

EXHIBIT A

The Draft SEIR was previously distributed to the Planning Commission, and is available on-line at www.cityofpleasantonca.gov/PDF/SpotornoSEIRJuly2018.PDF or upon request from the City of Pleasanton Planning Division.

DRAFT
Subsequent Environmental Impact Report
Spotorno Ranch Project
City of Pleasanton, Alameda County, California

State Clearinghouse Number 2017042032

EXECUTIVE SUMMARY

Prepared for:

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Date: July 16, 2018

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EXECUTIVE SUMMARY

Purpose

This Draft Subsequent Environmental Impact Report (Draft SEIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Spotorno Ranch Project (State Clearinghouse No. 2017042032). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.).

The purpose of this Draft SEIR is to inform decision-makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft SEIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The project is located in the southern portion of the City of Pleasanton. The approximately 154.7-acre site is bounded by Alisal Street to the west, Westbridge Lane to the south, residential homes to the north, and open space to the east.

Project Description

The proposed Spotorno Ranch project (project) consists of development of 39 single-family residences on an approximately 154-acre site in the southern portion of the City of Pleasanton.

The project site is made up of Lot 97 (43 acres) and Lot 98 (111 acres) of the HVSP (see Exhibit 2-14 in Section 2, Project Description). The proposed residences would be constructed on an approximately 31-acre portion of Lot 98; the remaining 80 acres would be zoned Planned Unit Development-Agriculture-Open Space (PUD-A/OS) and the applicant proposes to record a conservation easement over this acreage. In addition, the project includes an amendment to the HVSP to change the residential density of the development site from Planned Unit Development-Semi-Rural Residential (PUD-SRDR) to Planned Unit Development-Low Density Residential (PUD-LDR). An amendment to the HVSP to eliminate the proposed Bypass Road included as part of the HVSP circulation plan, is also proposed.

On Lot 97, the approximately 15 acres designated by the HVSP for Planned Unit Development—Medium Density Residential (PUD-MDR) would be changed to Planned Unit Development-Agriculture/Open Space (PUD-A/OS) (see Exhibits 2-14 and 2-15 in Section 2.0, Project Description). The remaining acreage in Lot 97 would maintain its PUD-A/OS zoning. The Spotorno Family would retain the entirety of Lot 97.

All homes would be developed to the standards established in the HVSP. Full project buildout would result in the development of roadway improvements, trails, landscaping, and bio retention facilities.

Project Objectives

The objectives of the proposed project are to:

- Create a high-quality, single-family residential neighborhood that complements the semi-rural character of Happy Valley.
- Provide for an appropriate transition between the Callippe golf course community and the adjacent residential neighborhoods within Pleasanton.
- Preserve the hillside areas of the Spotorno property as undeveloped open space with adequate publicly accessible connections to the broader trails network.
- Implement transportation improvements and residential developments in conformance with the Happy Valley Specific Plan and as allowed by the subsequent Measures PP and QQ.¹

Significant Unavoidable Adverse Impacts

The proposed project would not result in significant unavoidable impacts.

Summary of Project Alternatives

Below is a summary of the alternatives to the proposed project considered in Section 5, Alternatives to the proposed project.

No Project/No Build Alternative

Under the No Project/No Build Alternative the proposed project would not be constructed and the project site would remain vacant. No new housing, roads, or trails would be developed on the approximately 154-acre site.

22 Lot Development on Spotorno Flat Area Alternative

Under this alternative, the project would develop 22 residential units, instead of 39, on the Spotorno Flat Area portion of the project site. The bypass road would not be constructed. Other aspects of this alternative are described in more detail in Section 5, Alternatives.

39 Units With Construction of the Bypass Road Alternative

Under this alternative, the project would develop 39 residential units on the Spotorno Flat Area portion of the site and construct a bypass road using the alignment approved by the City in 2007. The bypass road would be constructed to link Westbridge Lane and Sycamore Creek Lane. Other aspects of this alternative are described in more detail in Section 5, Alternatives.

¹ As stated above, the project would include both a General Plan Amendment and amendment to the HVSP. The transportation improvements and residential developments would conform with the HVSP and subsequent Measures PP and QQ, assuming approval of these amendments.

Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed project was issued on Friday, April 7, 2017. The NOP describing the original concept for the project and issues to be addressed in the SEIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from April 7, 2017 through May 8, 2017. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics, Light, and Glare
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Public Services and Recreation
- Transportation
- Utilities and Service Systems
- Mandatory Findings of Significance

Disagreement Among Experts

This Draft SEIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the City of Pleasanton is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the SEIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision makers to make an informed judgment about the environmental consequences of the proposed project.

Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft SEIR:

- Transportation and Traffic
- Land Use
- Aesthetics and Visual Resources
- Cumulative Effects

It is also possible that evidence will be presented during the 45-day, statutory Draft SEIR public review period that may create disagreement. Decision-makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most environmentally preferable viewpoint. Decision-makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the Draft SEIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft SEIR, and can certify the Final SEIR without needing to resolve disagreements among experts.

Public Review of the Draft SEIR

Upon completion of the Draft SEIR, the City of Pleasanton filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161). Concurrent with the NOC, this Draft SEIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft SEIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft SEIR, including the technical appendices, is available for review at the City of Pleasanton offices and the City of Pleasanton Library. The address for each location is provided below.

City of Pleasanton—Planning Division
Monday through Friday, 8 a.m.–5 p.m.
City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

City of Pleasanton, Library
400 Old Bernal Avenue
Pleasanton, CA 94566
Hours: Monday–Thursday, 10:00 a.m.–9:00 p.m.
Friday–Saturday, 10:00 a.m.–5:00 p.m.
Sunday, 1:00 p.m.–5:00 p.m.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft SEIR during the 45-day public review period. Written comments on this Draft SEIR should be addressed to:

Jenny Soo, Associate Planner
City of Pleasanton
Community Development Department
200 Old Bernal Avenue
PO Box 520
Pleasanton, CA 94566
Email: jsoo@cityofpleasantonca.gov

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City of Pleasanton on the project, at which the certification of the Final SEIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.

Executive Summary Matrix

Table ES-1 summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this SEIR. Table ES-1 is included in the SEIR as required by CEQA Guidelines Section 15123(b)(1).

Applicable Mitigation Measures from the Happy Valley Specific Plan FEIR are listed in Appendix J.

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Table ES-1: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Section 3.1—Aesthetics, Light, and Glare</p>		
<p>Impact AES-1: The project would not have a substantial adverse effect on a scenic vista.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact AES-3: The project would not substantially degrade the existing visual character or quality of the site and its surroundings.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Section 3.2—Air Quality</p>		
<p>Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan.</p>	<p>Implement MM AIR-2 and MM AIR-4.</p>	<p>Less than significant impact.</p>
<p>Impact AIR-2: The project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.</p>	<p><i>Short-term Impacts</i> MM AIR-2: During construction, the following air pollution control measures shall be implemented:</p> <ul style="list-style-type: none"> • Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks shall be paved as soon as possible. 	<p><i>Short-term impacts</i> Less than significant impact. <i>Long-term impacts</i> Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact AIR-3: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard; (including releasing emissions which exceed quantitative thresholds for ozone precursors).</p> <p>Impact AIR-4: The project would not expose sensitive receptors to substantial pollutant concentrations.</p>	<ul style="list-style-type: none"> Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. A publicly visible sign shall be posted with the telephone number and person to contact both at the City of Pleasanton and at the office of the General Contractor regarding dust complaints. This person shall respond and take corrective action within 2 business days of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. <p><i>Long-term impacts</i> No mitigation is necessary.</p> <p><i>Short-term impacts</i> Implement MIM AIR-2.</p> <p><i>Long-term impacts</i> No mitigation is necessary.</p>	<p><i>Short-term impacts</i> Less than significant impact.</p> <p><i>Long-term impacts</i> Less than significant impact.</p>
<p>Impact AIR-4: The project would not expose sensitive receptors to substantial pollutant concentrations.</p>	<p><i>Short-term impacts</i> Implement MIM AIR-2 and the following: MIM AIR-4: The developer or project applicant shall ensure all off-road construction equipment in excess of 50 horsepower used on-site by the developer or contractors is equipped with engines meeting the EPA Tier III off-road engine emission standards. The construction contractor shall maintain a log of equipment use at the construction site with make, model, serial number, and certification level of each piece of construction equipment that will be available for review by the City's building inspection staff.</p>	<p><i>Short-term impacts</i> Less than significant impact.</p> <p><i>Long-term impacts</i> Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>D. Off-site mitigation—Mitigation for impacted plant species could be accommodated through restoration or preservation at an off-site location. The mitigation site must be confirmed to support populations of the impacted species and must be preserved in perpetuity via deed restriction, establishment of a conservation easement, or similar preservation mechanism. A qualified botanist or plant ecologist should prepare a Preservation Plan for the site containing at a minimum the following elements:</p> <ul style="list-style-type: none"> • A monitoring plan and performance criteria for the preserved plant population • A description of remedial measures to be performed in the event that performance criteria are not met • A description of maintenance activities to be conducted on the site, including weed control, trash removal, irrigation, and control of herbivory by livestock and wildlife <p>E. The project applicant will be responsible for funding the development and implementation of any on-site or off-site preservation plan</p>	
	<p>MM BIO-1b: California tiger salamander (CTS) As stated in section 3.3.2, CTS have been formerly documented breeding in ponds within 1.5 miles of the project site. Because of the prior presence of CTS within 1.5 miles of the project site, the following mitigation measures are recommended.</p> <p>A. A qualified biologist will conduct preconstruction surveys prior to ground breaking activities. If individuals are found, work will not begin until they are moved out of the construction zone to a USFWS/CDFW approved relocation site by a qualified biologist.</p> <p>B. Prior to the start of construction, a qualified biologist will train all construction personnel regarding habitat sensitivity, identification of special status species potentially occurring on the site, and required practices. A representative shall be appointed by the applicant who will be the contact source for any employee or contractor who might inadvertently kill or injure a CTS or who finds a dead, injured or entrapped individual. The representative shall be identified during the</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>tailgate/training session. The representative's name and telephone number shall be provided to the Service prior to the initiation of ground disturbance activities.</p>	
	<p>C. A Service-approved biologist should be present for ground disturbing activities. The construction zone should be cleared, and silt fencing should be erected and maintained around construction zones to prevent CTS from moving into these areas. Construction activities should be limited to the period from May 1 through October 31.</p>	
	<p>D. Because dusk and dawn are often the times when CTS are most actively foraging and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour before sunrise. Construction personnel will inspect open trenches in the morning and evening for trapped amphibians. No canine or feline pets or firearms (except for federal, state, or local law enforcement officers and security personnel) shall be permitted at the project site to avoid harassment, killing, or injuring of CTS.</p>	
	<p>E. To minimize harm or mortality to individual CTS during migration movements, a maximum speed limit of 10 mph for vehicle traffic on the project site during both construction and operation phases will be enforced.</p>	
	<p>MM BIO-1c: Burrowing owl</p>	
	<p>A. No more than 30 days prior to the first ground-disturbing activities, the project Applicant shall retain a qualified biologist to conduct a preconstruction survey on the project site. The survey shall establish the presence or absence of western burrowing owl and/or habitat features, and evaluate use by owls in accordance with CDFW survey guidelines.</p>	
	<p>B. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. During the breeding season (February 1–August 31),</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>surveys shall document whether burrowing owls are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat on or directly adjacent to any disturbance area. Survey results will be valid only for the season during which the survey is conducted.</p> <p>C. If burrowing owls are not discovered, further mitigation is not required. If burrowing owls are observed during the pre-construction surveys, the applicant shall perform the following measures to limit the impact on the burrowing owls:</p> <ol style="list-style-type: none"> 1. Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1–January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone. 2. If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. 	
	<p>MM BIO-1d: American badger</p> <p>A. No more than 30 days prior to the first ground-disturbing activities, the project applicant shall retain a qualified wildlife biologist to conduct a focused survey for the American badger to determine presence or absence of this species within a 300-foot radius of the disturbance area.</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>If the species if observed within the project site during the focused survey, CDFW shall be contacted and any construction activities within the disturbance area must be delayed until an appropriate course of action can be established and approved by CDFW.</p>	
	<p>B. Before any activities begin on the project, an approved biologist will conduct a worker's environmental awareness program (WEAP) for all construction personnel. At a minimum, the training will include a description of the red-bellied newt and its habitat, the specific measures that are being implemented to conserve the American badger for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the WEAP, provided that a qualified person is on hand to answer any questions.</p>	
	<p>C. If an active badger den is identified during pre-construction surveys within or immediately adjacent to any impacted areas, a construction-free buffer of up to 300 ft. (or distance specified by the resource agencies, such as CDFW) will be established around the den. A qualified biological monitor should be present on the site during project development activities to ensure the buffer is adequate to avoid direct impact to individuals or den abandonment, and determine that young are of an independent age.</p>	
	<p>D. The number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to implement the project. Environmentally Sensitive Areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to American badger habitat; this goal includes locating access routes and construction areas outside of riparian areas to the maximum extent practicable.</p>	
	<p>MM BIO-1e: Migratory and nesting birds and bats</p>	
	<p>A. Implementation of the following avoidance and minimization measures would avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be implemented for construction work during the nesting season (February 15 through August 31).</p>	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact BIO-2: The project may have adverse impacts on sensitive natural communities or riparian habitat.</p> <p>Impact BIO-3: The proposed project may have a substantial adverse effect on wetlands or jurisdictional features.</p>	<p>B. If construction or tree removal is proposed during the breeding/nesting season for migratory birds (typically February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for northern harrier, grasshopper sparrow, pallid bat, Townsend's big-ear bat, and other migratory birds within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground-disturbing activities in the construction area.</p> <p>C. If an active nest is located during pre-construction surveys, USFWS and/or CDFW (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or a qualified biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest) or alteration of the construction schedule.</p> <p>D. A qualified biologist shall delineate the buffer using nest buffer signs, ESA fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.</p>	<p>Less than significant impact.</p>
<p>Impact BIO-3: The proposed project may have a substantial adverse effect on wetlands or jurisdictional features.</p>	<p>MM BIO-3: Impacts to wetlands</p> <ul style="list-style-type: none"> The Applicant shall obtain a Section 404 Clean Water Act (CWA) permit for impacts to waters of the United States. The Applicant shall also obtain a Section 401 permit from the Regional Water Quality Control Board (RWQCB). These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project. The Applicant shall ensure that the project will result in no net loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits. 	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact CUL-2: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered archaeological resources.</p> <p>Impact CUL-3: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered paleontological resources.</p>	<p>encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist has evaluated the situation. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Pleasanton, the Northwest Information Center, and the State Historic Preservation Office (SHPO), as required.</p> <p>Implement IMM CUL-1.</p> <p>MM CUL-3: A professional paleontologist shall be present during the initial phase of ground disturbance to check for the inadvertent exposure of fossils or other resources of paleontological value. This may be followed by regular periodic or “spot-check” paleontological monitoring during ground disturbance as needed, but full-time monitoring is not required at this time. In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified paleontologist to examine the discovery. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in</p>	<p>Less than significant impact.</p> <p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Section 3.5—Geology, Soils, and Seismicity</p> <p>Impact GEO-1: The project would potentially expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:</p> <ul style="list-style-type: none"> i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking. iii) Seismic-related ground failure, including liquefaction. iv) Landslides. 	<p>likely descendent failed to make a recommendation within 48 hours after being notified by the commission.</p> <ul style="list-style-type: none"> • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. <p>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:</p> <ul style="list-style-type: none"> • When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the Native American Heritage Commission. 	<p>Less than significant impact.</p>
<p>MM GEO-1a: The project applicant shall adhere to the recommendations set forth in the 2015 ENGEO Geotechnical Feasibility Report for building foundation design. Structures shall be supported on structural mat foundations, with a minimum mat thickness of 10-12 inches. Maximum allowable bearing loads may also be increased by one-third when considering total loads from wind and seismic activities. Building design shall also include up to 1 inch of differential settlement, over a distance of 50 feet.</p> <p>MM GEO-1b: The applicant shall remove all existing colluvium and landslide debris within the residential development limit within the west-facing slope located near the 25-percent slope limit. On-site soil and rock material shall be processed to remove concentrations of organic material and particles greater than 8 inches if it is to be used as fill material. Building pads shall also be reconstructed to create uniform subgrade conditions by sub excavating the soil on building pads to a minimum depth of 2 feet below</p>		<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact GEO-2: The project would potentially result in substantial soil erosion or the loss of topsoil.</p> <p>Impact GEO-3: The project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.</p>	<p>finished pad grade on cut lots or lots constructed over cut-and-fill transitions and replacing the sub excavated material with uniformly mixed compacted fill. Sub excavations shall be performed over the entire flat pad area. Different fill thickness across any lot shall be no greater than 10 feet. Slope gradients shall not be steeper than 3:1. Slopes inclined steeper than 3:1 will require evaluation and geogrid reinforcement. Further details regarding soil engineering and building design can be found under “Preliminary Site Recommendations” of the ENGEO report.</p> <p>Implement MMs GEO-1a and GEO-1b.</p>	<p>Less than significant impact.</p>
<p>Impact GEO-4: The project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), potentially creating substantial risks to life or property.</p>	<p>Implement MM GEO-1b and the following: MM GEO-3: The contractor shall key and bench where fill is placed on original grade with a gradient of 6:1 or steeper. A minimum 24-foot-wide keyway inward from the toe of the new fill slope shall be constructed as shown on Figure 10 of the Geotechnical Feasibility Report in Appendix E. Extension of the keyway at least 3 feet below original grade into firm competent soil/rock shall be approved by a Geotechnical Engineer. Benches shall be cut into original grade after the keyway has been nearly filled with compacted engineered fill. Benches shall be constructed into original slope grade as filling proceeds every 2 feet vertically, to remove loose soil/rock. Deeper bench depths may be required depending on actual conditions observed during construction. Bench widths will vary depending on the original slope grade and actual bench depth. Buildings shall be set back from the top of slope in accordance with CBC requirements. Alternatively, deep foundations such as pier-and-grade-beam foundations should be anticipated for buildings close to the top of slopes.</p> <p>Implement MMs GEO-1a and MM GEO-1b.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact GEO-5: The project would not use septic tanks or alternative wastewater disposal systems.	No mitigation is necessary.	Less than significant impact.
Section 3.6—Greenhouse Gas Emissions		
Impact GHG-1: Implementation of the project would generate direct and indirect greenhouse gas emissions; however, these emissions would not result in a significant impact on the environment.	No mitigation is necessary.	<i>Short-term and long-term impacts</i> Less than significant impact.
Impact GHG-2: Implementation of the project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce the emissions of greenhouse gases.	No mitigation is necessary.	Less than significant impact.
Section 3.7—Hazards and Hazardous Materials		
Impact HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-3: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-4: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact HAZ-5: The project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Section 3.8—Hydrology and Water Quality</p>		
<p>Impact HYD-1: The project may have the potential to violate any water quality standards or waste discharge requirements.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact HYD-2: The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact HYD-3: The project would not substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial surface runoff, flooding on- or off-site, erosion or siltation on- or off-site.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact HYD-4: The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact HYD-5: The project would not otherwise substantially degrade water quality.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact HYD-6: Development and land use activities contemplated by the proposed project would not place housing or other land uses within a 100-year flood hazard area as mapped on a federal Flood Insurance Rate Map nor place structures within a 100-year flood zone which would impede or redirect flood flows.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact HYD-7: The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	No mitigation is necessary.	Less than significant impact.
Impact HYD-8: The project would not be inundation by seiche, tsunami, or mudflow.	No mitigation is necessary.	Less than significant impact.
Section 3.9—Land Use and Planning		
Impact LUP-1: The project would not physically divide an established community.	No mitigation is necessary.	Less than significant impact.
Impact LUP-2: The project would not conflict with any applicable provisions of the Pleasanton General Plan, the Urban Growth Boundary, or the Happy Valley Specific Plan, adopted for the purpose of avoiding or mitigating an environmental effect.	No mitigation is necessary.	Less than significant impact.
Impact LUP-3: The project would not conflict with any applicable provisions of the Pleasanton Municipal Code, or Measures PP and QQ, adopted for the purpose of avoiding or mitigating an environmental effect.	No mitigation is necessary.	Less than significant impact.
Impact LUP-4: The project would not conflict with any applicable habitat conservation plan or natural communities conservation plan.	No mitigation is necessary.	Less than significant impact.
Section 3.10—Noise		
Impact NOI-1: The project would not generate or expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	<i>Short-term impacts</i> MM NOI-1: In addition to requiring that all project developers comply with the applicable construction noise exposure criteria established within the City’s Municipal Code 9.04.100, the City shall require developers on the potential sites for rezoning to implement construction best management practices to reduce construction noise, including: <ul style="list-style-type: none"> The construction contractor shall ensure that all equipment driven by 	<i>Short-term impacts</i> Less than significant impact. <i>Long-term impacts</i> Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact NOI-2: The project would not expose persons to or generation of excessive groundborne vibration or groundborne noise levels.</p> <p>Impact NOI-3: The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.</p>	<p>internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.</p> <ul style="list-style-type: none"> The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited. The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences. The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site. The construction contractor shall ensure that all on-site construction activities, including deliveries and engine warm-up, shall be restricted to the hours of 8:00 a.m. to 8:00 p.m. daily, except Sunday and holidays, when the exemption shall apply between 10:00 a.m. and 6:00 p.m., construction, alteration or repair activities. <p><i>Long-term impacts</i> No mitigation is necessary.</p> <p><i>Short-term and long-term impacts</i> No mitigation is necessary.</p>	<p><i>Short-term and long-term impacts</i> Less than significant impact.</p>
<p>Impact NOI-2: The project would not expose persons to or generation of excessive groundborne vibration or groundborne noise levels.</p> <p>Impact NOI-3: The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.</p>	<p><i>Long-term impacts</i> No mitigation is necessary.</p> <p><i>Short-term and long-term impacts</i> No mitigation is necessary.</p>	<p><i>Short-term and long-term impacts</i> Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact TRANS-2: The project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system under Near-Term With Project Conditions.</p> <p>Impact TRANS-3: The project may conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system under Cumulative With Project Conditions.</p> <p>Impact TRANS-4: The project may conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.</p> <p>Impact TRANS-5: The project may substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</p>	<ul style="list-style-type: none"> • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes • Permitted construction hours • Location of construction staging • Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations • Provisions for street sweeping to remove construction related debris on public streets <p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact TRANS-3: Prior to issuance of building permits, the applicant shall pay all adopted local and regional transportation impact fees in accordance with the City's Development Impact Fee Program.</p>	<p>Implement Mitigation Measure TRANS-3.</p>	<p>Less than significant impact.</p>
<p>Impact TRANS-5a: Prior to issuance of building permits, the project applicant shall:</p> <ul style="list-style-type: none"> • Install traffic calming measures along Alisal Street at Sycamore Road and at Alisal Court that are consistent with the rural nature of the roadway, subject to the review and approval of the Director of Community Development. Measures that could be considered include roundabouts, traffic circles, additional pavement markings, speed lumps and radar speed signs. 	<p>Implement Mitigation Measure TRANS-3.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.</p>	No mitigation is necessary.	No impact.
<p>Section 3.14—Utilities and Service Systems</p>		
<p>Impact USS-1: The proposed project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.</p>	No mitigation is necessary.	Less than significant impact.
<p>Impact USS-2: The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.</p>	No mitigation is necessary.	Less than significant impact.
<p>Impact USS-3: The proposed project would not create a need for new or expanded downstream storm drainage facilities.</p>	No mitigation is necessary.	Less than significant impact.
<p>Impact USS-4: The proposed project would be served with adequate water supplies and would not require additional entitlements or the construction or expansion of water facilities.</p>	No mitigation is necessary.	Less than significant impact.
<p>Impact USS-5: The project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</p>	No mitigation is necessary.	Less than significant impact.
<p>Impact USS-6: The project would be served with adequate landfill capacity.</p>	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
<p>Impact USS-7: The project would comply with federal, state, and local statutes and regulations related to solid waste.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>
<p>Impact USS-8: The project would not result in the inefficient, unnecessary, or wasteful use of energy.</p>	<p>No mitigation is necessary.</p>	<p>Less than significant impact.</p>

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**Planning Commission
Staff Report**

April 26, 2017

Item 6.a

- SUBJECT:** P15-0564
- APPLICANT:** Michael O'Hara/Tim Lewis Communities
- PROPERTY OWNERS:** Alex V Spotorno Family LTD Partnership
- PURPOSE:** Work session to review and receive comments on applications by Tim Lewis Communities for various entitlements, including a General Plan Amendment, Happy Valley Specific Plan Amendment, and Planned Unit Development (PUD) rezoning and development plan to construct 39 single-family detached homes and related improvements on the approximately 154-acre Spotorno property. In addition, a scoping session will be conducted to receive comments from the public and Planning Commission on topics to be analyzed in the Subsequent Environmental Impact Report (EIR) for the proposed development.
- LOCATION:** 1000 Minnie Drive
- GENERAL PLAN:** Low Density Residential, Medium Density Residential and Open Space – Public Health and Safety
- SPECIFIC PLAN:** Happy Valley Specific Plan
- ZONING:** Planned Unit Development – Semi-Rural Density Residential (PUD-SRDR), Planned Unit Development – Agriculture/Open Space (PUD-A/OS), and Planned Unit Development – Medium Density Residential (PUD-MDR) Districts
- EXHIBITS:**
- A. Planning Commission Work Session Topics
 - B. Proposed Plans dated "Received March 1, 2017"
 - C. Draft Proposal to Prepare a Subsequent Environmental Impact Report for the Spotorno Project in Happy Valley Specific Plan Area
 - D. City Council Resolution No. 07-107 and Associated Staff Report and Minutes
 - E. June 16, 1998 Staff Report re: Application for a General Plan Amendment, Specific Plan, and PUD pre-zoning for the 860-acre Happy Valley Area

- F. Staff Comment Letter dated October 23, 2015
 - G. Measure FF (Urban Growth Boundary) *Voter Guide* excerpts November 1996
 - H. Public Comments
 - I. Location and Notification Map
-

RECOMMENDATION

Staff recommends that the Planning Commission review the attached materials, take public testimony, and provide comments to staff and the applicant on the proposed development and on the scope of analysis for the Subsequent EIR.

