above).
- Re-stripe the median striping to create a left turn pocket into the development.
- Shorten the existing raised median north of the proposed entrance street/court as determined by the City Engineer to allow for a smooth transition while exiting the proposed street/court.

- Construct a deceleration lane for vehicles traveling southbound and turning into the site. The deceleration lane can be combined with the existing bike lane on the street. The City Engineer shall determine the exact length and width of the deceleration lane.
12. The project developer shall provide individual booster pumps on the domestic water service to Lots 4, 5 and 6, located above the 400-foot elevation. The proposed location of these pumps shall be shown on the tentative subdivision map to the satisfaction of the City Engineer and shall be subject to review/approval by the Planning Commission.
 15. Lot 7 shall be accessed through the shared access driveway over Lot 6. After the subdivision improvements are completed, the project developer shall eliminate the driveway access from Lot 7 onto Old Foothill Road. This statement shall appear on the face of the Tentative Subdivision Map.
 18. Unless otherwise approved by the City Engineer, all fill and cut slopes shall be graded at a 3:1 (horizontal:vertical) slope. There shall be a minimum, 2-foot wide "overbuild" area between the lot line(s) and the slope's hinge point. This change shall be shown on the tentative subdivision map and/or grading plan to the satisfaction of the City Engineer and shall be subject to review/ approval by the Planning Commission.
 19. The project developer shall comply with the recommendations of the following geotechnical reports:
 - *"Landslide Investigation, Austin Property, Foothill Road, Pleasanton, California"*, prepared for Austin and Briggs Investments by Berlogar Geotechnical Consultants, dated July 18, 2002.
 - *"Supplemental Landslide Investigation, Austin Property, Foothill Road, Pleasanton, California"*, prepared for Austin and Briggs Investments by Berlogar Geotechnical Consultants, dated September 24, 2003.
 - *"Geologic/Geotechnic Investigation, Proposed Eight-Lot Meadowlark Development, Foothill Road, Pleasanton, California"*, prepared for Austin and Briggs Investments by Berlogar Geotechnical Consultants, dated May 25, 2006.
 - *"Laboratory Corrosivity Tests, Proposed Eight-Lot Meadowlark Property, Austin Property, Pleasanton, California"*, prepared for Charles Austin by Berlogar Geotechnical Consultants, dated June 15, 2006.
 - The peer-review comment letters from Dale Marcum of Cotton, Shires & Associates to Marion Pavan dated July 12, 2006.

The project developer shall implement Comment 1b of the Cotton/Shires letter – provide an analysis of storm drainage impacts to the proposed building pads – with the tentative subdivision map application.

25. With the application for the tentative subdivision map, the project developer shall submit the following:
- a. An updated tree analysis for the eight-lot portion of this development; and,
 - b. A mitigation plan showing the location of protective fencing for the trees, swales, seeps, etc.

These items shall be subject to final review and approval with the Planning Commission's action on the tentative subdivision map.

41. With the tentative subdivision map, the project developer shall set forth the common open space/maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record CC&R's at the time of recordation of the final subdivision map, which shall create a homeowners association for the development. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the final map. The property owners association shall be responsible for the maintenance of all private utilities, wildland fire and buffer areas, bio-retention ponds, landscape buffer areas along the south side of Lots 1 through 5 and the north side of Lots 6 through 8, and other common areas/facilities on the site. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association.
42. The project developer shall show with the tentative subdivision map application the building setback lines conditioned by this approval superimposed on the lots.

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