EXECUTIVE SUMMARY

The applicant, Michael O'Hara of Tim Lewis Communities (TLC), is proposing a residential development on an approximately 154-acre site, identified by the Happy Valley Specific Plan as Lots 97 and 98 of the Spotorno property. The proposed project includes the construction of 39 one- and two-story single-family residential homes, an open space area within the development, and site improvements, such as streets, trails, and a stormwater detention area. The proposed residential development would occur on an approximately 31-acre portion of the site located in the western portion of Lot 98, known as the Spotorno Flat Area. The remaining, approximately 123-acre portion of the site would be retained as permanent open space with a conservation easement. Given that there was a certified Environmental Impact Report (EIR) for the Happy Valley Specific Plan, a Subsequent EIR is being prepared using the HVSP EIR as a foundation. The Subsequent EIR will analyze the potential environmental impacts of the proposed development. As such, the proposed project and the scope and content of a Subsequent EIR are being presented to the Planning Commission as a work session for review, comment, and direction. The work session will also provide the public with an opportunity to review and comment on the proposed plan for the development project and the Subsequent EIR scope and content.

BACKGROUND/HISTORY

Happy Valley is located in the southern part of Pleasanton. In 1998 the City adopted the Happy Valley Specific Plan (HVSP), which guides future planning in an 860-acre area. The HVSP area, which includes both incorporated and unincorporated land, includes a municipal golf course, open space and agricultural lands, as well as land for development of low-, medium-, and semi-rural-density homes. The municipal golf course, Callippe Preserve Golf Course, opened in 2005 and majority of golf-course custom homes have been constructed.

The HVSP established planning policies, programs, and regulations for development decisions in the Happy Valley area. The HVSP and its EIR were prepared concurrently, allowing mitigations for many environmental impacts to be incorporated into the specific plan. The HVSP provides planning regulations including, but not limited to, those related to land use, density, circulation, open space, and infrastructure.

Land Use and Housing Units

The Spotorno property consists of three separate lots and is identified as the Spotorno Upper Valley Low Density Residential (LDR) Subarea, Spotorno Upper Valley Medium Density Residential (MDR) Subarea, Spotorno Flat Area, and Agriculture/Open Space Subarea. The HVSP allows a maximum of 22 residential lots in the Spotorno Flat Area with major dedication of open space land or agriculture/open space easements to the City.

The Spotorno Upper Valley LDR Subarea (Lot 96) is not part of the proposed development. Table 1 summarizes maximum residential development potentials on the Spotorno Upper Valley MDR Subarea and Spotorno Flat Area under the HVSP. Figure 1 is an aerial showing the project site. Figure 2 shows the location of the Spotorno lots and Figure 3 shows the HVSP land use designations within the project site.

Table 1: Residential Development Potential

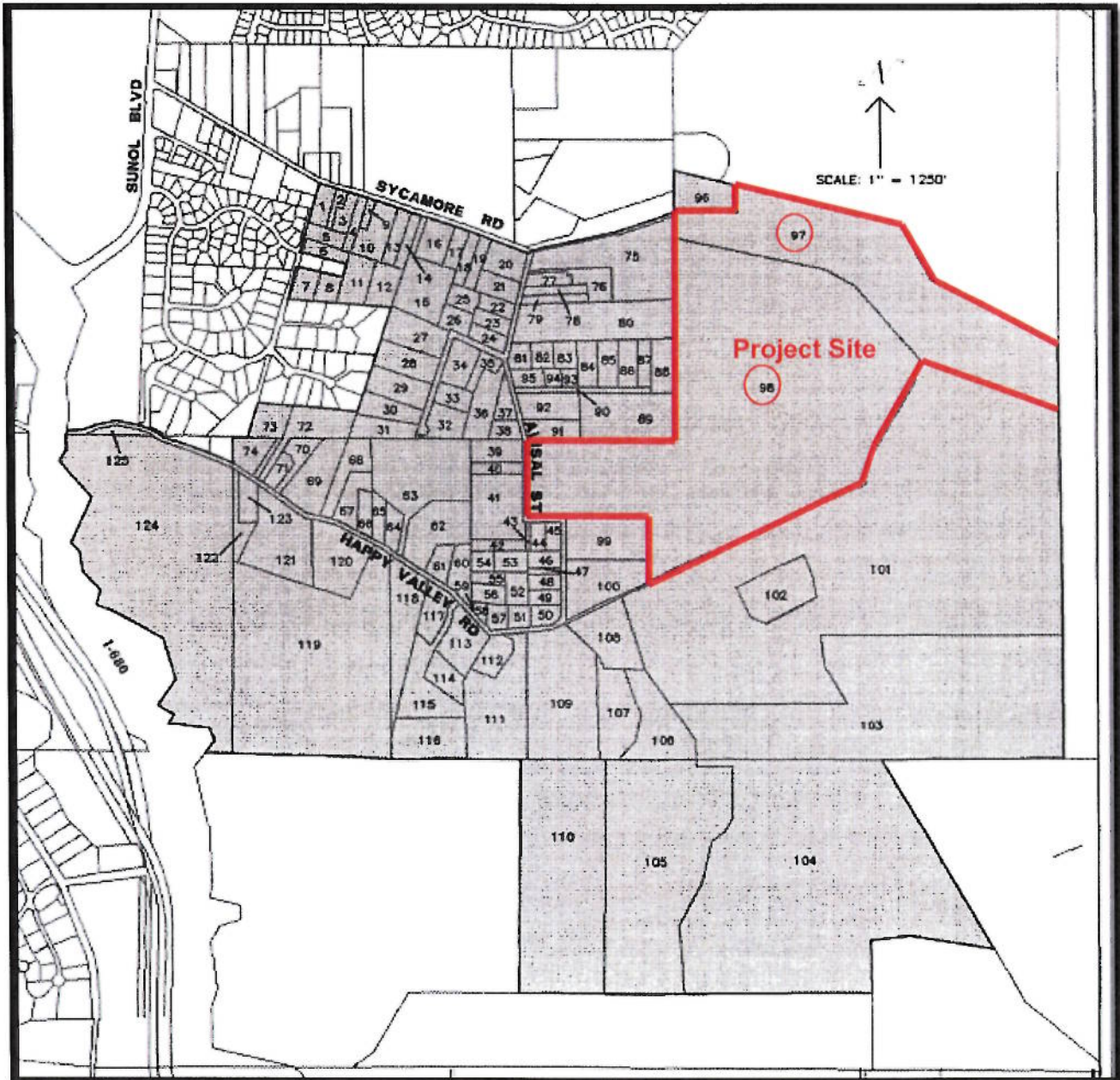
Lot No.	Area	Land Use Designation By PUD District	Acreage	Housing Units	
				Existing	Maximum ¹ Potential New Homes per HVSP
97	Spotorno Upper Valley	PUD-Medium Density Residential;	15	0	75
		Agriculture/Open Space	27.39		
98	Spotorno Flat Area	PUD - Semi-Rural Density Residential;	33	0	22
		Agriculture/Open Space	78.86		
Total			154.25	0	97

¹ Fewer homes may be determined necessary by the City, based upon a detailed evaluation of individual site constraints.

Figure 1: Aerial of Project Site and Surrounding Uses

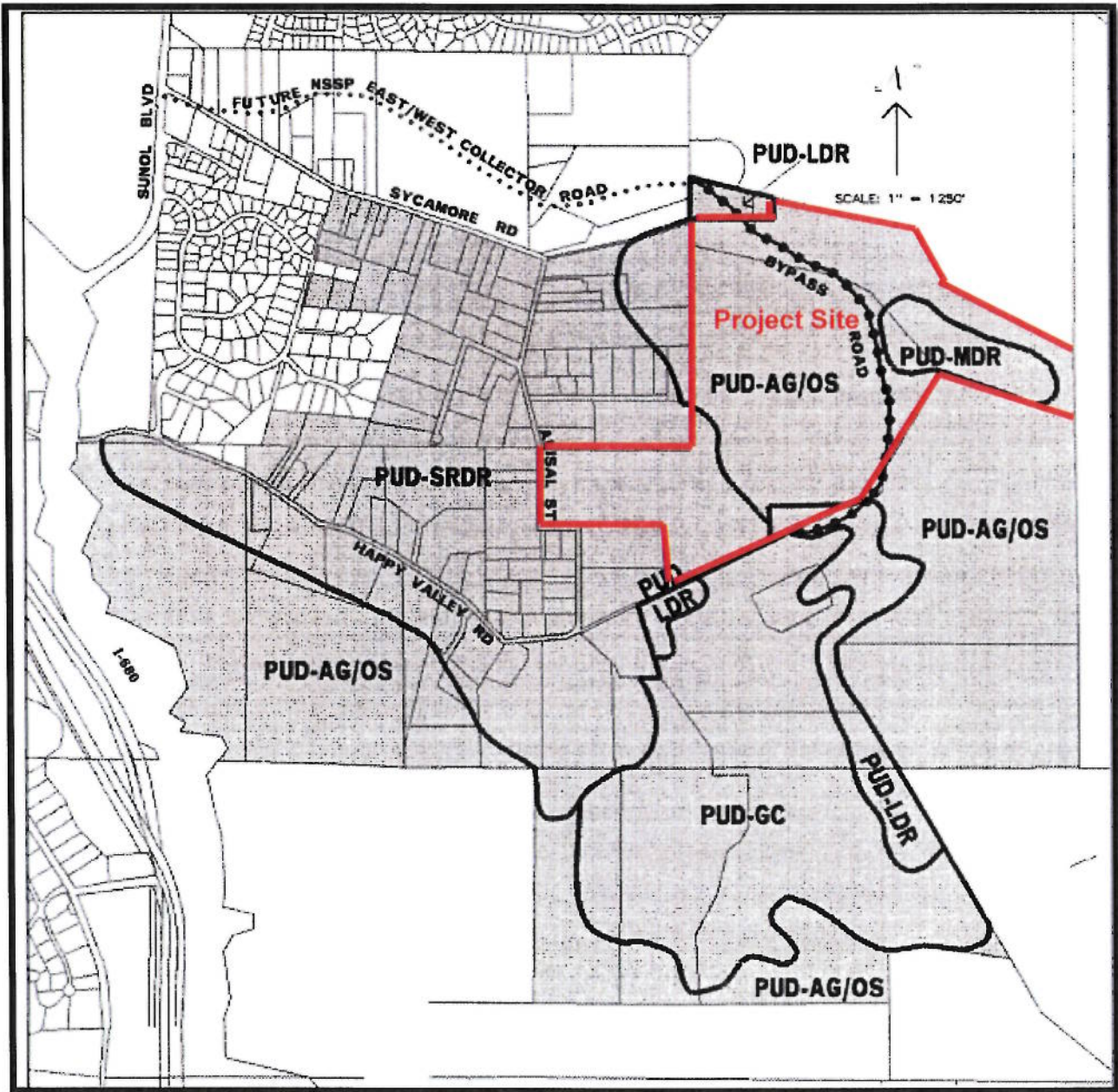


Figure 2: Location of Spotorno Lots within HVSP



Note: Lots in the red circles are the subject Spotorno lots.

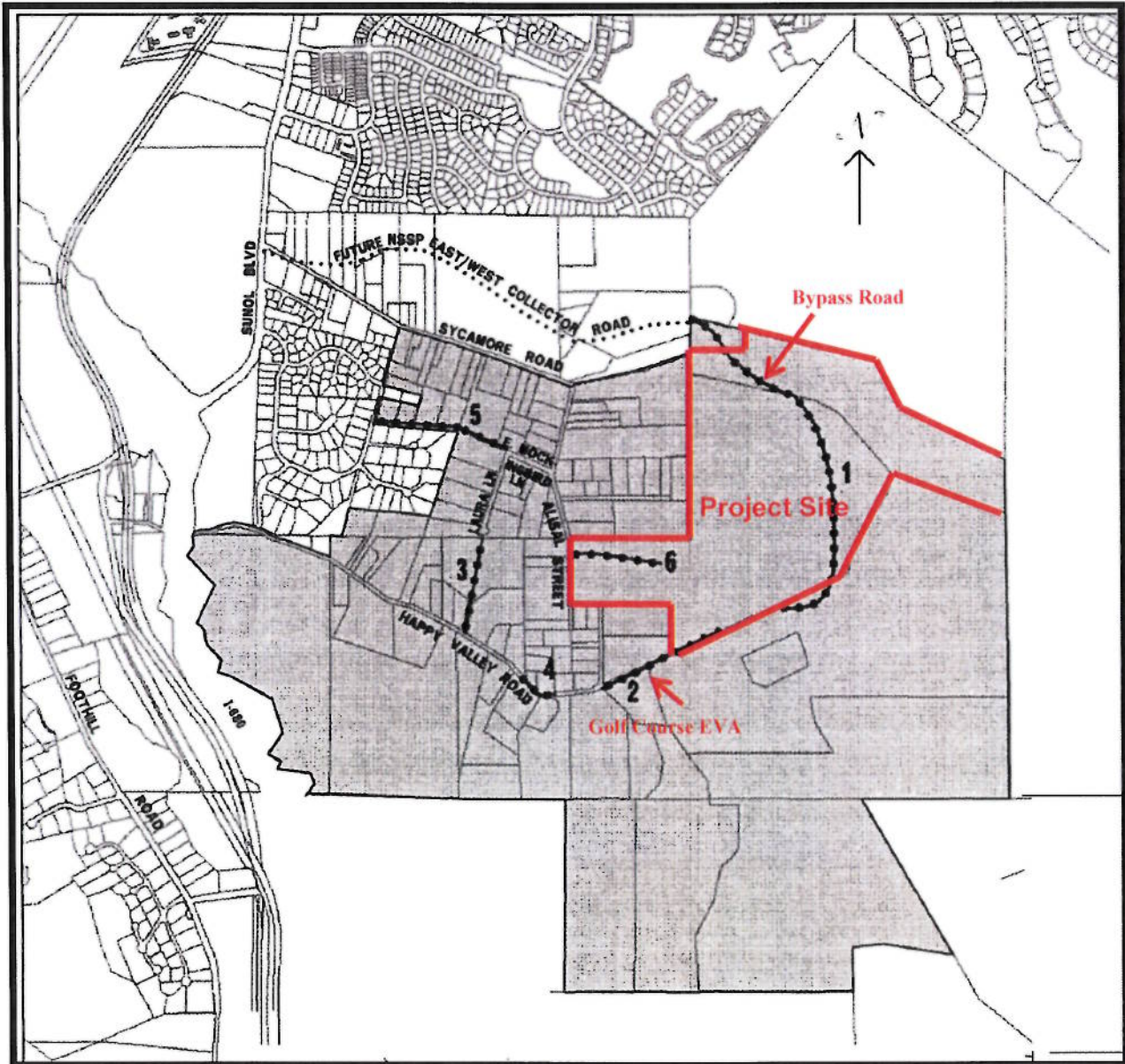
Figure 3: HVSP Land Use Plan



Circulation and Bypass Road

The HVSP requires the construction of a Bypass Road connecting the future "East/West Collector Road" (now Sycamore Creek Way), around Spotorno Hills, and the Golf Course/Spotorno Flat Area (See Figure 4). The purpose of the Bypass Road is to accommodate all of the traffic created by the golf course, homes at the golf course (Mariposa Ranch), and Spotorno. After the Bypass Road is constructed, the western end of Westbridge Lane would be closed 2215 Westbridge Lane to through traffic and used only for emergency vehicle access.

Figure 4: HVSP Circulation System



The HVSP states that the Bypass Road improvements shall be funded by the developer(s) of the Spotorno property and the City as follows (Page 51 of HVSP):

- The Spotorno Property developer(s) shall fund the cost of extending the Bypass Road from the eastern border of the North Sycamore Specific Plan Area to the Spotorno Upper Valley Medium Density Residential Area.
- The Spotorno Property developer(s) and City shall fund the cost of extending the Bypass Road from the Upper Spotorno Medium Density Residential Area to the southern end of the jointly-used portion of the Road on a pro-rata share basis as a function of traffic generation. The City share shall include both the Golf Course and Golf Course housing.

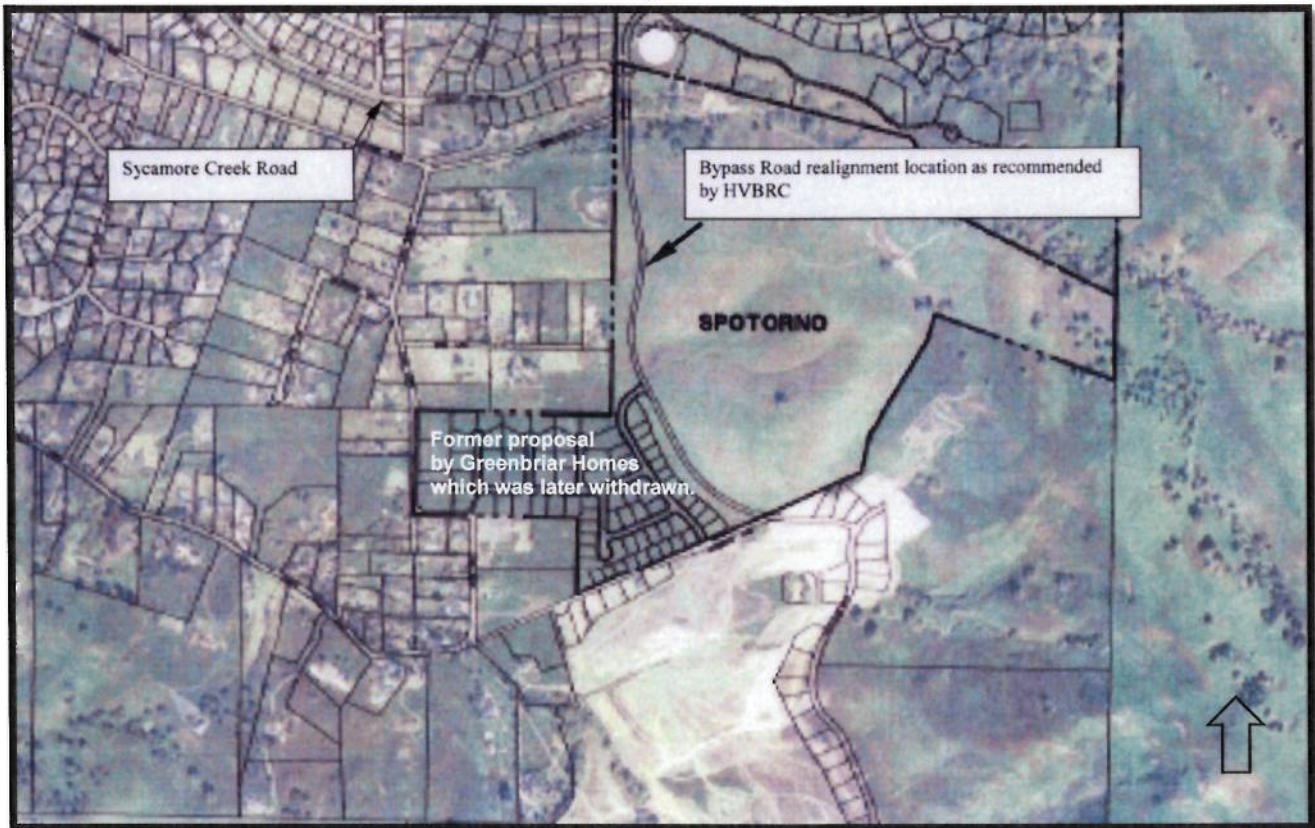
Recommended Bypass Road Realignment. In concert with the opening of Callippe Preserve Golf Course in November 2005, some Happy Valley residents once again urged the City to construct the Bypass Road to handle the attendant traffic as specified in the HVSP.

In response, the Council established a 12-member Happy Valley Blue Ribbon Committee (HVBRC) in June 2006. The HVBRC comprised various stakeholders and included City staff, an Alameda County representative, property owners in the Happy Valley area, and interested developers. The HVBRC was charged with the task of discussing the previous alternatives that had been evaluated related to a Bypass Road alignment as described in the HVSP, review new information, and collaborate to identify a preferred alternative for a Bypass Road alignment that would connect the Callippe Preserve Golf Course to Sycamore Creek Way, reducing traffic through the HVSP area.

At that time, Greenbriar Homes filed an application for a residential development on the Spotorno property which included a realigned Bypass Road. This proposed realignment of the Bypass Road became one of the options evaluated by the HVBRC. Staff notes Greenbriar Homes later withdrew the application.

In April 2007, the HVBRC made a recommendation to the Council that future development of the Spotorno property include the realigned Bypass Road and a public pathway along the realigned Bypass Road. The recommendation also included planting trees along the bypass road and constructing a berm along the western edge of the Bypass Road to minimize visual impacts. The Council found that the location of the recommended realignment of the Bypass Road by HVBRC to be generally acceptable subject to appropriate environmental review and an amendment to the Happy Valley Specific Plan. The Council unanimously accepted the recommendation and adopted Resolution No. 07-107. The resolution and associated staff report and minutes are attached as Exhibit D. Figure 5 shows the recommended realigned Bypass Road.

Figure 5: Recommended Bypass Road Realignment by HVBRC



This realigned roadway has been incorporated into the Buildout Roadway Improvements in the 2005-2025 General Plan Circulation Element.

PROJECT AREA AND SITE DESCRIPTION

The project site is approximately 154 acres in area and is surrounded by Alisal Street (west and south), single-family residential uses (north, south and west), and Westbridge Lane and Faith Chapel of God (south). The western portion of the site is relatively flat while the eastern portion of the site contains hills. Additionally, a wetland area and a windmill are located within the western portion of the site and several agricultural buildings are located in the northeastern area of the property. The site is secured with a barbed-wire fence. Figures 6 and 7 are views of the project site from points on Alisal Street and Westbridge Lane, respectively. An Alquist-Priolo Earthquake Fault Zone (Verona Fault) is located on the project site west of the Urban Growth Boundary line.

The Spotornos have used the project site for agricultural uses, such as raising livestock and grazing, for several decades.

Figure 6: View of Project Site from Alisal Street



Figure 7: View of Project Site from Westbridge Lane



PROJECT DESCRIPTION

The applicant has proposed a 39-unit, single-family residential development on the approximately 31-acre Spotorno Flat Area of the 154-acre site. The remaining 123 acres is proposed to remain as permanent open space with a conservation easement dedicated to a non-profit entity. Other land disposition alternatives will be reviewed as the project advances, such as deeding the open space to the City.

The proposal consists of the following:

- General Plan Amendments to:
 - 1) Change the maximum density allowed for the Spotorno Flat Area from one unit per 1½ gross acres (or 0.67 unit/acre) when developed in conjunction with major open-space land or agricultural/open space easement dedication to 1.25 units/acre, or 39 single-family homes, when developed in conjunction with major open-space land or agricultural/open space easement dedication;

- 2) Refine location of the Urban Growth Boundary (UGB) based on the 1996 voter-approved Measure FF to determine if any portion of the proposed development extend beyond the UGB, and if so, whether a minor adjustment is consistent with General Plan goals and policies;
 - 3) Change the General Plan Land Use designation of an approximately 11-acre area within the proposed development from Open Space – Public Health and Safety to Low Density Residential with a density of 1.25 units/acre; and
 - 3) Eliminate the Bypass Road from the General Plan Circulation Element.
- HVSP Amendments to:
 - 1) Eliminate the Bypass Road and keep Westbridge Lane as a permanent access road to Alisal Street;
 - 2) Change the Planned Unit Development – Medium Density Residential (PUD-MDR) and Planned Unit Development – Agriculture/Open Space (PUD-AG/OS) land use designations in the Spotorno Upper Valley Area (Lot 97) to Planned Unit Development – Open Space (PUD-OS); change the Planned Unit Development – Semi-Rural Density Residential (PUD-SRDR) land use designation in the Spotorno Flat Area to Planned Unit Development – Low Density Residential (PUD-LDR); and change the remaining land use designation on Lot 98 from PUD-A/OS to PUD-OS
 - 3) Change the maximum potential new residential units in the Spotorno Flat Area from 22 units to 39 units with major open space dedication to a non-profit entity or the City; and
 - 4) Eliminate the Spotorno MDR/Foley Trail, which connects Spotorno Upper Valley PUD-MDR area to the Foley Ranch located to the east.
 - Planned Unit Development (PUD) Rezoning and Development Plan to:
 - 1) Rezone approximately 31 acres of Lot 98 in the Spotorno Flat Area from PUD-SRDR to PUD-LDR, and the remaining Lot 98 from PUD-A/OS to PUD-OS;
 - 2) Rezone approximately 15 acres of Lot 97 in the Spotorno Upper Valley from PUD-MDR to PUD-OS, and remaining Lot 97 from PUD-A/OS to PUD-OS; and
 - 3) Construct 39 homes and related improvements.
 - Growth Management Agreement for 39 Growth Management Unit Allocations
 - Tentative and Final Subdivision Maps and Improvement Plans
 - The proposed development does not include an affordable housing component; the applicant is proposing to pay Low Income In-Lieu Housing Fees.

Site Design

The proposed 39 production homes would be built on an approximately 31-acre portion of the project site known as the Spotorno Flat Area. The proposed lots would vary in area from 17,216 square feet for Lot 38 to 38,331 square feet for Lot 28. The average lot size for all 39 lots would be 26,006 square feet.

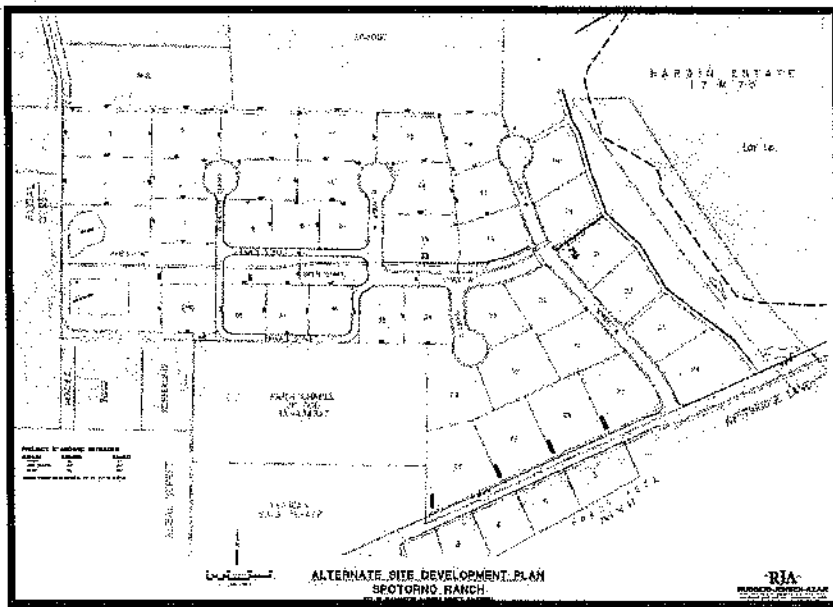
Parcel A includes the existing wetland and the proposed bio-retention area, and would be owned and maintained by a homeowners association. A public trail (Bypass Road Trail) is proposed at the end of "Court A" and would continue along the western boundary of Spotorno Lot 98 behind Lots 75, 80, 88 and 89 of the HVSP to the Spotorno Upper LDR area and then connect to one of the public trails in the Lund Ranch II development. The existing agricultural buildings on the northeastern portion of the site would be removed. The remaining 123 acres would be preserved as permanent open space with a conservation easement.

An Alquist-Priolo Earthquake Fault Zone surrounding the Verona Fault is located to the east of the proposed development. A 50-foot wide "building restricted area" is proposed between the Alquist-Priolo Earthquake Fault Zone and the development area, as required by General Plan Program 1.2 that prohibits construction of habitable structures within at least 50 feet of an identified active fault trace where the fault has been specifically located in site-specific geologic studies.

The primary vehicular access to the development would be from Westbridge Lane with the exception of Lots 1 and 2 that would be accessed directly off Alisal Street by individual driveways. Lots 26-28 would have individual driveways off Westbridge Lane. Lots 24 and 25 are corner lots and access could be from either Westbridge Lane or "Street A." The project entry street, "Street A" would connect to Westbridge Lane approximately 140 feet east of 2315 Westbridge Lane. There would be additional interior streets with dead-end courts providing vehicular access to the rest of the proposed development. An Emergency Vehicle Access (EVA) road is proposed along the southern edge of Parcel A and Lot 39. It would link the southern "Private Street" segment to Alisal Street. Streets within the development would be public streets except for two streets that are identified as "Private Street" and "Private Court." Figure 8 shows the proposed site plan.

As proposed, monolithic sidewalks would be provided on both sides of public streets.

Figure 8: Proposed Site Plan



Grading

Grading is proposed throughout the development area to create the predominantly flat pad lots, bio-retention areas, and streets. A 3:1 slope bank would be constructed in the rear yards to create pads along the eastern boundary of the proposed development. Additionally, there would be large (up to seven feet deep) cuts to create flat pads for these lots. Retaining walls, varying between 2 to 4 feet in height, would be constructed on Lots 19-32. An equal amount of cut and fill is estimated; thus no soil import or off-haul is proposed.

Proposed Homes

Four house plans are proposed:

- Plan 1 – 3,354 square feet, one story
three-car side-entry garage with optional additional one-car front-entry garage
- Plan 2 – 3,690 square feet, one story
three-car side-entry garage with options for two additional garage spaces
- Plan 3 – 3,838 square feet, two-story with an optional 512 square feet, second-floor casita (accessory dwelling unit)
two-car front-entry garage and a one-car garage accessed off an internal motorcourt with options for two additional garage spaces
- Plan 4 – 4,072 square feet, one-story
two-car side-entry garage and a one-car front-entry garage.

A detached 567 square foot accessory dwelling unit would be available as an option on all lots (however, since only one accessory dwelling unit is allowed on a lot, a detached accessory dwelling unit could not be built if a Plan 3 house already has an attached accessory dwelling unit).

Each house plan has three design styles: Spanish Ranch, Italian Farmhouse, and French Country. All homes would include exterior finishes consisting primarily of stucco walls with varied material and color palettes including a combination of light- to dark-tone brown, beige, and grey body and trim colors, brown and grey concrete tile roofs, and brown and grey stone. Figures 9-12 show some of the proposed elevations.

Figures 9-12: Sample Front Elevations



Plan 2 – Spanish Ranch



Plan 3 – French Country



Plan 4 – French Country



Open Space Area and Trails

The HVSP specified three trails on the Spotorno property: the Bypass Road Trail, the Spotorno Flat Area Trail, and the Spotorno MDR/Foley Trail.

The proposed development includes the realigned Bypass Road Trail and the Spotorno Flat Area Trail (please see the Overall Site Plan in Exhibit B). The HVSP indicates that the trail alignments shown in the specific plan are conceptual and that the precise alignment and design of each trail would occur at the time of development plan approval. The proposed development does not include the Spotorno MDR/Foley Trail.

Initial Review Comments from Staff

After reviewing the preliminary application, staff provided the applicant with a comment letter (Exhibit F). The following were the key issues identified by staff:

- The General Plan designates an Urban Growth Boundary (UGB) line around the edge of land planned for urban development at General Plan buildout. The UGB was first adopted with the 1996 General Plan, then confirmed by voters as Measure FF (Nov. 1996). (Attachment G.) Areas outside the UGB line are generally suitable for the long-term protection of natural resources, large-lot agriculture and grazing, parks and recreation, and similar uses. General Plan Land Use Element Policy 22 does not allow urban development beyond the UGB boundary. General Plan Land Use Element Program 22.3 provides criteria for minor adjustments to the UGB line. As proposed, it appears that the eastern portion of the development might be located outside the UGB line. In making this observation, Planning and Geographic Information Systems (GIS) staff roughly located the UGB by taking the 1996 General Plan map (which was a City-wide map in 3,000-foot scale) and imposed it on the project parcels. This superimposing of the 1996 UGB line did not take into account the 100-foot scale of the line itself, nor the text of Measure FF. If portions of the project are in fact proposed beyond the UGB, an adjustment to the UGB line location requires an amendment to the General Plan. Classification of the change in the UGB as either a "minor adjustment" or a "major adjustment" would dictate if the adjustment would require approval by Pleasanton voters.
- The General Plan Land Use designation of Low Density Residential allows a density in the Happy Valley area of one dwelling unit per 2 gross acres with one unit per 1½ gross acres (or 0.67 unit/acre) when developed in conjunction with major open-space land or agricultural/open space easement dedication. Although the proposed development would designate 123 acres as permanent open space with a conservation easement, it would exceed the General Plan density requirement, as the proposed density would equal 1.25 units/acre. Staff recommends that the plan be revised so that it conforms to the General Plan.
- Pleasanton voters adopted two hillside development initiatives in November 2008, known as Measures PP and QQ. A key issue that may affect the project is whether a road is considered a structure. If a road is considered a structure, development of the Bypass Road may conflict with Measure PP.
- The HVSP requires the construction of a Bypass Road. The Bypass Road was identified as a required roadway improvement in the Final Environmental Impact Report (FEIR) for the HVSP. The deletion of the Bypass Road requires an amendment to HVSP and associated environmental review.

In addition, staff believes that the following changes to the current site plan could be explored to improve the project:

- Expand the central open space and design it to function as an open space with potential habitat value, such that it more effectively functions as a view corridor and protects the rural aesthetic of the area.

- Enhance architecture details by applying the material variation and design detailing on the front elevations to the rear and side building elevations to achieve a four-sided building design.
- Enhance the landscape adjacent to the residential lots facing Westbridge Lane to enhance the rural aesthetic of the area;
- Provide Accessory Dwelling Units (second units) as mandatory elements of additional lots to support goals in the City of Pleasanton Housing element; and
- Reduce house sizes and building footprints to maintain the rural character of the Happy Valley area.

DISCUSSION

The purpose of the meeting is to give the Planning Commission and the public the opportunity to review and comment on the proposal.

This meeting includes two components:

- a project work session focusing on design and policy issues surrounding the project; and
- a scoping session to comment on environmental issues that should be evaluated in the Subsequent EIR.

Work Session on the Project Design and Applicable Policy Issues

As previously mentioned, the proposed development requires several applications requiring major legislative changes, as summarized below:

1. General Plan and Specific Plan Amendments for Land Use and Density Changes

The General Plan Land Use Map designates the project site as Low Density Residential, allowing one unit per 1½ gross acres in the Happy Valley area when the project is developed in conjunction with major open-space land and Open Space – Public Health and Safety. The proposal requests to change both the General Plan Land Use designations and density for the proposed development area to Low Density Residential with 1.25 units/gross acre.

The HVSP has three land use designations on the project site: PUD-MDR, PUD-SRDR, and PUD-A/OS. The proposal requests to change the HVSP land uses to PUD-LDR and PUD-OS.

The HVSP permits a maximum of 22 units on the 33-acre Spotorno Flat Area, meeting the one unit per 1½ gross acres density requirement. The applicant proposes to change the HVSP land use designation on the Spotorno Flat Area from PUD-SRDR to PUD-LDR, with a proposed density of 1.25 units/gross acre. Additionally, the applicant proposes to change the land use designation of the Spotorno Upper MDR Subarea from PUD-MDR to PUD-OS and forfeit the remaining number of potential housing units in the Spotorno Upper MDR Subarea. The land use designation for remainder of the project site (Lot 97 and Lot 98) would change from PUD-A/OS to PUD-OS. The changes in land use designations described above would allow for the development of 39 residential units on the 31-acre development of area and the protection of 123 acres as permanent open space.

Discussion Point No. 1:

Does the Planning Commission support the proposed land use and density changes to the General Plan and HVSP?

2. Urban Growth Boundary (UGB)

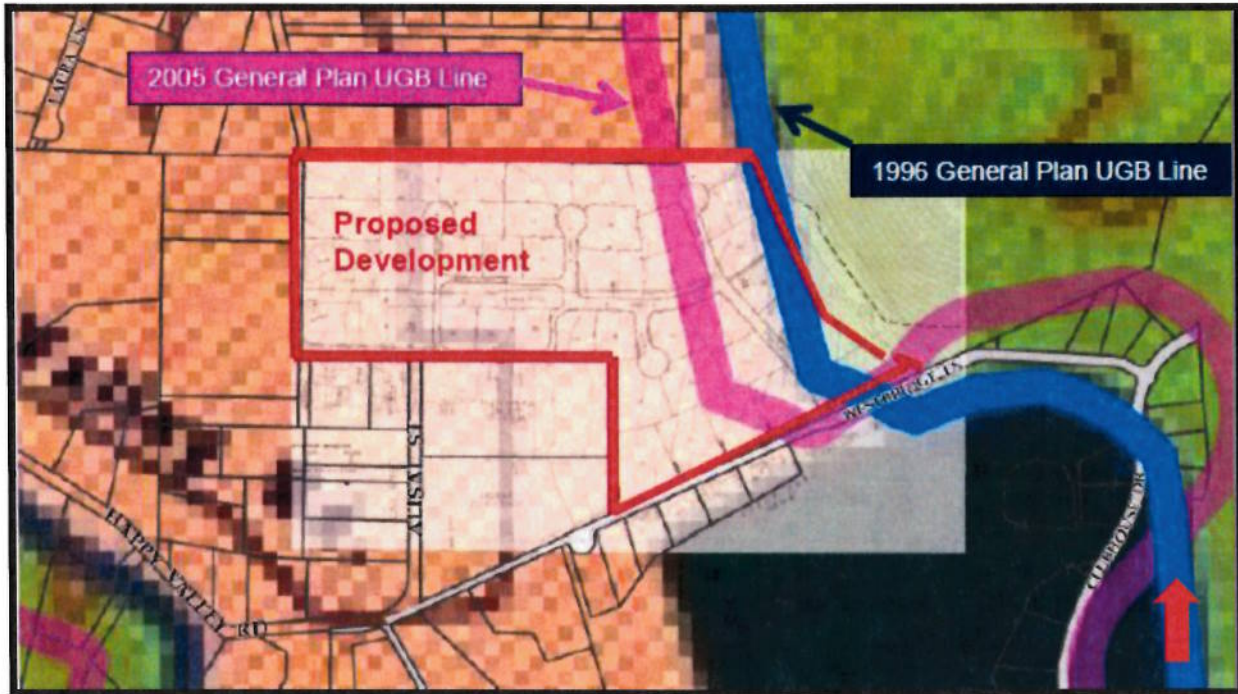
The General Plan designates an UGB line around the edge of land planned for urban development at General Plan buildout. Areas outside the UGB line are generally suitable for the long-term protection of natural resources, large-lot agriculture and grazing, parks and recreation, etc. The General Plan Land Use Element Policy 22 does not allow urban development beyond the UGB line. However, Program 22.3 allows minor adjustments to the UGB line.

Program 22.3: Because the Urban Growth Boundary is considered to be permanent, future adjustments to the boundary line location are discouraged, provided, however, minor adjustments may be granted that meet all of the following criteria: (1) are otherwise consistent with the goals and policies of the General Plan; (2) would not have a significant adverse impact on agriculture, wildland areas, or scenic ridgeline views; (3) are contiguous with existing urban development or with property for which all discretionary approvals for urban development have been granted; (4) would not induce further adjustments to the boundary; and (5) demonstrate that the full range of urban public facilities and services will be adequately provided in an efficient and timely manner.

As noted above, locating the UGB upon the project parcels has been a challenge for City staff, as it involves transposing the UGB line from the 1996 General Plan's City-wide map to the project site. The voter-affirmed UGB map did not include any parcel lines. As the 1996 UGB was mapped at a 3,000-foot to 1-inch scale, the width of the UGB itself is 100 to 150 feet, making it challenging to precisely locate on a parcel map.

When the City updated its General Plan in 2005, a different mapping program was used, which plotted a different UGB location on the project site. Figure 13 shows the discrepancy between the 1996 and 2005 General Plan UGB lines. Note that the UGB lines are wide (and blurry, in the case of the 1996 UGB line) due to the scale of the original mapping exercise.

Figure 13: Location of the 1996 and 2005 General Plan UGB Lines



The text of Measure FF also describes the location of the UGB line. Regarding the southern location of the UGB line in Happy Valley, Section 2. Findings, Subsection B states:

“The UGB line was established in recognition of the location of open space lands protected by a voter approved initiative, jurisdictional boundaries, and physical terrain constraints. ... The UGB to the south is based upon physical terrain as it extends along the base of the steep hills that enclose the Happy Valley area. It is situated in nearby hilly locations to accommodate future development which has been permitted by the General Plan for many years.”

As the UGB line is described as being “along the base of the steep hills that enclose the Happy Valley”, the UGB line could be refined to reflect the base of the hills.

As proposed, a portion of the development would be located outside either the 1996 or 2005 UGB line. An argument could also be made that the UGB as shown in the 2005 General Plan is mapped incorrectly, and should coincide with the eastern boundary of the PUD-SRDR designation as shown in the HVSP. It is also possible that the UGB is mapped correctly in the General Plan and need not coincide precisely with the area designated PUD-SRDR.

Discussion Point No. 2:

What additional tasks/research, if any, should the City undertake to ascertain the precise location of the UGB line?

3. General Plan and HVSP Amendments for the Bypass Road

The General Plan Circulation Element shows Sycamore Creek Way Extension (bypass road) to Westbridge Lane as one of the proposed roadway improvements. The HVSP requires the construction of a Bypass Road as part of the development of the Spotorno property. The Bypass Road was identified as a required roadway improvement in the Final Environmental Impact Report (FEIR) for the HVSP. However, the applicant proposes to eliminate the Bypass Road. Westbridge Lane would remain connected to Alisal Street, in conflict with the HVSP, which calls for the last segment of Westbridge Lane to be converted to an EVA after the construction of the Bypass Road.

As previously mentioned, the intent of the Bypass Road is to redirect traffic associated with golf course activities and surrounding uses (including the proposed development) away from roads in the County and onto City streets. The applicant does not believe traffic generated from the proposed 39-single-family residential development would warrant the construction of a Bypass Road. The applicant indicated that the proposed number of homes to be constructed on the Spotorno property has been significantly reduced from a maximum of 97 potential new homes indicated by HVSP to the proposed 39 homes. The deletion of the Bypass Road and its impacts would be analyzed in the Subsequent EIR.

If the Bypass Road were to be constructed, it would follow the alignment as recommended by HVBRC.

In November 2008, Pleasanton voters adopted two hillside development initiatives, known as Measures PP and QQ. Measure PP states:

Policy 12.3: Ridgelines and hillsides shall be protected. Housing units and structures shall not be placed on slopes of 25 percent or greater, or within 100 vertical feet of a ridgeline. No grading to construct residential or commercial structures shall occur on hillside slopes 25% or greater, or within 100 vertical feet of a ridgeline. Exempt from this policy are housing developments of 10 or fewer housing units on a single property that was, as of January 1, 2007, "legal parcel" pursuant to the California Subdivision Map law. Splitting, dividing, or sub-dividing a "legal parcel" of January 1, 2007 to approve more than 10 housing units is not allowed.

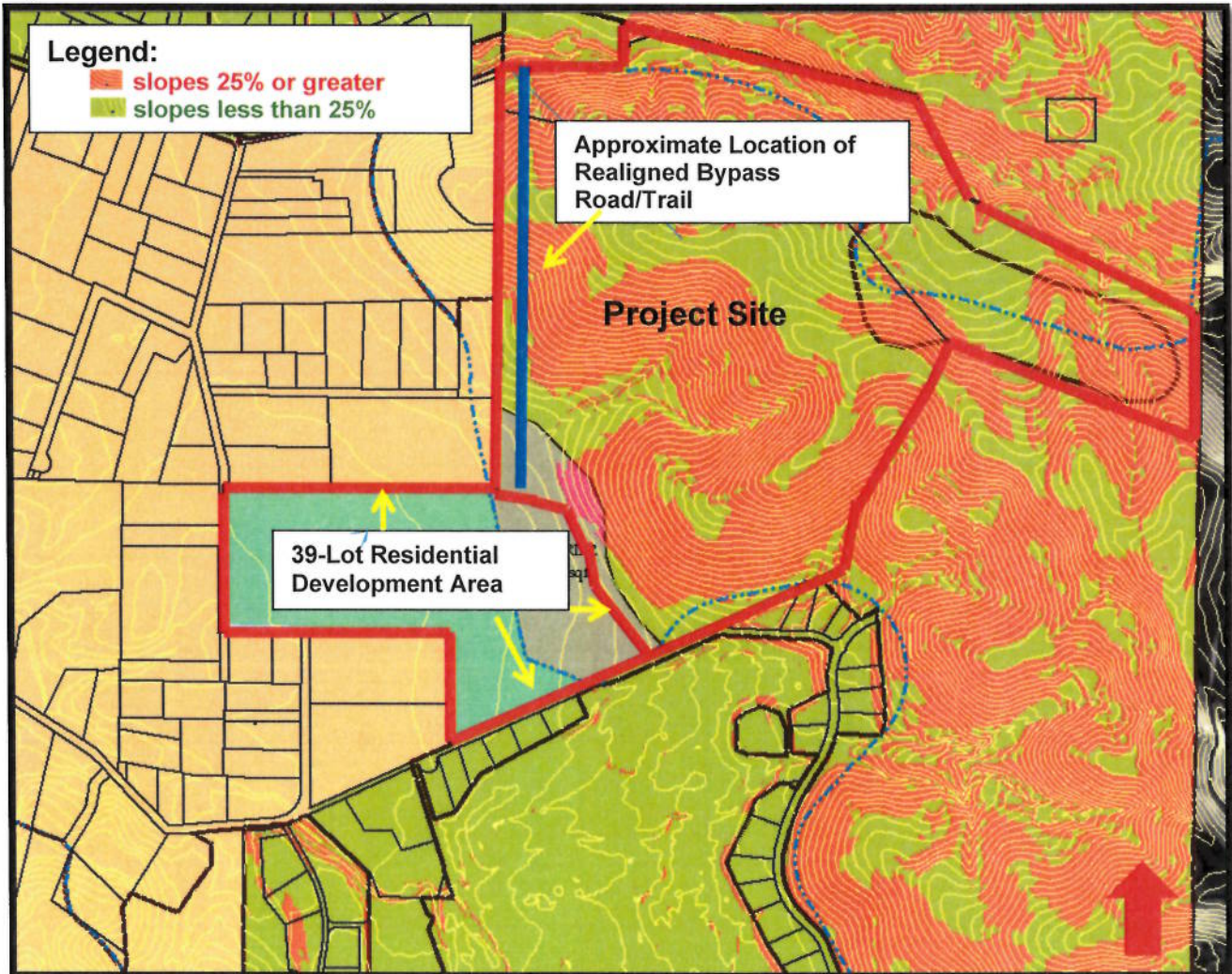
Measure QQ readopted and reaffirmed the existing policies and a program from the 1996 General Plan to generally:

- (a) Preserve hillside and ridge views and the Pleasanton, Main, and Southeast Hills;
- (b) Study the feasibility of preserving large open-space areas in the Southeast Hills; and
- (c) Protect large contiguous areas of open space.

A key issue is whether a road is considered a structure. For the recently approved Lund Ranch II development, the Council decided that the road extending from the Lund Ranch site to Sunset Creek Lane is not a structure. If, for this project, the Council determines that a road is considered a structure, then development of the Bypass Road may conflict with Measure PP. Staff notes the development of the Spotorno Upper Valley MDR Area could also be precluded by Measure PP, depending on resolution of the road-structure question.

Figure 14 shows the topography of the project site. The realigned Bypass Road would be located near the westerly property line of the project site; thus, portions would need to be constructed in areas with slopes 25% or greater.

Figure 14: Slopes of the Project Site



Discussion Point 3:

Does the Planning Commission support the elimination of the Bypass Road and the retention of Westbridge Lane as a permanent access road to Alisal Street?

4. Development Standards and House Design.

The project site is identified as Lots 97 and 98 in the HVSP. However, the proposed housing would be constructed on the Spotorno Flat Area on Lot 98. The applicant is proposing to change the land use designation on the Spotorno Flat Area from PUD-SRDR to PUD-LDR. Table 2 lists the required PUD-SRDR and PUD-LDR development standards per the HVSP and the proposed development standards as a comparison.

Table 2: Development Standards Comparison

HVSP Requirements			Proposed
	PUD-SRDR	PUD-LDR	
Lot Size	One Acre (43,560 sq. ft.) min.	Determined by PUD development plan approval.	17,216 to 38,331 sq. ft.
Lot Dimension: Lot Width: Lot Depth:	175 feet min. 175 feet min.		94 feet to 140 feet 115 feet to 255 feet
Setbacks For Main House: Front Yard: Side Yard: Rear Yard:	35 feet min. 25 feet min. 35 feet min.		35 feet and 30 feet ¹ 25 feet and 20 feet ¹ 35 feet and 30 feet ¹
Height for Main House ²	30 feet max. (as measured from the highest to the lowest elevation of the building) A minimum of six homes in the Spotorno Flat Area to be limited to one-story in height.		18 feet 10 inches to 29 feet six inches All homes could be two-story homes.
Floor Area Ratio (FAR)	25% max. (for two-story buildings) 40% max. (for one-story buildings)		9%-20%
Parking	Two garage-parking spaces with four total on-site spaces min.		Two garage-parking spaces with four total on-site spaces min.

¹ Lots 3-4, 7-11, 34, and 36-38.

The applicant is proposing to change the land use on the Spotorno Flat Area from PUD-SRDR to PUD-LDR, where the development standards are subject to case-by-case review.

The proposed plans include four house plans comprising one- and two-story models, each with three front architectural variations. Staff believes that the front elevations have sufficient architectural detail to create visual interest; however, the side and rear elevations contain large areas of blank walls without articulation/interest. Staff recommends that architectural details, similar to those shown on the front elevations, be added on all elevations.

Staff notes that the project does not include on-site affordable units to meet the City's Inclusionary Zoning Ordinance (IZO). The applicant would pay in-lieu fees to meet the requirements of the IZO. The proposed site plan could substantially change if the applicant is required to provide units to satisfy IZO instead of paying in-lieu fees.

Streets within the development would be a combination of public and private streets. As proposed, "Street A," "Street B," "Court A," "Court B," and "Court C" would be 36 feet wide, with two travel lanes, and have on-street parking and sidewalks on both sides. "Private Court" and "Private Street" (i.e., the looped street) would be 21 feet wide with no on-street parking or sidewalks.

The HVSP states that the road construction standards specified in the specific plan should generally be applied throughout the Plan Area. New roads excluding the Bypass Road and Happy Valley Loop Road would have: two travel lanes, each 12 feet wide; no parking lanes or sidewalks; and bicycle lanes determined with review of the PUD development plan.

Additionally, the HVSP requires the construction of the Bypass Road trail, the Spotorno Flat Area Trail and the Spotorno MDR/Foley Ranch Trail Connection that would connect to outlying regional trails. The Spotorno Flat Area and Bypass Road Trails are proposed, but not the Spotorno MDR/Foley Trail Connection.

Staff believes that the proposed development should conform to the HVSP in terms of street design and trail construction.

Discussion Point No. 4:

Does the Planning Commission support the overall site layout, including the proposed development standards, building designs, entry locations, and streets and trails? Are additional pedestrian amenities warranted?

5. Affordable Housing

The City's Inclusionary Zoning Ordinance (IZO) requires new single-family projects of 15 units or more to provide at least 20 percent of the units at prices that are affordable to very low, low, and/or moderate income households. If 39 units are allowed for this project, then eight affordable units would be required. While the primary emphasis on the IZO is to include affordable housing units within market-rate unit projects, the IZO indicates that it may not always be practical to require that every project satisfy its affordable housing requirement through construction of affordable units within the project itself. In these cases, the IZO allows other methods to satisfy the affordable housing requirement, such as constructing off-site affordable units or paying the Lower Income Housing Fee. The applicant proposes to pay Low Income Housing Fees for this project. The Housing Commission would be responsible for recommending to the City Council approval of the project's Affordable Housing Agreement.

Scoping Session to Evaluate Environmental Issues That Should Be Analyzed in the Draft Subsequent Environmental Impact Report (EIR)

6. Subsequent EIR. An EIR was prepared and certified for the HVSP that analyzed environmental topics including traffic, utilities (sewer, water, storm drain systems), density, and wildlife habitat. A Subsequent EIR will be prepared to evaluate the site constraints and the project's potential environmental impacts and provide mitigation measures, where feasible, to mitigate these impacts.

The City hired FirstCarbon Solutions to prepare the Subsequent EIR for this development. The consultants will use the comments provided at the meeting, as well as all written responses from outside agencies and the public to prepare the draft Subsequent EIR for the project.

After circulation of the draft Subsequent EIR for comments by the public and public agencies, a final Subsequent EIR will be prepared. The final Subsequent EIR would be forwarded to the Planning Commission for its review of and recommendation on the proposed development.

The site is located in the Happy Valley area and is surrounded by large-lot residential and agricultural uses. The proposed residential development could generate potential negative impacts on the existing uses in the immediate and surrounding area. The following studies and analyses will be prepared to evaluate the project impacts:

- A traffic analysis will be prepared to include estimates of project trip generation, trip distribution, and level-of-service at each study intersection to assess the volumes of traffic on neighborhood streets. The analysis will also include an assessment of Vehicle Miles Traveled (VMT) for the proposed project, with and without the Bypass Road.
- A noise analysis will be prepared to evaluate project-related construction and operational noise impacts on surrounding land uses. The analysis will also include a quantitative assessment of noise impacts from project-specific and cumulative vehicular traffic trips.
- A visual analysis will be prepared to determine the visual impacts to off-site locations as a result of development of the site. Viewpoints from key publicly accessible locations such as Alisal Street, Westbridge Lane and Laura Lane as well as the Callippe Preserve Golf Course will be analyzed.

In addition to analyses listed above, the following areas would also be evaluated:

- Changes to the land use patterns on the project site, including the conversion of existing rural land uses to urban land use.
- Air quality and greenhouse gas emission analyses will be prepared to evaluate short-term (construction) and long-term (operational) impacts. The analysis will include evaluation of air pollutant and greenhouse gas emissions, odor exposure, carbon monoxide hotspots, and a construction-related health risk assessment.
- A biological resources assessment will be prepared that evaluates the existing on-site biological resources. The assessment would include a general reconnaissance-level survey to identify the presence/absence of any potential sensitive species or their habitat within the project area.
- A cultural resources analysis will be prepared to evaluate the potential occurrence of archaeological and paleontological resources on the site.
- The project's potential to create polluted runoff, increase impervious surface coverage, and create downstream drainage problems.
- Impacts on public service and utility providers.

A copy of the "Proposal to Prepare an Environmental Impact Report for the Spotorno Project in Happy Valley Specific Plan Area" (Draft) is attached as Exhibit C.

Discussion Point 5:

Are there any other topical areas that should be addressed in the Subsequent EIR?

PUBLIC COMMENT

Notices of the public scoping and work session were sent to all property owners within the HVSP area, 1,000 feet of the project site and to public agencies.

At the time this report was written, Daniel Marks, resident at 6352 Alisal Street, contacted staff regarding the proposed development and inquired about proposed lot and house sizes in general. In addition, Benjamin Maughan, resident at 2215 Westbridge Lane, expressed concerns related to the elimination of the Bypass Road, traffic, and the proposed density. Staff will forward to the Commission any additional public comments as they are received.

CONCLUSION

As noted above, TLC proposes a 39-single-family residential development on Lots 97 and 98 in the HVSP area. The proposed development raises significant questions related to changes to the City's governing land use policy documents and environmental issues. Staff requests the Planning Commission review each of these issues along with the attached development plans and provide comment and direction regarding the environmental and project reviews.

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Reviewed/Approved By:

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P16-0564, Tim Lewis Communities

Work session to review and receive comments on applications by Tim Lewis Communities for various entitlements, including a General Plan Amendment, Happy Valley Specific Plan Amendment, and Planned Unit Development (PUD) rezoning and development plan to construct 39 single-family detached homes and related improvements on the approximately 154-acre Spotorno property at 1000 Minnie Drive. In addition, a scoping session will be conducted to receive comments from the public and Planning Commission on the scope of analysis for the Subsequent Environmental Impact Report (EIR) that will analyze the environmental effects of the proposed development. Zoning for the project site is Planned Unit Development – Semi-Rural Density Residential (PUD-SRDR), Planned Unit Development Medium Density Residential (PUD-MDR), and Planned Unit Development – Agriculture/Open Space (PUD-A/OS) Districts.

Jenny Soo presented the Staff Report and described the scope, layout and key elements of the proposal.

Vice Chair Nagler: Okay, so it comes back to the Commission for any questions of staff.

Commissioner Ritter: Did it address the trail connections in Lund Ranch or Callippe?

Soo: The applicant proposed the trail along Westbridge Lane, so that would hopefully loop around to the golf course trail. The other trail comes out of here and we call this the Spotorno Flats Loop Trail that is in the Specific Plan. This is the EVA. The Loop Trail would also be extended all the way along Alisal but in this plan it did not show it. The only trail the applicant is not proposing is the trail connecting from the PUD-MDR area from here all the way to loop around to Foley Ranch which is to the north. That is not included in this proposal because they are not doing anything in this PUD-MDR area.

Weinstein: Just to clarify, the current proposal does include the bypass road trail as well, so a trail not extending along the Blue Ribbon Committee alignment of the bypass road but further west in this site, more along the edge of the developed area extending north, ultimately connecting to the Lund Trails.

Commissioner Ritter: You said without making a change to the General Plan, a 22 home max?

Soo: Yes.

Commissioner Ritter: Is that based on the 30 acres that buildable area? The 1.5?

Soo: Yes.

Commissioner Ritter: And if they did that, they wouldn't have the GPA change. Is that correct?

Soo: True.

Commissioner Ritter: Okay.

Commissioner Allen: On the urban growth boundary, if we use the earlier version of the General Plan which was more expansive, does this development fit within that urban growth boundary? Or, will there still be a modification?

Beaudin: I just want to try and delve a little deeper on the urban growth boundary question because it's probably where we've spent the most time on this project so far. Measure FF is a really important component in any decision that you make related to the urban growth boundary and the way it was established. What we'll really need to get to is the intent of Measure FF. There is very specific language included in the staff report on page 18 and in that excerpt which is from Section 2 of the findings of the measure, which is also included in the staff report, Exhibit G. If you go to Exhibit G and you look at page 18 or 24 in the staff report, you'll see that we pulled out a piece of Section 2 which are the findings for the measure.

What it says in there is the urban growth boundary extends along the base of the steep hills that enclose the Happy Valley area and so it's essentially the toe of the hill and that it's situated in nearby hilly locations to accommodate future development which has been permitted by the General Plan for many years. So getting this line at the toe of the hill is really what we have to do and in your plan set, Sheet 1 of 4, there's an approximate urban growth boundary from the EIR, it's the longest dotted line on that sheet. That dotted line is actually not reflective of either of those lines, so the lines that Jenny has up here are conceptual. The first line is conceptual from our General Plan, and the second is when we updated our General Plan software, we put another line on the map. So we overlaid them on here, but the General Plan map, just like all General Plan maps is conceptual. So what we come back to is the language from Measure FF which is the toe of the hill which would accommodate growth.

If you're in agreement with that, on question #2 in the staff report tonight which is around the urban growth boundary, we'd like to work with RJA, with the applicant, and with our engineers here at the City to really nail the location for the toe of the hill as technically as we can and explain the methodology to you the next time out because RJA has done that and we just need to verify it. We can do that in a number of ways. Our engineering staff can look at this more carefully, if you're supportive of that approach, that gives us the direction we need to actually identify this either physically in the field—you can stake it or identify the locations where we think the toe of the hill is and we can say, yeah that's the flat land or that's clearly the toe of the hill or we're not quite there yet. We'd like to have that opportunity.

That's what I'm going to say about the urban growth boundary if that helps and I think we tried to be as clear as we could in the report about Measure FF and really teasing out the intent.

Commissioner Allen: Thank you. That answers where I was going with the question.

Vice Chair Nagler: So just to be clear for everyone's benefit, if Measure FF is properly interpreted to be at the toe of the hill and therefore the urban growth boundary reflects Measure FF in that way, then what is being proposed by the applicant falls within the urban growth boundary.

Beaudin: That's correct, and our General Plan. As I said, the lines in the General Plan are conceptual, and there's language in FF that talks about these minor adjustments that could be necessary. That was more directed at the intent which was 'toe of the hill'. This is literally a conceptual line versus the intent of Measure FF so we would want to work with technical experts to make sure we all agree on the toe of the hill, and that would become the urban growth boundary and we would physically make those changes in this application in the plans.

Commissioner Ritter: So when you state the urban growth boundary originally, typically it's just logic? I mean, if a river is here you don't bring the growth boundary line a half a mile from the river—you might bring it right to the river. Is that correct when we do create these urban growth boundary lines? There's usually something geographically you work around?

Weinstein: So the intent for Measure FF was really to protect hillsides and to not let Pleasanton sprawl and essentially what they said particularly for this area is the 'toe of the hill'. And so if there was a rock in the middle of it, we would still follow the geographic line.

Commissioner Brown: Can I ask a clarification on the two lines that you show up there? You call them conceptual lines and apparently—I didn't go back and check, but they appear in some figure within the General Plan as published and adopted and accepted by the City Council. So my question is for our legal advisor, is the language of FF override what we're calling a conceptual diagram within a published and accepted plan by the City Council?

Harryman: I wouldn't use the term "override", but you look to the intent of the language as much more specific. If someone was tasked with drawing a line, it's very conceptual and we've seen this before. Herb's probably thinking about other projects where we had....

Commissioner Allen:the Berloger property?

Harryman: So the Berloger property is probably the most recent example where we had asterisks to show where homes could be clustered, and when we actually placed it on topo, they saw that doesn't make sense; it doesn't line up. So they're conceptual and whoever was tasked with drawing this basically chose an area and didn't have the benefit of the lots and all these things that we have now. It's not what they use and you heard Jenny talk about scale and where a simple line would be 100 feet wide. So, I wouldn't use the term "override". You'd look at both of them but really you look at the intent, and the language is quite specific here. We don't always see this level of specificity. Jenny's bringing it as the toe of the hill which makes sense. The specific language is the "base of the steep hills".

Commissioner Brown: Okay, so as long as you can justify the engineering definition of the base of the hill, then it's really defensible to be more accurate than the conceptual plans.

Harryman: We've done that many times with other projects and other Specific Plans where we had something conceptual like the asterisk showing where houses could go, but then we get the actual project, we look at it, apply it to the graphic, etc. and you realize, oh, it's a little off. It's basically the area but actually its 100 yards in the other direction.

Commissioner Brown: Okay, thank you.

Vice Chair Nagler: So just to be clear, this particular challenge of applying this particular clause in FF has precedence in the City?

Harryman: My answer was more specific to explaining the conceptual nature of these drawings, these lines, these asterisks, these other things that are showing in our maps. The language itself sometimes is open as we've seen—I hate to go there, but, what is a "structure", right? So those sorts of things are open to interpretation. This language, while still arguably open to interpretation that I haven't heard yet, seems rather clear and plain to me. It's the "base of the steep hills" and that includes the Happy Valley area. It is also situated in nearby hilly locations to accommodate future development which has been permitted by the General Plan. So there's some good guidance as to where it should be.

Commissioner Brown: Why was staff saying that we would need to consider whether or not we would need to move the urban growth boundary because it sounds like we don't, and that the urban growth boundary as defined in Measure FF is specific enough to place it outside of the proposed development? I'm wondering why there was that discussion and can we move beyond that?

Weinstein: I think you can move beyond it. I think it comes down to a technical exercise. What we're looking for is confirmation of our approach to execute on Measure FF rather than to use the conceptual drawings, and we think that is the appropriate approach just to be very clear.

Commissioner Allen: I wanted clarification on page 3 of 24. This is the table on zoning. Starting with the flat area and the 33 acres of semi-rural density residential, my understanding of zoning and also the Specific Plan and this project, is that the standard is 2 acres per home. However, for this project or potentially other projects, we would allow 1.5 acres per home if the developer dedicated open space and trails, and in fact, that's where we got to 1.5 acres. The standard though, if they didn't dedicate that open space, is 2 acres per home. Is that correct?

Weinstein: Yes, that's correct.

Commissioner Allen: Okay, thank you. And the second question is regarding Lot 97; the Medium Density Residential. Obviously this was developed, the original plan, before Measure PP was in place. So my question is just, is that Lot 97 developable or not? Does it conflict with Measure PP?

Weinstein: So Measure PP would allow 10 lots to be developed on this upper parcel probably with a road as well, although there is a little bit of ambiguity in interpreting PP to encompass roads and a housing development. If you were looking at more than 10 units

on that upper site, there are certainly PP issues, right, with getting the road up there to access the housing units but to also building the housing units as well. There's steep slopes up there so it's arguable whether they could develop 75 units up there.

Commissioner Allen: But for right now and for the future, there is no proposal to develop that site, correct? And the proposal is that it will stay open space.

Weinstein: Exactly.

Commissioner Allen: And is that primarily because of the road or, just out of curiosity, why is that?

Weinstein: It's a good question for the applicant, but our understanding is that the applicant is well aware of the Measure PP issues with developing the upper area and as proposed, this project, with removal of the bypass road as well, was intended to work around the constraints of PP.

Commissioner Allen: Thank you.

Commissioner Brown: Just so I'm clear, the Blue Ribbon Committee moved the bypass road from connecting into Sycamore Creek Way, also known as the west collector, to Sycamore Way. Is that correct?

Weinstein: Sycamore Creek? Yes, Sycamore Creek I know was 2006.

Commissioner Brown: Right, moved Sycamore Creek to Sycamore Way....

Weinstein: Yes, it was always going terminate at what was called the east/west connector in the Happy Valley Specific Plan which became Sycamore Creek.

Vice Chair Nagler: The change in half was how it traversed the hillside as opposed to where it began and where it ended, right?

Weinstein: Right. The alignment in the Happy Valley Specific Plan was really straight up the hill and down the other side, but the Blue Ribbon Committee alignment was, again, more westerly of the originally proposed alignment and was intended to be a little less visually intrusive than the originally proposed alignment.

Commissioner Brown: I didn't notice the road going past the water tower there so in both cases, both in the Greenbriar plan as well as the original bypass road route, it connected....okay, thank you very much.

Commissioner Allen: To your knowledge, is there a way to do a version of a bypass road that isn't one of these that potentially would not conflict with Measure PP?

Weinstein: Probably not, but it's something we're going to study in the EIR.

Beaudin: Can I add, just for the sake of this part of the conversation which has definitely come up in other conversations, the bypass road was always intended to be a mitigation

for the level of development that was contemplated in the Specific Plan prior to Measure PP so when you're up close to the 100 unit area, and I think it was actually higher than that at a point in the past, the bypass road was a mitigation. As the project continues to get smaller, it is less and less likely that... I'll give a range for the sake of the conversation tonight, between 20 and 40 homes would be able to pay the cost necessary to build a bypass road. So I think that's really a fundamental issue for the environmental analysis but also for the overall project discussion about whether or not this commission is going to be supportive of a recommendation to remove the bypass road from the specific plan because I would imagine, if asked, the developer would indicate it is a make or break item for the viability of the scale and project being proposed in the flat lands.

Vice Chair Nagler: And of course a related question is the ability of the rest of the traffic patterns to handle how these homes get built in this development. So when we get to the scoping part of the conversation of the EIR, I would ask that we make sure that the EIR is going to ask questions adequately for our satisfaction about what will the traffic impacts be on a project this size, whatever it may be, without building the bypass road.

Weinstein: And just to clarify something and to add to what Gerry said about Measure PP and the road, I think it's important to remember that the City Council's determination on the road in Lund was a very site specific one. They said that in that case, they did not determine that a road, in the case of Lund, the connector up to Sunset Creek, was a structure. They determined it was not a structure in that case. But they did not indicate that it should apply universally to any road in the city, so I just want to really make clear that we're talking about visual impacts of the bypass road and it's something that would be highly visible from lots of off-site locations. But, the determination that it would be a structure and therefore in conflict with Measure PP is a determination that would need to be made on a site-specific basis for this project.

Commissioner Allen: I do have one other question and that's regarding Lot 96 which we're not discussing tonight which is, I guess, another part of the Spotorno inventory. I'm just thinking long-term about what other development might be happening aside from these two lots. Can that land be developed? Is that a hillside? Or, what could be the maximum number of homes, if any, in that area?

Soo: That lot has existing homes on it, and the Specific Plan is for 5 units. It's a PUD-LDR.

Commissioner Allen: Thank you.

Commissioner Brown: Was there any sort of fund or reserve when they built the golf course to collect money for the bypass road?

Weinstein: We did look into this issue today. All the reserve funds throughout the city for future projects are listed in our CIP, and there is no reserve fund for the bypass road that is listed in our CIP.

Vice Chair Nagler: This was asked a little bit earlier, but to try and get clear about it, if this application were to build 22 homes only in the flat area and to construct the bypass road,

then we probably wouldn't be having this hearing, right? In other words, there would be no other requested changes in policy, right?

Weinstein: So there wouldn't be a rezoning. There would just be a PUD development plan which is actually a little bit above design review which I know we talked about earlier. So for just a straight PUD development plan, no rezoning, no specific plan amendments, assuming the bypass road wasn't part of it, right? If that were to happen, the 22 units consistent with zoning, consistent with the Specific Plan, no bypass road; that would require a Specific Plan Amendment so it would be here today. But, just looking at the housing, just looking at the 22 units, consistent with zoning and with the Specific Plan, we probably wouldn't be having a workshop.

Vice Chair Nagler: No, my question really was, if the application was for 22 homes and to build the bypass road, then it would be a very simple hearing on whether or not the PUD conforms.

Beaudin: PP makes it interesting and so we would likely be having a conversation about whether the bypass road is a violation of Measure PP. So, that is the detail and it's after the Specific Plan.

Vice Chair Nagler: Then I have a question about the other part of the proposal which is to keep what was going to be developed into a number of homes as open space, and the applicant is proposing as I understand it, a permanently open space easement, right? So, my question is, however or whatever the terminology is, as proposed what would you believe would be the public's access on-going to this land and are there other options to be considered to ensure public access to the land?

Weinstein: I think there are trails being proposed right now and we're hoping that this project continues through the process that there will be more trails as well in accordance with the Happy Valley Specific Plan and just connecting the open space that's out there right now. So, clearly we want to make sure the public has a permanent right to use those trails. The land itself, there are different options for disposition of the open space. It can be owned by the HOA basically and maintained by the HOA or it can be owned by the City. I think those are questions still up in the air that can be resolved as we work through the project.

Vice Chair Nagler: One of those options or some other option similar is the implication of saying there would be an easement on it.

Weinstein: Right.

Vice Chair Nagler: Okay, thank you.

THE PUBLIC HEARING WAS OPENED.

Michael O'Hara, Applicant: Thank you so much. My name is Michael O'Hara. I'm with Tim Lewis Communities; the Director for Planning and we're thrilled to be here tonight. We're excited about this project and excited to be here in Pleasanton and we are just really looking forward to hearing more feedback and your comments as well as the public.

With that I want to say a couple of words about Tim Lewis Communities because we are new to Pleasanton, but we're not new to the Bay Area. Tim Lewis Communities is a 30 year company based in Roseville, California. They've been active in the Sacramento and Reno markets for a long, long time. About 5 years ago, we opened an office here in the Bay Area and all of us are veterans of the development field for quite some time and all in the Bay Area so we're very experienced here in the Bay Area.

With me tonight is Jessica Grossman and Jim Meek who are part of our team. Joe Azar is our civil engineer from Ruggeri Jensen Azar Engineering, and I wanted to also thank staff for handling some complex and tricky issues with regard to this. We've been working with them for a while to understand how some of these things work. I just wanted to commend them on that.

One bit of clarification, we did submit a letter which I believe got circulated to you all. There were a couple of things we wanted to clarify in the staff report. There's a couple of factual or applicant-related items in there. Spotorno Ranch—we're right here in the midst of the beautiful southeastern hills adjacent to the Callippe Reserve Golf Course. As Jenny mentioned, this is kind of a quick summary of what the project is. The real important thing I wanted to point out is that the Spotorno family is a long standing family and ranching family here in Pleasanton and they're actually celebrating their 150th year of family ownership of that site. So I wanted to commend them. They're a wonderful family and we've enjoyed working with them. 39 homes on a 154 acre site—a couple of the points to underscore is that we're eliminating 75 of the medium density homes up the hill that were laid out in the Specific Plan. So what that does is essentially reduces the number of homes on this entire site from the permitted 97 down to 39, and more importantly I think, is its compliance with Measure PP and QQ, and to do that it really required us to consolidate the development footprint to the flats area.

As has been mentioned, there's over 120 acres of conserved open space and I do want to get into that in a minute to talk about some of the things that have come up. One thing we did point out is that Spotorno anticipates retaining the ability to graze those lands. We operate a conservation easement within that and would be an important thing to consider. We do have the trail open space in the development, but most importantly, the Measure PP and QQ, compliance is paramount to understanding our site plan.

Here is our site plan. In here, we mention the open space and in working with staff, we actually created this open space. We had the wetlands area and this little park down here in front as the primary open space and we just kind of expanded it into the site. The concept behind that was to enhance or create a view corridor in here. As its name implies, the flats are pretty flat. And so if you can move the homes away from one another to create this view corridor up into the hillside that was something we wanted to do.

The other thing that's important about this site plan is that the perimeter lots; those that face on Westbridge and onto Alisal, their frontages equate those lots that are near them. You can see some of the lots here on Westbridge that are almost identically lined up with that and the idea was to kind of keep this semi-rural ambiance.

This is the overall site plan. I won't get into that. There are a couple of other things that are more critical. This was in your packet, and I want to just go quickly through the evolution of proposals for this site. The Happy Valley Specific Plan (HVSP); those numbers are what we just talked about, what staff talked about—Summerhill came out in '99 and proposed a 75 lot subdivision, with 56 on the upper lots and 19 on the flats and with a total development acreage of 48. Greenbriar came along as we've heard about with a 79 lot subdivision request, predominantly on the flats. It went up a little larger than our development acreage, and was 35 acres. Then our current proposal is limited entirely to the flats, less than half the number of lots that Greenbriar proposed and on a slightly smaller development footprint, and elimination of the bypass road.

Another quick breakdown of the differences between Greenbriar's proposal and ours—you can see minimum lot sizes, largest lots and average lot sizes are all credited large as you can imagine with half the number of lots. The zoning changes are pretty similar which are covered in the staff report.

I want to focus my comments on the staff report on two primary things. I think Gerry did a great job of spelling out kind of the concerns with the urban growth boundary and I pointed out that language that's been quoted a few times tonight. So I won't spend a lot of time on this, but the black line in here is kind of what we're calling the Measure FF line; the 25% slope line. So if you use that definition of where the slope begins, that's where that would be.

The other few lines on here in the pink and the blue are those lines that are in Jenny's staff report. The red line was the HVSP EIR line and the green line was the HVSP limit of development. The green, the red and the black lines all are outside of the development footprint.

The other thing is that the application of this urban growth boundary right here inside of the permitted area of development for the flats and also incidentally, it runs right through the middle of the NBR site.

So, now the bypass road—The primary thing here is that with elimination of the MDR lots and with Measure PP, we don't feel that it's consistent. With the elimination of the MDR lots, there's really no need to build that road. In that past, when that existed there you had to get access and utilities to those lots. And in that case, it would make sense that if you're getting access up there, you might as well continue the loop, right, and continue the bypass road. So without those lots, our thought is it's really not necessary to do that.

Secondly, this is kind of an elaborate exhibit. I gave you copies of this. This shows the bypass road specifically as designed and recommended by the Blue Ribbon Committee. Joe Azar created this to show what that road would look like. The blue is the 25% slope area which continues down into here. The red is the 100 feet away from the ridgeline, so there is some language in Measure PP about that as well. So, just showing where this road goes...this is the southern portion of the road. Again, we're showing that line again that we're saying is kind of the western-most of those three urban growth boundary lines.

We have the 25% slope area in blue. The wetland area that sticks down into here, this little blue tail right here plus this one and this one here would all be impacted by that. There's also an extra retaining wall that's necessary.

Going further to the north, beyond the project development heading to the north, you've got some pretty substantial grading and retaining walls that have to occur here. This right here is a 10-foot retaining wall. These two walls here; in order to make this work, what's happening is you're going up the slope and then you're coming down and in order to make that work, these retaining walls get up to 26 feet in height. So that's something to consider there. The bridge would be in here.

In our mindset, when the discussion about is a road a structure, we would also consider that retaining wall especially of that size, and bridges would certainly meet the definition of a structure. Those would be a couple of things we would want you to consider when you're considering a bypass road. With that, I'm out of time and I can answer any questions or however you want to.

Vice Chair Nagler: We'll have a chance for questions later on. Thank you very much. We are now going to take comments from the public.

Jewel Hunt, Clubhouse Drive, said it was communicated to their family that a bypass road would go in if the residential area were developed. The developer also indicated there was a reserve set aside of \$10 million for the bypass road to be built and she voiced concerns with added traffic and the ability to walk and bike in the area.

Al Zimmerman said residents were promised a bypass road if they supported construction of the golf course in 1998. He recognized those residents from the east side do not want the bypass road but if not installed, traffic will be impacted on Happy Valley Road.

Ben Maughan, Westbridge Lane, thinks development should occur within planning constraints, voiced opposition to the proposed 39 homes as being very different from the rest of the community, as well as traffic impacts on Alisal Street and Happy Valley Road, noted the new development will go right through the hill and will be very visible, stated mudslides occurred this year and he asked that the bypass road be required. He thought his street would remain a cul-de-sac, voiced concerns about safety and asked the Commission to keep the promises made in the past.

Tom Daggett, Alisal Street, described his property and said when the golf course and Westbridge homes were built Alisal Street took the brunt of the traffic and high speeds. He asked that traffic be mitigated, for safety concerns on Happy Valley Road to be addressed and said while he agrees a bypass road would be a good thing this is the third development proposal which continues to get closer and closer to his property. He also recognized it was early in the process, but asked that the City clarify the "toe of the hill's" exact location.

Vince Barletta, Laura Lane, discussed his prior involvement with the Alisal Improvement Club, his work with the City on issues relating to the golf course and Happy Valley Road, and said he currently serves on the Alameda County Septic Commission representing District 4. Residents were told that there were geological slide areas up top and that a bypass road would never be able to be put in at the top so no one could develop the MDR houses. He questioned why the City chose a 2 acre minimum, noting that only 20% to 30% of the lots are actually 2 acres or greater and he believes there is a discrepancy with

the sphere of influence. He asked the City to reconsider the need for 2 acre minimum lots which would apply to the inner ring of homes, thinks residents will likely add accessory units on their properties and asked for a solution to obtain clean water and proper waste disposal. Lastly, he questioned how the City could allow significant development and ignore the Judge's ruling to mitigate traffic and build a bypass road.

Ken Mann, Clubhouse Drive, asked that sidewalks be installed from Woodbridge Lane to Clubhouse Drive, citing dangerous walking conditions, high speeds, narrow roads and generally unsafe conditions.

Frank Imhof, Happy Valley Road, former Alameda County Planning Commissioner and current member on the Board of Zoning, said the agreement between the City and County was made to build the bypass road and he remembers there being \$10 million in a reserve to build it. The City moved 6 million yards of dirt to build the golf course. The cul-de-sac was built for the traffic to end there to go out the other way and the no left turn and no truck traffic signs were part of the mitigation; however, large vehicles are still part of the 1,400 daily trips a day on the road.

Sandy Richert, Happy Valley Road, said she was supportive of property owner rights and developer rights to build within allowable guidelines; however, this plan asks the City and residents to support a GPA to allow higher density. She voiced concern with added traffic impacts on Westbridge Lane, asked if there was discussion to an alternative ingress/egress directly onto Alisal Street to mitigate the traffic on Westbridge Lane, and pointed out that drivers still turn left on Happy Valley Road regardless of the sign.

She voiced concerns for people forced to walk in the street, asked that the applicant apply better articulation to the home plans given surrounding custom home architecture, and asked if the City or applicant explored the viability of building 10 units at the end of Sycamore to help offset the loss of revenue should the development move forward with 22 homes as opposed to 39 homes.

Jay Lofthouse-Zeis, Alisal Street, voiced concerns about losing the agricultural beauty of the area and of being able to walk safely. He then briefly relayed an incident where a golf course member was trying to pass him while he attempted to turn into his driveway.

Steve Mix, Alisal Street, said he lives next to Spotorno flat on a 2 acre lot and was told he was not able to add an accessory unit to his property when he built his home 3 years ago. He voiced concerns with adding 39 homes in addition to those new residents being able to add accessory units. This could add several more residents with additional vehicles and he asked to take this into consideration in the EIR's analysis. He supported the bypass road as solving many problems, said the Spotornos have been great neighbors in what is an agricultural and diverse habitat, and he asked to maintain the 22 homes.

John Spotorno thanked the Planning Commission for hosting the workshop and thanked Tim Lewis Communities. He clarified that the hill part of the ranch will remain with or without the bypass road without significant grading or tree removal, and with the open space proposal in the middle, it may be possible to retain the existing windmill. He provided an historical account of the area at the top of the hill which could have been developed if dug out and regraded but it did not make sense cost-wise.

He clarified that Greenbriar was willing to move forward with the bypass road when the City was willing to pay their fair share, but as soon as they were told they had to build it themselves, the project became economically infeasible, even with 79 units. He spoke about his desire to continue ranching the area, discussed challenges having a trail and its access points, and spoke about the sale of a portion of property to put the road in when the golf course was built.

Jim Freitas, former Blue Ribbon Committee member, said when the golf course was built the bypass road was required to be put in per the judge's order, and there was also \$10 million set aside for the bypass road. He asked that the Commission also consider the 2 acre per lot requirement and require the applicant to be held to the same requirement and said the 22 home plan with open space was a trade-off from the originally planned 19 home proposal.

John Bauer stated one author of Measure PP believes a road is a structure and the other does not, and it was specifically stated that the bypass road was not a part of Measure PP. Once the 590 acre former G.E. Velacito facility just to the left of the driving range sells and is developed in the future, he questioned how residents would get to Sunol Boulevard.

Sang Lee, Westbridge Lane, cited safety as a paramount concern, given there are no sidewalks, lots of people walking, significant speeding and huge potential for bodily injury. He asked that the number of citations be checked as speeds have been documented 75 to 80 mph on Westbridge Lane when coming down the slope.

Rebuttal – Applicant

Michael O'Hara: First off, thank you everybody for being here and providing your input. It's valuable and we do appreciate it. We do like to be responsive and obviously there are a lot of things to balance here, but we do like to be a responsive company. We are an award-winning home building company. We do build nice homes and certainly we will take all of the commentary with regard to the architecture—we'd be happy to continue to work with staff and others on that.

I appreciate John Spotorno being here and talking about the trail issue—that was one thing I wanted to address. He's absolutely right. There are some challenges with that trail. The primary thing that we're trying to achieve there is a conservation easement over that property. As a result of that, we'll be working very closely with the resource agencies. In conversations with them, their concern is to make as valuable an open space area as possible. John mentioned some of the practical considerations of where the trail goes to and where it ties in to and where it ends. I also wanted to point out that anything that we would do there with regard to trails; some of the things that have been requested or recommended by staff, we needed to step back and say it's really critical that we create a very valuable open space area here and in order to do that, bisecting it with a trail that runs through the open space is a challenge as well. So I just wanted to get that out there that there are some challenges we would have to address with that. We would work with staff. We have been very clear with them about some of the things that we wanted to do.

With regard to the safety considerations for Westbridge, we get that. We understand that and as part of the development there is a pathway on our side that would allow for access and allow people to walk out in the street there. There were several comments and it makes it sound as though we're trying to expand from 22 to 39 when in actuality, we're trying to reduce from 97 to 39, and I think it's really important when we talk about...John's perspective on the upper lots is critical and key. That was something that was a development right of the Spotorno family and so to just talk about it in terms of 22 and an increase to 39 doesn't give credence to all of those considerations.

One other thing I wanted to address--In the recommendations to us there was a recommendation to increase the open space in the middle and I just wanted to point out in the site plan that some of the things we've been working with staff on--one of them was to create that open space area in the center there before there was a road went in here. The concern for that was we felt we had addressed that and if there are ways to work through that, we'd certainly be happy to continue to do that but we feel that we've created something right there. If you have any questions, I'll be happy to answer them.

Commissioner Ritter: So the bypass road--it's a numbers reason...let's say they pass PP and everything makes sense to meet the voter's obligation. Is it more just a numbers thing of how much it's going to cost and the City doesn't have the money to support it either...is that what it is?

O'Hara: Well certainly, as John pointed out correctly, and we've spoken with Greenbriar about it as well, without a City contribution to that, even a 79 home subdivision was not anywhere close to being feasible and so obviously with 39 homes it would be even less feasible. Sure, I think when we talk about that, I'm not ashamed to say, yeah, 39 homes would not be able to support that level of expenditure. I think the numbers that we've talked about, and correct me if I'm wrong, but the numbers I believe we've talked about are somewhere in the \$12 million range, or in excess of \$12 million to build a road similar to what was there...pretty close.

Can I add just one other thing to that? With regard to the bypass road, I mean I think like I mentioned in my presentation, it certainly made sense when there were lots up there and then if you were going to be building those 75 homes up there, you'd have to build a road to get up there anyway, right? So, we feel like the circumstances have changed with regard to it. So not only is it a dollars and sense thing, it's a sensible development aspect to it as well.

Vice Chair Nagler: Similar question--I think the answer is self-evident but I'd like to ask you anyway. The proposal to increase the number of homes on the flat area from 22 to 39 I imagine is also driven by numbers, right, because you have actually come down in a number of homes, but the reality is once this neighborhood gets built and houses and lots are there and the open space is there, no one is going to remember at some time previously it was a conversation about putting a hundred and some odd homes which is quite a difference from 39. Just so just to speak to that number of homes, is it the case that you looked to maximize the acreage and ended up at 39 lots?

O'Hara: There were more aspects to it and I can walk you through that. What we were trying to do is strike a balance. We were trying to do a feasible development obviously.

We were trying to work within the framework, intent and themes that were promulgated in the specific plan, and towards that, we tried to look at the edges of the development that tie into the others because as Mr. Mix brought up I believe, the two acre minimum, you know, and the frontages around there don't really....they're not really indicative of that size of a lot. So what we tried to do was max the frontages and the exposure to those roads on the perimeter; those things that everybody would see when they're driving down the road or walking down the road—those are the things that they would see. And so as you see the perimeter, and if you look at lots 1 and 2, 28 to 26 and all the ones that are on the perimeter of the site, even the lots 29, 30 and 31—kind of right in there at the end of that cul-de-sac....these lots in here, these lots along here, these lots along here. Those are the largest lots in the subdivision. They're all in excess of 30,000 square feet, so about three-quarters of an acre.

We also tried to deal with that in terms of lot width, so the frontages would allow us to have broad expanses between the homes along Westbridge and along Alisal and actually along Street A towards the open space. From there, we tried to then...we thought that if we were able to cluster the development a little bit, in working with staff that was kind of one of the recommendations we talked, was to make this more palatable can we cluster it more. Can we consolidate the interior of it kind of consistent with one of the comments that was made actually as far as the inner ring and the outer ring? I think our site plan is indicative of that.

Commissioner Brown: Can I ask a quick question? I know you probably don't want to spend a lot of time talking about the bypass road, but just so I understand, the bypass road you showed us on pages 13 and 14 of your handout, here it's essentially the Greenbriar route, which shows that if it were built for the project, it would go behind lots 19 through 24, but isn't there an earthquake zone in there as well? Would it essentially be over top of that fault line?

O'Hara: Yes, to answer your question. Can you hit the slide show? This plan right here shows, and there's a fault zone that runs right through the middle and you're absolutely right. So fault zone and fault zone setbacks typically relate to homes as opposed to roads. You can't put roads in areas like that, but you're absolutely right. We'd go right through the fault zone.

Commissioner Brown: So the road would be on top of a fault zone?

O'Hara: That's correct in that configuration that was proposed.

Vice Chair Nagler: Thank you very much. Thanks a lot. Okay, the next step in this is we want to have a conversation amongst the Commissioners, but know as we go into that that none of us have had conversations among ourselves because the Brown Act prohibits it. So you're going to be as much a party to our thoughts about this as we are to one another. But before we get there, we're going to take a 5-minute break.

THE PUBLIC HEARING WAS CLOSED.

Break 8:50 p.m. – 9:00 p.m.

Commissioner Brown: One of the speakers cited the 9th Circuit Court of Appeal; sorry for being a 6-7 year resident of Pleasanton and not knowing the history there. I need some comments on what that ruling was and how it might apply to this project from our legal counsel.

Harryman: So that pre-dated me being at the City as well, but I did get a memo from another attorney in the office who was here at the time and the lawsuit was a 2005 Court of Appeals decision where the Alisal Improvement Club, which essentially were Happy Valley residents who rejected the first annexation attempt of Happy Valley, sued over CEQA and the second annexation of just the golf course property as being too soon after the first failed annexation. The Court of Appeals decision was unpublished meaning it's not binding. Whatever the judge had to say is not binding and it's not precedent, but what I have here is the quote. Regarding the bypass road, the unpublished opinion states, "The bypass road was included as an element of the Happy Valley Specific Plan. Therefore, the City's obligated to construct the bypass road, not just consider constructing it and it is possible the City will abandon this mitigation measure (the bypass road). Should that occur, the City would then be required to amend the Happy Valley Specific Plan and subject this amended document to scrutiny under CEQA."

So, it's an unpublished opinion. It doesn't bear any weight because of that and additionally, from the language I have here taken from the attorney from that unpublished opinion, the judge did acknowledge the City was supposed to construct it as part of it, but also acknowledged that the City could abandon that mitigation measure and amend the Happy Valley Specific Plan to the new CEQA description. So, that's essentially what the applicant is proposing.

Commissioner Brown: Thank you very much.

Commissioner Ritter: With regards to ADUs and second units, Happy Valley is not part of Pleasanton or annexed, right, so to speak, but we still put the restriction on them that they can't put a second unit on their property? Is that correct?

Weinstein: The speaker was talking about property in the County so there were different rules that apply there. This property that we're talking about is within the City so it's subject to our ADU rules we discussed.

Commissioner Ritter: Okay, then we don't have control over the County and that's why we can't make any changes to those, unless they got annexed.

Weinstein: Yes, the County does have to comply with state rules including the new state rules regarding ADUs. It sounded like this happened a couple of years ago and it's unclear what the specific details are.

Commissioner Ritter: So now if they went back to the County, they might be able to get that second unit in based on the new state rules that we have to comply with also.

Weinstein: Possibly.

Commissioner Ritter: Okay. And then one follow-up on that is, with development coming in and putting in the in-law quarters, this helps go towards the City's RHNA obligations, correct?

Weinstein: It helps us achieve policies in our housing element.

Commissioner Allen: It doesn't help with growth management though, correct?

Weinstein: Yes, ADUs do not count towards growth management.

Vice Chair Nagler: Which is to say, we're encouraging more in-law units by not counting them in our growth management numbers. In other words, we're suggesting that building secondary units is a good thing to do and we don't want to limit that by counting them and then coming to the limit on what we can allow.....right?

Commissioner Allen: I have a legal question for Julie, and I'm not sure how to word this, but there was an implication that perhaps one of the reasons that the flat area lot 98 deserved or was looking for more units above the 22 was because they weren't building on lot 97 which was medium density and they wanted to take some of the lots that they might have built with medium density and put them into the flat area lot 98. My question is, is it legitimate to swap densities between two different parcels like that? My understanding is no, but I wanted to double-check.

Harryman: They're asking for an amendment to the specific plan to allow that, so when asking for an amendment, you can ask for anything and their rationale behind that is we're going to make all this that was developable open space and therefore move a few more. But because it's an amendment, it's new. It's new for the Planning Commission and ultimately for the City Council to look at as to whether or not that's appropriate.

Commissioner Allen: Okay, but absent an amendment, that's not something that is done with rezoning.

Harryman: Correct.

Beaudin: Can I add to it through the Chair if I might? Because there's the legality of density transfer and whether or not we have that in current code and that's not something we have in the City of Pleasanton, but there's also the amendment process that Julie was talking about. The rationale there that we've discussed with the applicant in this case is that on paper, there's development potential elsewhere on this parcel and the idea is to move this development potential down the hill. You can agree or disagree with that and so I think that's a point to make.

The other part of the discussion as it relates to Measure PP and some of the challenges with development up the hill is 10 or fewer units are what would be permitted by PP, and so the application is fairly close to moving 10 units down the hill. You can imagine a situation where they wanted to move forward with 10 units up higher and we wouldn't be in the PP conversation, bypass road aside, and so there is this threshold that does exist out there for development on hillsides in Pleasanton even with Measure PP. I want to put

that on the table for discussion purposes tonight when we talk about the density and appropriate amount of development in the flats.

Vice Chair Nagler: Thank you, okay, let's start working through the questions that have been posed and we'll go maybe one by one and just say where we generally are and have a discussion about it.

Does the Planning Commission support the proposed land use and density changes to the General Plan and Happy Valley Specific Plan. Of course, just to say, this question relates pretty close to Question #4. In some ways, it's hard to divorce the two, but in trying to address this point, let's really stick to the overall site plan and the density question, okay? Is that fair? Because Question #4 asks us what do we think about the building, the architecture, the points of entrance, traffic flows and so forth. Right? And open space, and things like that.

Commissioner Brown: In general, I have concerns of rezoning when going beyond the 22 units that are defined. I did actually go out to the property area earlier today to refresh my memory and I parked in the cul-de-sac outside the grey house. I don't know if that was your house and obviously didn't go on the property but sort of got the lay of the land and I do have concerns that a higher density is not in keeping with the rest of the neighborhood and the rural feel there, and so those are my comments.

Commissioner Allen: Mine is really identical, but I'll say it in my words. Point one is that the zoning standard is 1 home per 2 acres unless these lots can have a density of 1 home per 1 ½ acres in consideration for substantial agricultural open space and trail easement dedications, and that's from the Happy Valley Specific Plan. It's from the history. It's from the Blue Ribbon Committee. I think we need to stick with that. There's a significant benefit being given to allow 1 home per 1 ½ acres, so to go any further is completely inconsistent with the zoning and with consistency with other folks that are in this category. And second is, I also was out biking in that area in the last week and today and I think it is out of character, independent of what zoning says, with the neighborhood as well to have a density that is 37 homes. I think 22 feels right.

Commissioner Ritter: Yeah, I feel a little similar. I want to see that there's a community benefit for making any change to the General Plan or the specific plan and I'm struggling because I don't see any benefit yet other than just supporting property owner's rights which I'm very in favor of. And so that's why I'm kind of struggling with making a change to the General Plan and without getting something out of it, and I know that gets into the bypass road and all that kind of stuff, but other than adding space, I'd stick with the density change that we got per the plan in my opinion.

Vice Chair Nagler: And I am of similar mind. Unfortunately, this project, from the applicant's perspective, is sort of at the whim of or victimized even by various changes in policy that have occurred over the years and so probably primarily amongst them being the passage of PP. And because of the existence of PP and probably because of the specific geo-thermal issues that have been raised, it's just not possible to build those 70 something homes up the hill, but that's a fact. It stands on its own. It has nothing to do with what should or should not happen in the flat area it seems to me. And so what should happen in the flat area is, in fact, what was planned and given enormous consideration

because in planning, one of the things I've been taught sitting on the Commission is we have to make certain findings and our findings are guided by City ordinance and City guidelines, and amongst those findings are that a building or a development or a set of homes that are built have to be, as you said, to be bounded in keeping with its surroundings and the character of its surroundings. And so, I'll say it pejoratively, to plot this many homes in what is clearly as was described by Mr. O'Hara as a semi-rural area, I don't think we can make that finding. And so even on the face of it, I think we have a very difficult time putting in more homes than the Happy Valley Specific Plan calls for. So it's unfortunate from the applicant's point of view that those upper homes were lost. We can have a long conversation about that too, but it's the reality of trying to develop this piece. So, I too, could only support that which is called for in the Happy Valley Specific Plan.

What additional tasks or research, if any, should the City undertake to ascertain the precise location of the urban growth boundary? And again, this speaks to us getting guidance on the application of Measure FF and like that.

Commissioner Ritter: I want to go back to the intent of when they created the urban growth boundary and using that along the base of the steep hills that encloses the Happy Valley, and I think we have to go with that and not some software map design change that maybe moved it a little bit with a 100 foot line. So I think it should be closer to that 1996 General Plan urban growth boundary line. It would seem to make more sense in my opinion.

Commissioner Allen: I agree with Commissioner Ritter and also where Gerry Beaudin was going with this in terms of plotting what that base of the hill or the foot of the hill would be. I think the challenge in doing that which would be important is, how do you define that foot of the hill. If the slope starts going up one-half inch or just slightly, do you cut it off right there? Or, do you let it go up a little bit and cut it off? I don't know how you do that but I think in doing it, it will be very important to have good justification and maybe also share 2-3 scenarios you looked at and why you looked at them and what the implications are for the Spotorno property and the implication for how many homes can be built or not because I have a feeling it will still be grey and there will need to be decisions made about where you make that cut-off and we need to understand the balance. And clearly, we all know in defining the urban growth boundary and the goal for an urban growth boundary—it's around protecting hills and protecting open space so that's why it's important to understand the trade-offs you're making and the implications that go with it.

Commissioner Brown: I, for the most part, answered the question earlier when I asked or legal advice. Any decisions that we make, I'd like to be legally defensible and the answer from legal counsel around what was in Measure FF was pretty clear. The ambiguity is having to define the base of the hill, but I also have confidence that we've gone with best engineering terms and they will define it. And, if they want to stake it out and encourage public validation that they're making a good call, I'm supportive of that. I think there was mention of that earlier. But in general I'm okay with that versus the generalized mapping that we talked about earlier. I thought it was a reasonable answer. The other way of doing it is you can stake out the eastern-most portion of lots 19 to 24 and have it validated that it doesn't look like it's beyond the foot of the hill. That's another way of approaching it.

Vice Chair Nagler: Okay, thank you. And I generally agree as well. I think honestly it's not relevant what the boundary lines were in the prior two attempts. I think the only thing

that's relevant is what's the governing law so it becomes a question on how to interpret it and as has been said, of course there will be some judgement that has to be applied to that. But in having us recommend to the Council, the Council will ultimately decide what the urban growth boundary ought to be just as Commissioner Allen said. It needs to be based on a very solid rationale so that a decision can be made. And having said that, I would hope there is a prejudice towards siting the urban growth boundary so this development can occur. But, of course, it's going to be based on facts.

Does the Planning Commission support the elimination of the bypass road and the retention of Westbridge Lane as a permanent access road to Alisal Street?

Commissioner Brown: There's not a fast answer to this. I kind of actually wouldn't mind hearing from Mike later if there's an opportunity. I think any discussion around this is in isolation. I did read the letters and probably some of those in the audience wrote those letters and some wrote the letters that couldn't be here, and there's a lot of discussion around walking along Alisal Street, walking along Westbridge Lane. I don't expect the developer here to solve problems that pre-existed at the outset of their property, right?

So that said, when we're doing a planning cycle, the accepted mitigation has been the bypass road for quite some time and I am sensitive to the fact that it's not a legal entitlement but people made buying choices on this cul-de-sac with an understanding it will close. It'll be the EVA, things like that, and we have to be respectful of that and we can't knee-jerk change our planning, and we need to have long planning cycles and planning visions. So I'm not saying outright 'no' and I recognize that if, irrespective of PP, we say the bypass road is meant as a requirement, it's a no-starter for the developer whether it's 22 or 39 unless the City pays part of the bill.

I heard enough people in the audience today with the perception there was \$10 million set-aside. I suspect that's not the case, but one of the members of the audience I spoke to earlier I think mentions in one of the attachments, it made reference to that \$10 million was collected, etc. So if you could just take the action to double-check that information, that'd be great.

And, so the long-winded answer is, I'm not ready to support elimination of the bypass road and the only instance I would consider it is if the traffic mitigation between Westbridge and Alisal and any road alignments and so on is with the input from the neighbors that are impacted. One person suggested maybe changing the development design so it exits onto Alisal. I'm sure that's going to make some other people upset and so many, many years ago when I was an engineering student, I actually worked for a traffic engineering department so I know it's a difficult job, I don't envy that, but I would like to understand which roads are City, which roads are the County, who owns what and what options there are available. It does not have to be here tonight, but as far as any future plans, I'd like to sort of understand all of the traffic mitigations and alternatives if the bypass road was eliminated, and that would address some of the safety issues; lack of sidewalks, lack of ability to get safely from your house to wherever you're going and things like that and still preserving the feel of the neighborhood. I think a gentleman earlier made reference to taking his horse many years ago and so on. That would be my long-winded answer.

Vice Chair Nagler: The questions Commissioner Brown asked are all obviously completely relevant in the scoping discussion on the EIR, so let's make sure we cut and paste in that conversation.

Commissioner Allen: I also am not ready to support the elimination tonight of the bypass road, but I am leaning toward eliminating the bypass road somewhat similar to the previous discussion. My reasons for feeling like this and that it may not be warranted in the future, and this has to be also supported by the EIR and the traffic analysis so I'm just supposing now. The scale of this project has been reduced substantially from what it was envisioned originally, and second, PP would likely influence my thinking since this road is so highly visible about whether I would approve the bypass road or not. I'm leaning towards not wanting a road there right now.

And I agree with where you were going Commissioner Brown about looking at alternatives, again, there's pros and cons of all of these for helping with safety which, number one on safety could be really nailing this trail that would be along Westbridge such that the residents, kids and dogs would have access to a trail that would really go along that road or at least be easily accessible to a lot of people that live in that area to use instead of using Westbridge. And it would be great if it potentially could even be used by some bicycles. I'm now reaching, but if it could be used by bikes, that would be great too because I know how dangerous that road is to walk on even today.

And second, I do like the idea of at least exploring the pros and cons of having two access points into the development, potentially Alisal and Westbridge and not just one. And, like any decision, there's pros and cons.

Commissioner Ritter: Yeah, I'm going back to when they were proposing the golf course and in the minutes back in 1998, it says, "The Planning Commission recommended the bypass road be constructed as soon as possible; that the construction cost be fronted by the City if necessary." That is part of the process and they also estimated the bypass road would be \$3.8 million, so it's obviously changed a little. They also said "the City's share would be \$1 million." I'm sure all those things have changed in the process, but I still want to go back to what the task force recommended and they didn't talk about density and housing. They just talked about getting the bypass road there and that was kind of the intent of helping get the golf course approved. There is something we've got to look at. I'm going to say that if PP won't let it be approved I don't want it approved, I agree with that, but it's kind of like it's there. The City knew they needed to do it, but now that we have history on that road and I want to see the traffic study to show that it needs a bypass road, and if the traffic study doesn't show it needs it, then we can go back and explain why we changed our plan on it. But based on just reading this and what the intent was and everybody thought we should have it, I think we should really analyze that pretty deeply based on what was sold to the voters and the neighbors at the time.

Vice Chair Nagler: I'm not finally decided, if I may decide, particularly before we get the EIR done, but I have to say I'm strongly leaning in favor of eliminating the bypass road and the reason that I am, just to be clear, is that things do change over time and because even though it was part of the Callippe Golf Course conversation, and while it had to do with anticipated traffic flows and trying to bring some rationale to developing that area from a traffic perspective, the fact is the traffic flows off the golf course. While their driving

habits are terrible, the actual number of cars was not more than I believe is handled on the current....

Commissioner Ritter: ...We don't know yet.

Vice Chair Nagler: ...We'll find out. The second is that PP does exist and building that road will create enormous retaining walls and the like and that's considered a main concern. Third, if in fact the Commission's guidance or intent is to have fewer homes built on the flat area prevails, there might be other ways we can improve traffic flows absent building a bypass road which would not please everybody obviously, but be more environmentally sound.

And finally, the fact is that while it was definitely discussed that the Westbridge Lane would end up in a cul-de-sac one day, as I said earlier, things do change over time and the whole development that was envisioned for Spotorno ranch has changed and the number of homes developed, and therefore, the traffic has changed and the traffic coming off the golf course has changed. In the context of making the street safe, I don't know that that requires building a bypass road through an environmentally sensitive area.

Then the final point I'll make is just the simple reality of the economics of this project. It would be, I think, unfair and unrealistic to say on the one hand to the applicant here's how many homes you can put on the flat area, but you also need to build this road. That seems a similarly constructed dismissal. It's an approval that's a denial, and so if we really are intent on building this bypass road, then I think it can only occur if the City is willing to put up its proportional share out of its pocket to build that road.

Does the Planning Commission support the overall site layout including proposed development standards, building designs, entry locations and streets and trails. Are additional pedestrian amenities warranted?

Commissioner Ritter: I go back to the community benefit. I really want to support the highest and best use for that location and it's definitely not high density housing and it's probably not just a big field with cow grazing either, but I want to make sure we're getting these trails connected. I want to make sure we have sidewalks so people can walk to the golf course even or go for a walk around or even to walk down Happy Valley Road, and you know, I do golf there and it's kind of fun going on those bumps. They don't slow you down at all, but they bounce you a little bit (hahaha) which isn't a good thing. I don't think necessarily they're a traffic calming, but I would like to see it so kids can ride their bikes to school and feel safe going down that road and if we were even able to put DG instead of sidewalks down that road as part of a condition to get some community benefit out of the process, I think that would be important.

Building designs; I'm not going to get into details on that but I really wanted to fit in and match in the surrounding areas. I know a couple of people mentioned this looks boxy. I would want to dig deeper into that to make sure it doesn't stand out like just a big tract development. As far as the traffic, personally I can't wait to see the traffic report, Mike, when it comes, but 39 homes is actually not that many when you think about it. I live in a 168-home development with one exit and entrance and I very seldom see my neighbors leaving at the exit point so I don't think it's necessarily a traffic issue from the 22 homes

or 39 homes. I think it's more of an issue with utilizing Callippe out there. Those are just my thoughts. Did I answer them all here, Chair?

Entry locations—I like not having the entry on Alisal. I think that's the busier street, isn't it? So entry and exit off of Westbridge Lane, it seems it makes more sense in my opinion.

Vice Chair Nagler: What about the open space that's within the development?

Commissioner Ritter: I like that. Is the community going to go sit in that park? That's what I want to make sure. It's not just a homeowner's association benefit. Maybe there will be some child swings and maybe it's a walk to there kind of thing, but I really want to make sure there's DG or sidewalk protected bike aisle so people can get to and from there. I don't expect golfers to be riding their bikes to the golf course, but I know some have before, but I just think it's for strollers and a great area to walk, but I just want to be sure the trails are inter-connected. Thank you.

Commissioner Allen: All right, so site layout, as mentioned earlier I'd like to explore the pros and cons of two entrances into the development versus just one both from traffic and visual impact and impact to neighbors. Also on site layout, I completely agree with Commissioner Ritter and completely agree about this idea of maybe DG and maybe it's part of an amenity since the money isn't going into the bypass road, that there's DG along Westbridge.

So, I mean, that's a great idea and then the trail network is huge to me so as I think about trail network, I also think about access points and that makes me think about potential parking sites—should there be a little parking area or turnout for people since there is no parking on the Westbridge Street, so I'd like that to be considered because I think we really want to use that. I want to make sure everything links.

The third point now that I'm on trails is I don't know how we answer this, but I am concerned with this conflict between the cattle grazing and Spotorno will be actively using part of that property, but part of the deal in allowing the density to go from 2 acres to 1 ½ acres according to the specific plan is there's a significant give to the City with the trails and the network. It just feels a little awkward that we're getting something but by the way it's still sort of owned by the Spotorno family for cattle grazing and there's limitations to have the public use it. So, I don't know how that all gets worked out but I'm concerned about and really desirous that the balance be, if we're giving up the density, the bias needs to be the City gets a strong trail network and strong open space that's usable.

Now the architecture—I think it needs more work. I agree with the speaker that said it looks kind of boxy. I'm especially concerned about the Italian farmhouse and the Spanish design. I don't think they're flat roofs, but when I look at them, they felt like a very flat feel to that gabled roof, you might call it, and it felt out of character and I believe it needs some more articulation, more interest. So anyway, I think the architecture needs some work to be consistent with the area and really feel like it's not a tract development.

And then also on site layout or architecture, landscaping. And I think staff brought this up in your earlier point to the staff report and this is also highlighted in the specific plan which says, and I'm looking at page 34 on landscaping, the first point is that substantial planted

landscaping along with other soft surface landscaping between structures and importantly, fronting roadways is highly encouraged to keep that semi-rural nature. So I think seeing that landscape plan is critical and that's what we would see.

I don't know about the size of the homes. I know staff said they may be a little large. That's my feel, but I guess what I would ask for coming back to us is some better visuals because I'm not seeing any visuals that show this 1 ½ acres with the home and the accessory dwelling unit and the landscaping so one gets a real feel of how visible that house is and how big it feels relative to the other homes in the neighborhood. My sense is some of these might be a little large and a little imposing to the space, but I'm not sure. That's it for me.

Vice Chair Nagler: That's an excellent point also to make in our scoping conversation about the EIR.

Commissioner Brown: In terms of the public space I echo Nancy's comments in terms of the...and I know this is early days and this is a workshop, so I'm not going to over rotate on the comments, but one of the things that worked for me as related to the Lund project which eventually became, Measure K, was the fact it was permanently deeded open space in perpetuity, I think was the wording, and it's unambiguous in terms of the public benefit. I would insist that it does connect with the Lund Ranch from a trails perspective. I want to see that go ahead. In terms of the architecture, I kind of felt the same way about one member in the audience who described it as a little bit boxy—no offense. Specifically, the Italian farmhouse one I had reservations on, and again, no discredit to Tim Lewis Communities. I'm sure they've built beautiful homes. It's just based on the profiles.

And one thing I did notice by the way when you did your presentation, I do compliment you on your thought around trying to back the development off the main street. You said you put a lot of focus on that visual runway of the homes nestled at the base of the hill and so I did like that. I'm going to deviate a little off of the script and go back to the previous comment. When I went out to Westbridge Lane today and I listened to some of the comments tonight, the only place I could park was in front of that gentleman's house in that bulb-out that was half filled. And, I did not feel safe crossing the road to go stand on the corner to look at the property because of people bouncing over those speed bumps.

The original plan was a bypass road connected to Sycamore Creek Way and I've walked Sycamore Creek Way with my kids that are 5 and under and it has sidewalks, off-street parking, bike lanes, roundabouts. It is a real road with real traffic mitigations built in. The Westbridge Lane as it is today – I don't want to call it a temporary road but it feels like a temporary road so it doesn't have the sidewalks that we're used to. I don't know if that was necessarily part of the design because I wasn't on the Planning Commission at the time, but my other concern about eliminating the bypass road is, if we eliminate it, we have to provide an equivalent...I get the volume of traffic has come down significantly and the number of homes has come down significantly and if we were to propose the existing General Plan and limit it to 22, again, it would go down further but the point of the neighborhood is if the bypass road isn't there and a commitment to build a safe road with sidewalks, traffic calming and so on is gone. That's why I say I'm only supportive of eliminating the bypass road if at the time it comes back there's sufficient public discussion

and agreement that the mitigation is practical and we've taken into account the surrounding roads that we would be impacting even with 22 homes because the impact is already being felt for many, many years since the golf course has been built, okay?

And I will make a comment around the bypass road though as well, and again, I'm going off script but these are some additional thoughts that I have. It feels much different than the Lund Ranch project. The Lund Ranch project was a slight increase over 25% for a short duration. This is much more, and I don't want to say drastic but much more problematic and so we can't lose sight of the fact....and this is partially why I think Council suggested we should evaluate every project as it relates to on a case-by-case basis, and I think it does feel very different so we need to be very careful of the visual impact and if the road was built and so on not to mention the funding issue.

My final comment and let me go back to point 4 on the charts, was that I think if we reduce down to 22 per the current General Plan designation, it would necessitate a different road layout, so I don't want to pre-judge the existing one. Again, whether it went onto Westbridge with or without a bypass road or onto Alisal, it needs to be part of the parcel. Are we mitigating the 22 homes we would be building as part of that proposal, if that's what the developer decided to come back with and does it mitigate the promises made for the traffic that's being borne for all these years to the golf course?

Vice Chair Nagler: I agree with everything that's been said so I really don't have anything to add, but I just want to make sure these points are emphasized. One, that we are very concerned about the safety of the streets bordering this development. People who walk the Callippe Golf Course trail have to experience what the residents on the Westbridge experience because the only place to park is in the Callippe parking lot and you walk the trail and the only way to end the hike is to go up Westbridge and cars are whizzing by. So, the general public who is already making use of the trail around Callippe experiences that safety issue, so pay attention very much to the safety issue of Westbridge and Alisal traffic-wise.

The second is, I agree with all the comments about the architecture, but in that context, if the applicant is going to follow the Planning Commission's guidance and come back with a proposal for 22 home sites, presumably not only the site plan obviously change and things like open space and like that, but it could be that the architecture and the size of the homes and positioning of the homes and so forth is obviously affected as well, so I would just encourage the applicant to keep in mind comments the Commission has made about the architecture in doing that.

And then the third again to say, the walking trails, I asked the question earlier about what's the difference basically between...what does the easement need? Who owns the land? How is the public's access to it guarded, so I just want to say that that is also important to this Commissioner as it is to the others.

So the final task before us is to talk about the scope of the EIR as it has been proposed by First Carbon Solutions who have been, as said earlier, identified by the City Council as the approach to view the supplemental EIR. And just to say, what we recognize is that this EIR is going to borrow in large measure or predicated in some measure on the EIR that was done for the Happy Valley Trails Specific Plan, right? So, the question I think

before us, and staff you can tell me if this is wrong, what staff's looking for is if the topics that are raised on pages 18, 19 and 20 of First Carbon Solution's proposal are adequate from our point of view and more importantly, are there additional items that ought to be covered. Just to try and make this conversation efficient, let's just take as a given that the questions Commissioner Brown asked are included and that the comments Commissioner Allen made are included, okay, so we don't have to rehash those. Anything else?

Commissioner Brown: Yes, specifically pedestrian and bike safety I think should be a topic called out in the surrounding streets.

Vice Chair Nagler: I would like there to be a healthy representation through computer generated imaging of what the development would look like as proposed and what alternatives might look like. Presumably when this EIR is done, we'll have to consider the application as is before us as well as 22 home sites. So, I guess as a point there, the EIR needs to make sure it takes into account what the variations might be and the size of the project, but in that context, it provides visual representations of what the project might look like. Anything else?

Commissioner Ritter: I echo a lot of what everybody said. One thing I didn't bring up though is the City's inclusionary zoning ordinance which requires new single family home projects of 15 units or more to provide at least 20% of the units priced at affordable to very low housing and I want to make sure we're looking at that also versus an in-lieu fee when they start looking at the re-design. Obviously, my biggest thing is the traffic and safety issues and the environmental with Measure PP making sure we can meet those goals.

Commissioner Allen: And I just have a couple of sub-points around the transportation section that I would like to have addressed. One is, I believe we should be including an assumption that there's an ADU for probably each of the properties over time in our volume forecast for traffic. Also, I think it would be important, especially for the public and us to understand the assumptions around traffic levels that were in the original EIR and what the change is that's seen in this new EIR. In doing that, I think it would be important to understand specific to the golf course itself, is traffic higher or lower than what was expected and then separately, all the other traffic from Spotorno and any other developments that were assumed so that you all can see what really is the change that's driving the roadway noise.

Vice Chair Nagler: And the traffic that they project, how it is impacted by the bypass road and not the bypass road.

Commissioner Allen: Exactly, and that's really important. And then I fully agree with the desire to have a section on bikes and ped and all related to safety because clearly that's the amenity of sorts that this project can bring if done right and it's also the risk that this project needs to mitigate if we don't have a bypass road.

Commissioner Brown: Can I ask one other question? As part of the last Happy Valley Blue Ribbon Committee meetings, they summarized six design considerations for lot 98,

the first of which was to designate the maximum height of homes at 30 feet. Is that tied to existing....

Vice Chair Nagler:any existing proposals under that recommended height.

Commissioner Brown: Okay, existing proposals under that recommended height, okay, and is that maximum height already specified as part of the current General Plan designation? Is a maximum height specified as part of the PUD? I guess it's kind of a moot point, but I'm just curious.

Soo: The PUD-SRDR designation specifies that the house could go to 35 feet high.

Commissioner Brown: Okay, so the SRDR says it can go to 35.

Beaudin: You'll actually have the chance to look at all of this with the development plans and with the renderings that Vice Chair Nagler asked for this evening, we'll review those variations in height and see what those impacts would be.

Commissioner Brown: Okay, thank you.

Vice Chair Nagler: Anything else on the scope of the EIR? Is that okay from your perspective? Have you got what you need? Okay, any other issues on this project to be raised.

Commissioner Allen: Mine is just something I forget to say related to the site design and architecture and I'm referring to the architecture specifications in the Happy Valley Specific Plan detail which I pulled on-line today. I didn't see it in the package. But in this, they have five points about architecture and I didn't see that addressed here so I didn't know if this had changed or what, but let me just share what the five points were. Point one was a diversity of architectural style suitable to Happy Valley. It specifically says they don't want European estate or Neo-colonial or similar. I would say one of these you could call a European estate.

Point two is that front porches and other elements which facilitate neighborhood interaction and add visual interest to homes is strongly encouraged. It makes me just think about the desire to build that into the architecture because it didn't seem to stand out very much to me.

Third, and this is related to the building height discussion we just had is that building heights and forms should be similar to those currently existing in Happy Valley and it listed four sub-points; Point 1 is: "one-story structures are strongly encouraged." Point 2 is: "one and two-story combinations are accessible." Point 3 is: "two-story structures are generally discouraged but can be acceptable if building masses are broken up with attached one-story elements". And Point 4 "pitched gable and hip roof forms rather than flatter roofs are strongly encouraged." So I would ask that we sort of validate some of the architecture using this because it didn't seem to quite fit for me and it also prompted the question of how many single stories versus two story homes we're going to have and this felt very heavy on the two story and what's the right mix for us. So, those were sub-points to the third bullet.

Point 4 was, "The visual prominence of garage doors should be minimized." I'm feeling like we're probably okay here but this talks about it really needs to be buffered with landscaping and that's where, to the degree we have a front-facing garage door, let's make sure it's heavily landscaped so it's not visible from some of the key streets wherever possible.

And the last point is that "The house entry should be proportioned in size and structure", and I didn't have a concern about that.

Vice Chair Nagler: That's good. Since we obviously are trying to provide direction to stick with the HVSP, we want to make sure that's good. Good.

Commissioner Brown: Can I ask a final question of staff? So Adam, obviously we need to have a discussion around traffic and safety mitigations. What is your preference for members of the community that want to provide input between now and when the next plan comes in? Should they be directed to Mike or Jenny? Or do you have any guidance there?

Weinstein: So we're still in the middle of the EIR scoping session so even at this early stage, we're still taking comments after this meeting on the scope of the EIR. Of course, we'll be going through a multi-month development process for the DSEIR which will then be released to the public and we're always happy to get comments from the community or anyone who's interested in the project about design or mitigation and we'll be happy to take any comments that folks have and work with the EIR consultant to address them early on. So that's sort of a less formal way of inputting into the EIR. But then the DSEIR will be released to the public and there will be a 45-day review period at that point so people can input their comments on that as well. At that point, we'll probably have possibly a different design or different design alternatives at least that will be analyzed in the EIR. Those design alternatives will be released to the public in the EIR for folks to opine on.

Commissioner Ritter: And remind me, everybody that wrote for tonight's meeting will be included in the EIR or letters and comments?

Weinstein: Yes, all environmental comments will be included as an attachment to the EIR.

Vice Chair Nagler: Okay, thank you. Thank you very much.

Commissioner Allen: Is your thinking we might have another workshop given you really have changed the scope of the project and we have a lot of areas to continue to tackle?

Weinstein: Probably, we want to see what the extent of the changes are, but it seems like based on the comments we've heard tonight that quite a few changes are being requested of the project and if that is the case then we'll probably want to bring it back another time.

Commissioner Allen: Thank you.

Vice Chair Nagler: And based on that, it would probably be a good idea that on the applicant's behalf, if there is a second workshop that there be as little delay or time interval as possible between the second workshop and a hearing on the application. Okay, thank you very much. We appreciate your cooperation. We appreciate the fact that you're putting forward a quality project and we look forward to continue to work with you and very much appreciate the residents in the neighborhood and their input because we obviously have taken it to heart. So thank you very much. We appreciate it.



EDMOND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ,
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

July 31, 2018

Sent via electronic mail: No hardcopy to follow

City of Pleasanton, Department of Community Development, Planning Division
ATTN: Jenny Sue, Associate Planner (js00@cityofpleasantonca.gov)
P.O. Box 520
Pleasanton, CA 94566

Subject: San Francisco Bay Regional Water Quality Control Board Comments on the Draft Subsequent Environmental Impact Report for the Spotorno Ranch Development Project, City of Dublin, Alameda County, California
SCH No. 2017042032

Dear Ms. Sue:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Subsequent Environmental Impact Report for the Spotorno Ranch Development Project* (Draft SEIR). The Draft SEIR evaluates the potential environmental impacts associated with implementing the Spotorno Ranch project (Project), which consists of the development of 39 single-family residences on an approximately 154-acre site in the southern portion of the City of Pleasanton. Residences would be constructed on about 46 acres of the Project site, and the remainder of the site would remain zoned for Planned Unit Development-Agriculture-Open Space (PUD-A/OS).

Summary

As is discussed below, the Draft SEIR does not provide an adequate discussion of potential mitigation measures for Project impacts to wetlands.

Comment 1. The Draft SEIR does not describe concrete mitigation measures for the fill of wetlands at the Project site.

Slope stabilization within the Project's open space area will fill an isolated wetland (Isolated Seasonal Wetland 2; 0.02 acre) subject to Water Board jurisdiction. In addition, trenching that would be required for a stormwater conveyance pipeline and the construction of an emergency vehicle access road will result in temporary and permanent impacts to an additional wetland (Seasonal Wetland 4; 0.02 acre of temporary impacts and 0.1 acre of permanent impacts). As mitigation for permanent impacts to 0.12 acres of seasonal wetlands and 0.02 acres of temporary impacts to seasonal wetlands, the Draft SEIR offers Mitigation Measure MM BIO-3, Impacts to wetlands:

Dr. Travis E. Young, Chair | Bruce H. Wolfe, Executive Director

2516 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sfbay

MM BIO-3 Impacts to wetlands

- The Applicant shall obtain a Section 404 Clean Water Act (CWA) permit for impacts to waters of the United States. The Applicant shall also obtain a Section 401 permit from the Regional Water Quality Control Board (RWQCB). These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project.
- The Applicant shall ensure that the project will result in no net loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.
- Compensatory mitigation may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (on-site mitigation) or at another location, usually within the same watershed as the permitted impact (off-site mitigation). The project/permit Applicant retains responsibility for the implementation and success of the mitigation project.
- Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.

The Draft SEIR asserts that implementation of MM BIO-3 and compliance with the associated permits would reduce impacts from erosion, sedimentation, runoff, and accidental spills, as well as impacts to wetland habitat to a less than significant level. However, the Draft SEIR lacks sufficient detail to support that conclusion. Obtaining required permits from the Water Board and the U.S. Army Corps of Engineers is a legal requirement. Those permits may include mitigation requirements, but the permits themselves are not mitigation for impacts to jurisdictional waters, including seasonal wetlands.

Mitigation Measure MM BIO-3, does not actually include a wetland mitigation plan; it only requires the future development of a wetland mitigation plan. The first two proposed elements of compensatory mitigation are not feasible at the Project site at this time. Water Board staff are not aware of any mitigation banks or in-lieu fee programs that have available seasonal wetland credits for a service area that includes the Project site. Therefore, the Project will need to provide Applicant-responsible compensatory mitigation for impacts to seasonal wetlands.

Developing a wetland compensatory mitigation plan for impacts to 0.12 acres of wetlands is not a simple process. It is necessary to find sufficient land with the proper hydrology to sustain a minimum of 0.12 acres of mitigation wetlands. Please note that the required amount of wetland mitigation will depend on the similarity of the impacted wetlands to the proposed mitigation wetlands, the uncertainty associated with successful implementation of the mitigation project, and the distance between the site of the impact and the site of the mitigation wetland. In-kind mitigation for the fill of wetlands consists of the creation of new wetlands. If the mitigation consists of restoration or enhancement of wetlands, the amount of mitigation will be greater than if the mitigation consists of wetland creation. If there are uncertainties with respect to the availability of sufficient water to support seasonal wetlands or sufficiently impermeable soils to

sustain saturation, then the amount of mitigation would also have to be greater. Finally, the amount of required mitigation increases as the distance between the impact site and the mitigation site increases.

In a CEQA document, a project's potential impacts and proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act. The current text of the Draft SEIR does not demonstrate that it is feasible to mitigate all potentially significant impacts to wetlands that may result from project implementation to a less than significant level. Impacts to the jurisdictional waters at the project site, as well as proposed mitigation measures for such impacts, will require review under CEQA before the Water Board can issue permits for those proposed impacts.

Conclusion

The Draft SEIR does not provide sufficient detail with respect to mitigation for Project impacts to wetlands. The Draft SEIR should be revised to provide specific mitigation measures for all impacts to waters of the State. These mitigation measures should be in-kind and on-site mitigation measures to the maximum extent possible. The amount of proposed mitigation should include mitigation for temporal losses of any impacted waters of the State. If mitigation is out-of-kind and/or off-site, then the amount of the proposed mitigation should be increased. Proposed mitigation measures should include designs with sufficient detail to show that any created wetlands will have sufficient hydrology to sustain wetland hydrology and vegetation without human intervention. A proposed program for monitoring the success of the mitigation features should also be included with the mitigation proposal(s).

If the Draft SEIR is adopted without providing concrete mitigation proposals for impacts to wetlands, it is likely that the Draft SEIR will not be adequate to support the issuance of CWA Section 401 certification for the Project.

If you have any questions, please contact me at (510) 622-5680, or via e-mail at brian.wines@waterboards.ca.gov.

Sincerely,

Brian Wines

Brian Wines
Water Resource Control Engineer
South and East Bay Watershed Section

Digitally signed by Brian
Wines
Date: 2018.07.31 11:56:42
-07'00'

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)
CDFW, Attn: Marcia Grefsrud (marcia.grefsrud@wildlife.ca.gov)

RECEIVED

AUG 23 2018

CITY OF PLEASANTON
PLANNING DIVISION

Pleasanton, CA 94566
August 23, 2018

City of Pleasanton, Planning Division
Attn: Jenny Soo, Associate Planner
P. O. Box 520
Pleasanton, CA 94566

Re: Spotorno Ranch Project

Dear Ms. Soo:

We oppose the current Spotorno Ranch project on the basis of safety. That is, as we read and understand the proposed development, all of the traffic from the new development, the golf course, Westbridge Road and the homes around the golf course would be funneled out onto Alisal Street. The previously approved Bypass Road would not be constructed.

Alisal Street and Sycamore Road, as you know, are narrow two-lane roads with no sidewalks and often little to no shoulder. And yet, many people walk along these roads for exercise, walk their dogs, ride bikes, and of course, access their driveways. This already presents a hazard since drivers need to slowly swerve around the pedestrians and bikers who have no choice but to walk and ride in the roadway. The current plan proposes to put 24% more cars on these narrow roads (Table 3.12-7 SEIR Spotorno Ranch Project).

In addition, two years' worth of wide, heavy-duty construction vehicles using only Alisal to access the construction site would also present a grave safety problem. According to signage at Alisal and Westbridge, trucks over 3.5 tons (that is any heavy equipment vehicle) cannot use Happy Valley Road. Therefore, they would all be forced to go in and out Alisal and Sycamore Roads. We fear the current proposal and signage will inevitably lead to accidents likely involving cars or trucks and pedestrians. **This violates the very first goal of Pleasanton's transportation General Plan: "Develop a safe convenient and uncongested circulation system."** The results could be tragic *and* preventable.

Here are some typical scenes on Alisal Street and Sycamore Road taken Saturday morning August 18, 2018:



The original 2005-2025 General Plan required a Bypass Road that would carry traffic from the new development and from the golf course homes out the Bypass Road and onto the much wider and safer Sycamore Creek Way (which was planned for this extension.) The Happy Valley Specific Plan (2007) recommended the Bypass Road. That makes more sense. Sycamore Creek Way is a wide, modern street with bike paths, a sidewalk and pedestrian trails, more suitable for the expected increase in traffic. There, pedestrians, bikers, cars, service vehicles and trucks could all safely co-exist. This would reduce the traffic on Alisal and Sycamore Roads, and we believe, save lives.

Here are some typical scenes taken on Sycamore Creek Way on Tuesday, August 21, 2018.



Which road looks safer to you to put 24% more cars on—
Alisal/Sycamore?

Or Sycamore Creek Way, which was designed specifically to
be extended and to safely handle the extra load?

We think the Planning Commission should go back to the original plan for a Bypass Road for the
safety of people in all the neighborhoods.

Yours sincerely,

Deborah and Thomas Insel

cc.: Ellen Clark, Planning Manager
Mike Tassano, City Traffic Engineer

Jenny Soo

Subject: FW: P15-0564 Application - Tim Lewis Communities, 1000 Minnie Street & AKA Spotorno Project, Happy Valley Bypass Road.

From: Benjamin Maughan
Sent: Sunday, July 22, 2018 10:04 PM
To: Jenny Soo; Gerry Beaudin
Cc:

Subject: Re: P15-0564 Application - Tim Lewis Communities, 1000 Minnie Street & AKA Spotorno Project, Happy Valley Bypass Road.

(BCCing about 45 families that continue to have interest in the Spotorno project)

Jenny, Gerry, Pleasanton City Planning Commission -

I hope you are all very well. Thank you for all you do for our community and city. We have an awesome city and your measured efforts help it continue that way.

I recently returned from vacation and found notice that the 1400+ page EIR for the Spotorno project has been released. It can be found here:

<http://www.cityofpleasantonca.gov/PDF/SpotornoSEIRJuly2018.pdf>.

I'm encouraged by some of the changes Tim Lewis Communities has made to their proposal from last year:

- 1) Acquiescing that their community should absorb golf course traffic since they proposed NOT installing the bypass road. This will ensure a road built wider, safer, etc than the current Westbridge, while closing Westbridge into a cul-de-sac as originally planned in the HVSP.
- 2) Positioning the western outlet of the road further north on Alisal, naturally encouraging people to turn right as its a shorter distance to Sunol Rd, potentially eliminating any 'left turn issues' and rogue traffic on Happy Valley. The eastern outlet would be at the same location aligning to the intended HVSP bypass road intersection.

However, I'm still discouraged that Tim Lewis Communities is pushing (and creating an artificial trade off in its self-determined alternatives) for 39 homes in an area that is zoned for 22 homes.

As you can see from the diagrams below, 39 homes is much too dense in Lots 2 - 8, Court B, Court C, and Lots 9-14.

I continue to recommend the city adhere's to the original zoning of 22 homes. It's safer, better aligned to the community, and would still be a win for Tim Lewis communities, Pleasanton, Happy Valley residents, and the Spotorno family.

Looking forward to the meeting on August 22th at 7PM in the Council Chamber at City Hall on Old Bernal to further discuss and arrive at an amicable resolution for all parties, which I think I can say our entire community feels is possible.



Thank you,
Ben Maughan
Westbridge Lane.

On Thu, Apr 27, 2017 at 12:15 AM, Benjamin Maughan
(CCing and BCCing about 45 families)

wrote:

Adam, Jenny, Gerry, Planning Commission - Thank you for tonight's session. I was very pleased with the professionalism exhibited and care shown regarding this matter.

I was also pleased by the number of citizens that attended, it was quite a full house.

I was highly encouraged to hear the commission's initial sentiment to maintain the zoning 'as is' at 22 homes versus 39. This is a good choice for the community and neighborhood. Such choices will maintain the Happy Valley area according to its intended plans and our communal desires. All the citizens present that I spoke with were very happy with this initial sentiment.

I want to re-iterate a concern shared that a home with a 'casita' is essential another home from a density and traffic consideration. Please keep this in mind and you consider the number of casita floor plans approved for the community.

I was encouraged by the multiple actions requested by the commission to study the feasibility of the bypass road and related items, such as, (1) the supposed \$M+ fund set aside, (2) the unpublished 9th? circuit court ruling calling for the bypass road, (3) relation/exemption to PP/FF, (4) UGB line, (5) earthquake faults traversing the 'blue ribbon' bypass road, (6) westbridge safety issues, (7) multiple historical promises, (8) HVSP trails, (9) unclear open space deed rights, (10) and many other actions.

As expressed to a few of you tonight, if for some reason the bypass road does not go in, I think it is very reasonable to require that the new community acts as the primary thoroughfare for the golf course traffic (as my wife said, 'why should they get cul-de-sacs and have our promised cul-de-sac be taken away?'). By having the new community as the thoroughfare it provides the following benefits:

#1 - The new road could be better built for golf course traffic (wider, safer, speed reducers) than what is currently on Westbridge.

#2 - The western outlet could be further north on Alisal, naturally encouraging people to turn right as its a shorter distance to Sunol Rd, potentially eliminating any 'left turn issues' and rogue traffic on Happy Valley. The eastern outlet would be at the same location aligning to the intended HVSP bypass road intersection.

#3 - Though Alisal residents would obviously still prefer the bypass road, the net incremental traffic from status quo would be 22 homes.

#4 - Westbridge would become its planned cul-de-sac, with the old road operating as an EVA for the Jensen, 'Jensen 2', Richert & Adams properties, as intended by the HVSP plan.

Lastly, knowing the area quite well, I believe the blue ribbon version of bypass road is more negatively impactful to our hills / views than the original bypass road. I would recommend re-looking at this via site visits versus just GIS mapping as part of the EIR before declaring it the optimal bypass road. As you well know, many community members feel that the bypass road was promised to them as part of the golf course and it may prove to be required. It would solve this entire conversation.

Again, great meeting tonight. I wish I could say it was the first of many steps, but rather its one of many and of many more steps. Happy to continue to help resolve this matter in anyway.

Cheers,
Ben.

On Sun, Apr 23, 2017 at 9:34 PM, Benjamin Maughan < > wrote:
Hi Adam - Thank you for your email. We did understand from the emails and notices that there is still much to be considered as this project is reviewed.

We also understand that it is imperative that we voice our concerns early in an attempt to find an agreeable solution for all parties as it progresses through planning. I volunteer to help in anyway in that process.

The escalation was not due to you or your team's performance on this matter. In fact, you and Jenny have been very helpful and attentive.

Rather it was to provide visibility to the number and concentration of concerned citizens regarding this proposal.

I've CCed additional individuals to this email per their requests.

Thank you all and I look forward to our conversation on Wednesday.

Cheers,
Ben.

On Sun, Apr 23, 2017 at 6:17 PM, Adam Weinstein <AWeinstein@cityofpleasantonca.gov> wrote:

Hi Ben,

Thanks again to you and your neighbors for your interest in this project.

In case it wasn't abundantly clear from the earlier public hearing notice and Jenny Soo's follow-up email, the purpose of the Planning Commission meeting this Wednesday is to hear public comments on the preliminary design of the currently-proposed Spotorno project and the issues that should be evaluated in the project's Environmental Impact Report.

We are in the very early stages of reviewing this project, and no final decision is being made at this upcoming public hearing . . . we anticipate many months of further review and evaluation both to refine the design/layout of the project and make sure the project's physical impacts (everything from traffic to effects on wetlands) are identified and mitigated.

In the meantime, staff is always available to talk about this project and answer any questions that you or your neighbors have, so feel free to contact us anytime.

Thanks, Adam

Adam Weinstein, AICP

Planning Manager/Deputy Director of Community Development

City of Pleasanton

200 Old Bernal Avenue

P.O. Box 520

Pleasanton, CA 94566-0802

(925) 931-5606

From: Benjamin Maughan [mailto:
Sent: Saturday, April 22, 2017 10:29 PM
To

Subject: Re: P15-0564 Application - Tim Lewis Communities, 1000 Minnie Street & AKA Spotorno Project, Happy Valley Bypass Road.

Griffiths & Karen Harper - I have added the right POCs within City and County planning to this email thread so that they are aware of your similar concerns.

I'm additionally going to BCC my original list of concerned citizens.

I've also now added the city council and Mayor Thorne as we now have about 40 families within ~1/2 mile of the proposed development that are very, very dissatisfied with the current proposal for the project.

I appreciate you sharing your concerns with me. I also appreciate the attention that the City has given to this and will continue to give to this issue.

Regards,

Ben Maughan

On Sat, Apr 22, 2017 at 9:27 AM, <

wrote:

Thank you Paul for adding me. As a resident of this area for 50+ years, I am very concerned about how this is being handled by the city, as things have changed with no regards to how we neighbors feel or our concerns. I too have added a couple of people.

Karen Harper

From: "Paul Griffith

Sent: Saturday, April 22, 2017 8:23:35 AM

Subject: Fw: P15-0564 Application - Tim Lewis Communities, 1000 Minnie Street & AKA Spotorno Project, Happy Valley Bypass Road.

Hi Ben,

Thank you for organizing this effort to express our concerns with the Tim Lewis/Spotorno Development Proposal.

Please include my email in your future distributions.

I have CC'd a number of additional neighbors who have previously expressed concerns with the additional traffic on Happy Valley and will likely have similar concerns with the impact this development will make to our neighborhood.

Regards,

Paul and Lori Griffith

On Fri, Apr 21, 2017 at 9:57 AM, Benjamin Maughan
> wrote:

Neighbors - See response from Jenny below. Here is a link to the report referenced:

<http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=29964>

Ben

----- Forwarded message -----

From: **Jenny Soo** <JSoo@cityofpleasantonca.gov>

Date: Fri, Apr 21, 2017 at 8:22 AM

Subject: RE: P15-0564 Application - Tim Lewis Communities, 1000 Minnie Street &
AKA Spotorno Project, Happy Valley Bypass Road.

To: Benjamin Maughan <

Hello Ben,

Thank you again for your email.

The staff report along with the proposed development exhibits will be posted on the City's website at 5p today. If you would like to take a look at exhibits prior to web posting, please stop by as I have a hard copy.

As for the proposal, it is the same plan set. The applicant is requesting amendments to the General Plan, Happy Valley Specific Plan, and PUD development plan. The scheduled public hearing is a work session to seek comments from the Planning Commission as well as the public.

Additionally, I will forward your email to the Planning Commission and the applicant. Thanks,

Jenny

Jenny Soo

Associate Planner

City of Pleasanton

Community Development Department

Planning Division

P.O Box 520 / 200 Old Bernal Avenue

Pleasanton, CA 94566-0802

jsoo@cityofpleasantonca.gov

(p) [925-931-5615](tel:925-931-5615)

(f) [925-931-5483](tel:925-931-5483)



From: Benjamin Maughan [mailto:
Sent: Thursday, April 20, 2017 9:06 PM
To: Jenny Soo
Cc:

Subject: Re: P15-0564 Application - Tim Lewis Communities, 1000 Minnie Street & AKA Spotorno Project, Happy Valley Bypass Road.

Hi Jenny - I just received a new notice of public hearing for this proposed development scheduled for Wednesday, April 26, 2017 @ 7PM at the Council Chamber on 200 Old Bernal Avenue.

Could you please (a) share the latest plans from Tim Lewis Communities, (b) briefly describe any changes to the current plan from the plan that was scheduled to be shared at the previously canceled meeting (they supposedly were going to make changes?), (c) share their rationale for any deviation from the community plan (if provided by them), and (d) provide a reminder of the appropriate actions we can all take to prevent any changes to the community plan? Could you please provide this information via email at least two business days prior to the scheduled public hearing so that I can share with concerned community members?

My previously shared concerns have not changed. I believe that Tim Lewis Communities should conform to the existing planning rules and zoning requirements, just like we all did when we built our homes.

I have again also CCed Eileen Ng from Alameda County District 4 as a change to our city's plan would materially impact the 'No Left Turn' decision re-affirmed ~two years ago, warranting it to be readdressed.

I appreciate your care in responding to this matter and I do recognize and appreciate your effort in doing so.

Thanks,

Benjamin Maughan

BCC to:

Ken & Kim Larsen (Larsen Lane)

Jim & Diane Pegrossi (Happy Valley)

Steve & Kris Bloomfield (Happy Valley)

Steve & Bobbie Jensen (Westbridge Lane/Happy Valley)

Peter & Sandy Richert (Corner of Westbridge/Happy Valley Lane)

Tim & Cathy (Happy Valley Lane - Lot 1 & 2 of the former Wentworth Property)

Robert Wentworth (via conversation)

Alan & Dana Zeunen (Sanctuary Lane)

Matt & Jenn Hansen (Sanctuary Lane)

David & Mary Debonis (Sanctuary Lane)

Justin & Carmen Cheng (Westbridge Lane)

Bruce & Jewel Hunt (Clubhouse Drive)

John & Cynthia Roche (Clubhouse Drive)

Maricris & Chuck Swanepoel (Clubhouse Drive)

Brad & Ann Walker (Clubhouse Drive)

Tammy & Reggie (Clubhouse Drive)

On Mon, Feb 27, 2017 at 8:58 PM, Benjamin Maughan

< >
wrote:

Hi Jenny - I hope all is well. I live at Westbridge Lane in Pleasanton, CA. My neighbor Justin Cheng alerted me to this application. Please note, I did not receive a notice in the mail and I watch for these yellow pieces of paper "like a hawk". I also requested previously to be notified of all changes and activity about this specific project as I am concerned that pre-approved community plans may be amended, which would change the feel of the community, impact my home's value, and most importantly put my young children at risk.

I have major concerns with previous versions of this application that I have seen.

#1 - The most recent plans that I saw did not include the bypass road that was planned/promised.

#2 - The number of homes proposed is materially more than the existing surrounding communities and contrary to current zoning.

#3 - Traffic will be substantially increased on both Happy Valley and Alisal.

#4 - (Personally) My lot was purchased under the assumption of an eventual cul-de-sac according to the applicable plans. I have 3 children under 8 and I wanted them to be 'safe' to ride their bicycles in a cul-de-sac, not on a substantial thoroughfare.

I have BCCed a number of home owners that will be impacted by this proposal.

I have also CCed Eileen Ng from Alameda County District 4 as a change to our city's plan would materially impact the 'No Left Turn' decision re-affirmed ~two years ago, warranting it to be readdressed.

Could you please share the latest proposal from Tim Lewis Communities, city planning's current sentiment on the proposal, rationale for any deviation from the community plan, and the appropriate actions we can all take to prevent any changes to that plan?

I believe that Tim Lewis Communities should conform to the existing planning rules and zoning requirements, just like we all did when we built our homes.

I appreciate your care in responding to this matter.

Thanks,

Benjamin Maughan

BCC to:

Ken & Kim Larsen (Larsen Lane)

Jim & Diane Pegrossi (Happy Valley)

Steve & Kris Bloomfield (Happy Valley)

Steve & Bobbie Jensen (Westbridge Lane/Happy Valley)

Peter & Sandy Richert (Corner of Westbridge/Happy Valley Lane)

Tim & Cathy (Happy Valley Lane - Lot 1 & 2 of the former Wentworth Property)

Robert Wentworth (via conversation)

Alan & Dana Zeunen (Sanctuary Lane)

Matt & Jenn Hansen (Sanctuary Lane)

David & Mary Debonis (Sanctuary Lane)

Justin & Carmen Cheng (Westbridge Lane)

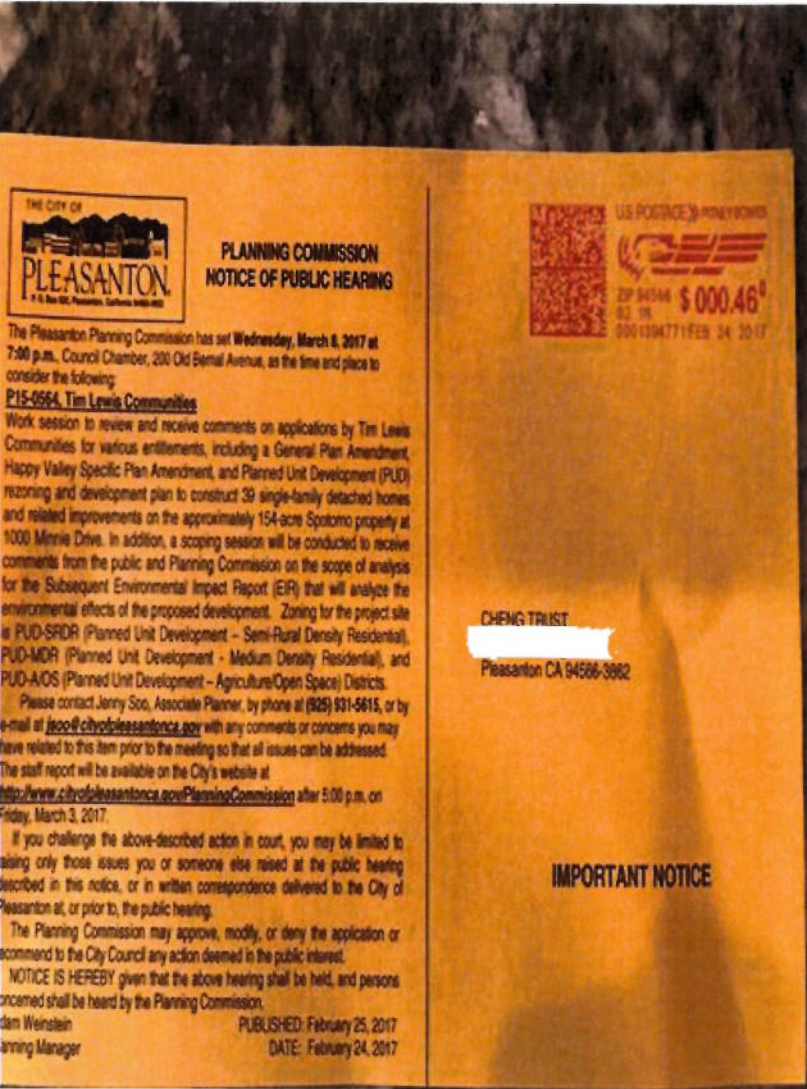
Bruce & Jewel Hunt (Clubhouse Drive)

John & Cynthia Roche (Clubhouse Drive)

Maricris & Chuck Swanepoel (Clubhouse Drive)

Brad & Ann Walker (Clubhouse Drive)

Tammy & Reggie (Clubhouse Drive)



**PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**



The Pleasanton Planning Commission has set **Wednesday, March 8, 2017 at 7:00 p.m.**, Council Chamber, 200 Old Bernal Avenue, as the time and place to consider the following:

P15-0564, Tim Lewis Communities

Work session to review and receive comments on applications by Tim Lewis Communities for various entitlements, including a General Plan Amendment, Happy Valley Specific Plan Amendment, and Planned Unit Development (PUD) rezoning and development plan to construct 39 single-family detached homes and related improvements on the approximately 154-acre Spotorno property at 1000 Minnie Drive. In addition, a scoping session will be conducted to receive comments from the public and Planning Commission on the scope of analysis for the Subsequent Environmental Impact Report (EIR) that will analyze the environmental effects of the proposed development. Zoning for the project site is PUD-SRDR (Planned Unit Development - Semi-Rural Density Residential), PUD-MDR (Planned Unit Development - Medium Density Residential), and PUD-A/OS (Planned Unit Development - Agriculture/Open Space) Districts.

Please contact Jenny Soo, Associate Planner, by phone at (925) 931-5615, or by e-mail at jsoo@cityofpleasantonca.gov with any comments or concerns you may have related to this item prior to the meeting so that all issues can be addressed. The staff report will be available on the City's website at <http://www.cityofpleasantonca.gov/PlanningCommission> after 5:00 p.m. on Friday, March 3, 2017.

If you challenge the above-described action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Pleasanton at, or prior to, the public hearing.

The Planning Commission may approve, modify, or deny the application or recommend to the City Council any action deemed in the public interest.

NOTICE IS HEREBY given that the above hearing shall be held, and persons concerned shall be heard by the Planning Commission.

Jan Weinstein
Planning Manager

PUBLISHED: February 25, 2017
DATE: February 24, 2017

CHENG TRUST
[Redacted]
Pleasanton CA 94566-3962

IMPORTANT NOTICE

Click [here](#) to report this email as spam.

From: E. Dennis Glafkides,

Pleasanton CA 94566

To: Jenny Soo, Associate Planner, City of Pleasanton Planning Division

Re: Sportono Ranch

Dear Ms. Soo

- I have been a Happy Valley Road Resident for the past 42 years. I would like to share my thoughts about the proposed development of the 31-acre Sportono Ranch parcel and its impact upon Happy Valley Road.
- It is my understanding that access and egress to the proposed development would be located at the north end of the property, ideally directing the traffic towards Sycamore Road.
- Furthermore, the access to the golf course would utilize a road located in the proposed development, with the closure and creation of a cul-de-sac at Westbridge Road.
- Would it be possible to have a "no left turn" sign at the exit from the development for the morning rush hour time of 6 am and 9 am? Such a sign is present at the intersection of Sunol Blvd. and Riddell Road.
 - During the morning rush hour, it is convenient for traffic to utilize Happy Valley Road and access the freeway via Sunol Boulevard, thereby avoiding the long lines resulting from Livermore and Pleasanton traffic.
 - Are the Sycamore and Alisal roads incorporated into the City of Pleasanton, and could the Pleasanton PD monitor the area for traffic infractions?
- I am sure that the residents of Sycamore Road would be vocal in their desire to minimize the increased traffic on their road as a result of the planned development. You can drive the Sycamore road as well as that portion of Alisal Road and see for yourself the desirability of that route. Then drive down Happy Valley Road for comparison. I believe that Sycamore Road would provide the safest route,
- It has been known for a long time that Happy Valley Road is not built to handle an increase in the utilization of the road by increased car traffic and heavy trucks. The narrow roadway, the lack of shoulders, the areas of deep drop offs from the side of the road, the many curves, the number of driveways that exit onto the road at blind curves, and the narrow roadway under the train trestle at Sunol Blvd, that can safely allow only one car at a time to pass. Long time residents of Happy Valley know this and stop to allow only one car to use the narrow roadway at a time.
 - When large trucks use Happy Valley Road, the narrow road way makes two-way traffic difficult.
 - Many cyclists now use Happy Valley Road for recreation, again creating traffic issues.
- Recently the speed on Happy Valley Road was increased to 30 mph from the 25 mph that had been present for many years. Most travelers of the road respect the speed limit but there are significant others that speed in the vehicles and motorcycles. Fortunately, there have not been accidents involving cars exiting from their driveways, and I have experienced near collisions by cars heading west on Happy Valley Road whose drivers cannot see my driveway until they are nearly upon it.
 - The Sheriff's Department does not have the man power to frequently patrol and to enforce traffic infractions, or merely show a presence in the area as a deterrent to observe the no left turn at the Wainbridge exit and monitor the speed down Happy Valley road.

The residents of the area hope to maintain the rural area in Pleasanton. It is unique and is one of the few remaining rural areas in Pleasanton. Many of the City's residents enjoy the peaceful rural setting. Thank you for working with Mr. Sportono's family and our rural community to satisfy his desire for residential development and the community's desire to maintain a safe and rural atmosphere.

Thanks to all involved in the Sportono Ranch development report.

Very truly yours,

Jenny Soo

Subject: FW: Spotorno Ranch Development

From: Derek Kerton
Sent: Wednesday, August 08, 2018 4:11 PM
To: Jenny Soo
Cc:
Subject: RE: Spotorno Ranch Development

RE: State Clearinghouse # 2017042032; Tim Lewis Communities application to develop Spotorno Ranch
<http://www.cityofpleasantonca.gov/PDF/SpotornoSEIRJuly2018.PDF>

Jenny,

Hi. In a cursory review of the plans for Spotorno, it seems to me that the proposal is to:

- build 39 homes in the 34 acres of Spotorno Flat, while leaving the hillsides as ag land
- NOT build a bypass road

As such, I am against the proposal, because it:

- is not consistent with the/your Happy Valley Plan (HVSP), where each home has minimum 2 acres, and the atmosphere is "ranchy"
- pushes too much traffic through Alisal Rd., NONE of it being shared via a bypass

As you may recall, Happy Valley residents weren't thrilled about the construction of Calippe Golf Course, with its expected traffic impact. The neighborhood lost that battle. Now, this subdivision would just exacerbate this issue. I'm worried our concerns will get bulldozed again, and that we won't even see the bypass road that would mitigate some of the impact on us.

I would counter-propose something consistent with the HVSP, like 20 homes on Spotorno flat, AND a bypass road.

The conceptual drawings (ex: Exhibit 2-10) of the proposed homes are almost comical in the way they look like normal, nice American McMansions, but use the terms "Italian Farmhouse", or "French Country Style" to describe them. Am I being treated a fool, such that naming an exotic country next to "farmhouse" suddenly makes it fit in with the California ranches in the HVSP? Those homes are nice, but not farmhouses. If I named my toolshed a "Tuscany Vineyard House", it would still be a toolshed.

I wanted to do a more in-depth assessment of what existing homeowners from Happy Valley might like or dislike from the proposal, but unfortunately, it seems my computer has trouble rendering the **one thousand, nine hundred, and fifty two page PDF document** - which I would otherwise probably not have the time to review until sometime after my retirement in 2030. This is an unreasonable amount of information to ask stakeholders to consider. That size of document starts to look like a deliberate attempt to dissuade average citizens from participating in the process, and thus lend all the power to those with deeply vested interests.

regards,
Derek.

Jenny Soo

Subject: FW: Spotorno development

From: Ellen Clark
Sent: Monday, August 27, 2018 7:58 PM
To: Jenny Soo
Subject: Fwd: Spotorno development

Sent from my iPhone

Begin forwarded message:

From: Maha Hanna <
Date: August 27, 2018 at 7:38:44 PM PDT
To: eclark@cityofpleasantonca.gov
Subject: Spotorno development

I am a resident at _____ and I oppose the proposed development of 39 homes on land that was previously zoned for 22 homes. Our neighborhood is already plagued by congested roads and we do not need homes in excess of what was previously zoned
Sincerely
Maha Hanna

Sent from my iPhone

Click
<https://www.mailcontrol.com/sr/DuXIjbrqn1!GX2PQPOMvUjD8rK3oGsFSNr!KsC6CisJhg9Rsi11qHWeYfi5y+0WnPj1NoH+lt3zliTKH8SslWQ==> to report this email as spam.

Jenny Soo

Subject: FW: Comment regarding Spotorno Property

-----Original Message-----

From: Thomas Daggett
Sent: Wednesday, August 22, 2018 4:23 PM
To: Jenny Soo
Cc: barbara daggett
Subject: Comment regarding Spotorno Property

Hello Jenny, thank you for photocopying the plot plans for the Spotorno proposed development for me. As you noted, this current process is for the EIR and please note that with regard to this I am totally unqualified to comment. However, we have been residents of Alisal Street for 30 years. To say we have seen changes to Happy Valley would be an understatement. With that said, my first comment is I support the Spotorno's right to develop. No argument there.

As with the golf course and now the proposed development we are of course concerned about traffic. For those who say the golf course really hasn't impacted the area I would argue that point completely. Now, with this development, the traffic issues will be compounded significantly. If I recall that in the past the City stated that each house in Pleasanton has an average of 8-10 vehicle trips each day. That makes potentially 390 trips down Alisal in addition to the golf course traffic. I won't go into detail in this email regarding the speeding that occurs 'on the hour' with the golf course but needless to say there are no children playing in front yards or near the street any more. Now specifically:

We are concerned about the number of units. Based on current Happy Valley density, this seems quite high. Again, I don't have a problem with development but the current plan is not in keeping with current density or feel of the Happy Valley neighborhood.

There is only one exit to Alisal Street for the golf course and the homes? I would argue that in an emergency that this would be problematic relative to life safety and fire truck access. From an 'environmental' and life safety perspective I would certainly appreciate more discussion around the 'one way in-one way out' matter. I would also argue that the potential Westbrook dead end is not necessary but may be a result of citizen pressure due to traffic.....well, why would Alisal take the full brunt of traffic. For several years the County has restricted access to Happy Valley Road from the golf course due to 'safety' issues? Again, we would argue. If you have been on Castlewood Drive, on the way to Castlewood Country Club you would see that that road is certainly more dangerous and drivers manage just fine. We believe, as do most neighbors that the 'no left turn' is strictly political. I would ask the City to work with the County to help with the no left turn problem and help alleviate the traffic on Alisal.

Thank you Jenny. We would appreciate being include on any emails regarding this matter that you plan to send to neighbors or interested parties. Thanks again. Tom

Click
<https://www.mailcontrol.com/sr/JH4H7NwpstLGX2PQPOMvUh1RF3DQzt5fc4AY0WFU9!YYu+zH6DCI!TyNNIZ7+bGqo!PkSsnvkAw94h7CChK4GQ==> to report this email as spam.



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



August 29, 2018

Ms. Jenny Soo, Associate Planner
Community Development Department
City of Pleasanton
Post Office Box 520
Pleasanton, CA 94566
jsoo@cityofpleasantonca.gov

Dear Ms. Soo:

Subject: Spotorno Ranch Project, Draft Subsequent Environmental Impact Report,
SCH #2017042032, City of Pleasanton, Alameda County

The California Department of Fish and Wildlife (CDFW) received a Notice of Completion and Subsequent Environmental Impact Report from the City of Pleasanton (City) for the Spotorno Ranch Project (Project) pursuant the California Environmental Quality Act (CEQA). CDFW also received a notice of an extension to the public comment period from 45 days to 60 days, ending on September 18, 2018.

CDFW is submitting comments on the draft Subsequent Environmental Impact Report (SEIR) to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) permit, a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code,

§§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064 and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

PROJECT DESCRIPTION SUMMARY

Proponent: Tim Lewis Communities/Spotorno Ranch

Description and Location: The Project consists of development of 39 single-family residences on an approximately 154-acre site on the southern portion of the City of Pleasanton, Alameda County. The single-family residential lots and roadways would be constructed on the 31-acre Spotorno Flat portion of the site and permanently preserve approximately 123 acres as open space.

Homes would be constructed in a variety of rural residential architectural styles. The proposed site plan includes preservation of an existing wetland area in the western portion of the site and the construction of an adjacent bio-retention area for onsite stormwater management.

The approximately 154-acre site is bounded by Alisal Street to the west, Westbridge Lane to the south, residential homes to the north, and open space to the east.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

East Alameda County Conservation Strategy

The draft SEIR provides no mention of the East Alameda County Conservation Strategy (EACCS). The EACCS (2010) provides a baseline inventory of biological resources and conservation priorities to be utilized by local agencies and resource agencies during project-level planning and environmental permitting. It was designed to convey project-level permitting and environmental compliance of the federal and state endangered species acts, CEQA, the National Environmental Policy Act, and other applicable laws for all projects within the study area with impacts on biological resources. The EACCS was a joint effort including, but not limited to, the cities of Pleasanton, Dublin, and Livermore; Zone 7, Alameda County, East Bay

Regional Park District, U.S. Fish and Wildlife Service (USFWS) and CDFW. The EACCS is intended to support and streamline the permitting process. EACCS does not create new regulations or change the process by which a project applicant obtains permits for authorization to impact biological resources, but it has, in fact, been accepted as a guidance document by several agencies including USFWS and CDFW. Several of the species potentially impacted by this Project are included as focal species in the EACCS, such as California tiger salamander (*Ambystoma californiense*), Congdon's tarplant (*Centromadia parryi* ssp. *Congdonii*), western burrowing owl (*Athene cunicularia*), and American badger (*Taxidea taxus*).

The City, as Lead Agency, should rely on the EACCS as a guidance document for projects with impacts to biological resources. The EACCS documents are available here:

<http://www.eastalco-conservation.org/documents.html>

Western Burrowing Owl

The SEIR should evaluate the potential for burrowing owls to be present within and adjacent to the Project area by documenting the extent of fossorial mammals that may provide burrows used by owls during the nesting and/or wintering seasons. Burrowing owls may also use unnatural features such as debris piles, culverts and pipes for nesting, roosting or cover. If suitable burrowing owl habitat is present, CDFW recommends that surveys be conducted following the methodology described in Appendix D: Breeding and Non-breeding Season Surveys of the CDFW Staff Report on Burrowing Owl Mitigation (Staff Report), which is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>.

Burrowing owl surveys should be conducted by a qualified CDFW-approved biologist. In accordance with the Staff Report, a minimum of four survey visits should be conducted within 500 feet of the Project area during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to the start of construction activities with a final survey conducted within 24 hours prior to ground disturbance.

Please be advised that CDFW does not consider exclusion of burrowing owls or "passive relocation" as a "take" avoidance, minimization or mitigation method, and considers exclusion as a significant impact. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded owls is unknown. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented in order to avoid "take".

The CEQA document for the Project should also include measures to avoid or minimize loss of burrowing owl foraging habitat, and mitigation for loss of habitat that cannot be fully avoided. The EACCS, Mitigation Guidance (p.3-66) for burrowing owl recommends mitigating the loss of habitat by protecting habitat in accordance with the mitigation guidelines outlined in Table 3-10 (BUOW-3) through acquiring parcels, through fee title purchase or conservation easement, where known nesting sites occur or where nesting sites have occurred in the previous three nesting seasons (BUOW-1 and BUOW-2). Additionally, the Project applicant could work with the Implementation Committee to fund the implementation of an annual monitoring program in coordination with local

Ms. Jenny Soo, Associate Planner
August 29, 2018
Page 4

conservation groups on all burrowing owl nest colonies on protected lands using monitoring protocols established by the California Burrowing Owl Consortium (1993). The results of these surveys would be submitted to the CNDDDB and the Conservation Strategy database (BUOW-4 and BUOW-5). This would allow for informed avoidance of impacts in the future.

California Tiger Salamander

The draft SEIR p. 3.3-4 acknowledges the California tiger salamander is federally listed as threatened; however, the California tiger salamander is also state listed, under CESA, as threatened.

The Project site is located within dispersal distance of known and potential California tiger salamander breeding ponds. Due to the potential presence of this listed species and the potential for Project-related take, including relocation out of harm's way, CDFW advises that the Project proponent obtain a CESA permit (pursuant to Fish and Game Code Section 2080 et seq.) in advance of Project implementation. Issuance of a CESA permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and fully describe a mitigation, monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the draft SEIR to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Ms. Marcia Grefsrud, Environmental Scientist, at (707) 644-2812 or Marcia.Grefsrud@wildlife.ca.gov; or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse (SCH# 2017042032)
Ryan Olah, U.S. Fish and Wildlife Service – Ryan.Olah@fws.gov

City of Pleasanton, Planning Division
Attn: Ellen Clark, Planning Manager
P. O. Box 520
Pleasanton, CA 94566

Aug 28, 2018

Re: Spótorno Ranch Project

Dear Ms. Clark:

We have no problems with the Spótorno's developing their property, as long as the project abides by the Happy Valley Specify Plan (HVSP) adopted by the Pleasanton City Council in 1998 and compliments the Happy Valley neighborhood.

Based on the current proposal by Tim Lewis Communities to development the Spótorno Ranch, we **oppose** the plan because it does **not** follow the guidelines within the Happy Valley Specific Plan (HVSP) and it does not compliment the neighborhood.

We would like to mention 3 points at this time regarding the current development plan: 1) Safety for our neighborhood. 2) Home density of the Spótorno development and 3) More than one entrance/exit for the Golf course and Spótorno Flats.

Safety for the neighborhood: Alisal, Sycamore and Happy Valley roads are all narrow 22-foot wide country roads. There are no sidewalks, bike lanes or shoulders. The Happy Valley residence and other residence of Pleasanton walk, run and bike these roads daily. Adding additional traffic to the roads will make them unsafe. I recommend that the City looks into building the By-pass road as promised or improve the current roads to make them safer for the neighborhood. Improvements could include walking and bike paths.

Project density: The Happy Valley neighborhood consists of homes built on 1, 2, and 5 acres as specified in the Happy Valley Specific Plan. In the HVSP it specifies the Spótorno Flats are required to have a density of one home per one and one-half acres (22 homes) (HVSP page 22, #4). Stick to the plan, build 22 homes, and don't make exceptions, which could become the precedence for future development.

More than one exit: There needs to be more than one exit for all the cars, trucks and Golfers. The best option would be building the By-pass road. But if that is not possible, make sure there is more than one way to enter and exit the golf course and new development. Keep Westbridge road open to vehicle traffic.

We believe the Happy Valley Specific Plan should be followed, as has been required for the past 20 years, and should be for all future projects.

Sincerely,

Steve and Darlene Mix

cc.: Jenny Soo, Associate Planner
Mike Tassano, City Traffic Engineer
City Council Members

From: [Amy Statham](#)
To: [Amy Statham](#)
Subject: FW: Spotorno Development Project
Date: Tuesday, September 4, 2018 10:17:46 AM

From: Jagdeep
Sent: Thursday, August 30, 2018 5:37 PM
To: Ellen Clark ; Mayor and City Council
Subject: Spotorno Development Project

Hello Ellen Clark and City Council members,

We are the City of Pleasanton residents from Sycamore road neighborhood. It has come to our attention that the new builder is trying to build 39 homes at Spotorno flat, zoned only for 22 homes and is proposing the elimination of the bypass road which was required per Happy Valley Specific Plan.

The access to the Golf course through Happy Valley and Sycamore road was suppose to be only temporary and the bypass road was suppose to be a permanent fix for the golf course and new development traffic.

No bypass road as being proposed in the current plan will make the happy valley and Sycamore road very unsafe for their residents due to the increased traffic. We already notice a lot of speeding drivers going to the golf course daily.

So, me and all the residents are protesting against this new development and specially not building the bypass road which was promised and was a part of HVSP.

Please reply back to confirming delivery of this email.

Thanks,

Regards,



Jagdeep Nagra

Click [here](#) to report this email as spam.

Future Extension of
Sycamore Creek Way
City of Pleasanton
925-931-5650

END

August 31, 2018

Jenny Soo, Associate Planner
City of Pleasanton
Community Development Department 200 Old Bernal Avenue
PO Box 520
Pleasanton, CA 94566
Email: jsoo@cityofpleasantonca.gov

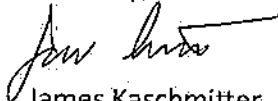
Dear Jenny Soo and Pleasanton City Council Members,

I have been fortunate to live in the Happy Valley area for more than 30 years. I moved here from Palo Alto in 1985 to enjoy the quiet rural nature of this area and the historic beauty of Pleasanton's downtown. While growth is inevitable given our proximity to Silicon Valley, it seems only fair that we residents should be able to enjoy some of the benefits of it. This would also help compensate for the increased traffic, construction noise and loss of the rural nature of our neighborhood that the Spotorno development will create, especially since no improvements are being made to the road system.

Alisal St. is a narrow two lane road with sharp 90° turns and blind turns. Happy Valley Rd. is even narrower and windier. While the additional traffic due to the Spotorno development is an issue, I'm especially concerned about the safety of the numerous bicyclists and joggers on the Happy Valley loop. If the city and county cannot put in the bypass road, I would hope they will consider putting in bike lanes and paths to enable others to enjoy this area safely.

I have always supported the annexation of our area by the City of Pleasanton, but the city seemingly now wants to pass us long-time residents by. My house sits on ~3 acres of flat, usable land. My house is quite old and sits at one end of a large rectangular parcel where it occupies less than one acre. I would like to build a new house on the remaining empty field of ~2 acres, and need to be able to sell the existing house to do so, but current restrictions do not allow it. As the city develops my area, I would appreciate your support in my endeavors to build a new house on my 3 acre parcel.

Sincerely,



James Kaschmitter

████ Alisal St.
Pleasanton, CA 94566

Jenny Soo

From: The Hansen Family
Sent: Tuesday, September 11, 2018 10:31 AM
To: Jenny Soo
Subject: PUD-132, Tim Lewis Communities for Alex Spotorno

Jenny,

Please, please insist that the road is extended out Sycamore Creek Way as the access to all the proposed homes in this new community. There is no way our small roads of Happy Valley and Alisal will be able to handle such a huge increase in traffic. We built our home a few years ago with you as our advisor. We were held to incredibly high standards and had to comply with every single one. We did. I don't understand why this access road is now potentially not going to happen. Is it just so the city can get more money? Why isn't this building being held to the same standards that the rest of us had to comply with? We were told years ago that the only possible way that land would be developed would be if the access road was built up by the water tower. I understand this is expensive. It was twice as much for us when the city required wood windows instead of vinyl. We weren't given the choice. I know this is incredibly small in comparison, but it is the same principle. Please, please don't allow our community to turn into a freeway.

Thank you,
Jennifer Hansen

Click

<https://www.mailcontrol.com/sr/+2bCnA0hp4LGX2PQP0mvUgfUspOYWKRbNp17ZuqWPLROUn3iXfwol+gr34+D+YjAqhgK!Z711Npm4uq9tqSB7g==> to report this email as spam.

Jenny Soo

From: Steve Mix
Sent: Wednesday, September 05, 2018 8:36 PM
To: Ellen Clark; Jenny Soo; Jerry Thorne; Karla Brown; Kathy Narum; Arne Olson; Jerry Pentin; Mike Tassano
Subject: Petition opposing the Spotorno Development
Attachments: Planning Comm Letter with Petition.pdf

Attached is a letter and petition from the neighbors of Happy Valley that oppose the current development plan of the Spotorno Flats. The petition has 115 neighbor's signatures that represent 77 homes that would be impacted by the development.

We invite you to visit the Happy Valley neighborhood before the Council meeting so you can understand how important the neighborhood is to all of us.

Let me know if you have any questions.

Steve Mix

Click [here](#) to report this email as spam.

City of Pleasanton, Planning Division
Attn: Ellen Clark, Planning Manager
P. O. Box 520
Pleasanton, CA 94566

Sept 5, 2018

Re: Petition Opposing the Spotorno Ranch Project

Dear Ms. Clark:

The Happy Valley neighbors have signed a petition to show the Planning department and City Council that the neighbors **oppose** the current development plan of the Spotorno Flats.

The petition was circulated on the streets that would be impacted by the development: Club House Drive, Westbridge Ave, Alisal Street, East Mockingbird, Laura Lane, Byrd Lane, Sycamore Road and Amber Lane. The petition focused on the discrepancies of the Tim Lewis Communities plan verses the building guidelines of the Happy Valley Specific Plan and the semi-rural heritage of the neighborhood.

The petition outlined 3 areas (many more were discussed): 1) HVSP: Executive Summary (page 5) specifies vehicular access to the South Happy Valley area is to be provided by a Bypass Road designed to "country road" Standards. 2) HVSP: Section IV Overall Goals (page 19 #5) specifies one the primary goals of the HVSP are: "5) To minimize the impact of vehicular traffic generated by future development." 3) HVSP: Section V. Land Use (page 22 #4) specifies Lot 98 Spotorno Flats (33 acres) is required to have a density of one home per one and one-half acres.

There are approximately 102 homes on the streets we canvased, 79 of those homes signed the petition (77%). There were only a few residences (about 6) that declined to sign the petition; most of the others were not home at the time we walked their street. A total of 115 neighbors have signed the petition **opposing** the current design and plan (petition attached).

Petition statistics:

Alisal Street: 26 homes signed, 30 homes possible. 87% oppose the plan

Clubhouse Drive: 12 homes signed, 15 homes possible 80% oppose the plan

Westbridge Ave: 7 homes signed, 9 homes possible 78% oppose the plan

E. Mockingbird and Laura Lane: 8 homes signed, 11 homes possible 73% oppose the plan

At the last City Council meeting about this project, several council members told Tim Lewis Communities that the current plan was out of character with the neighborhood and 22 homes was more appropriate. Members of the City Council suggested to Tim Lewis Communities that they should modify their plan to the current zoning of one home per one and one-half acres. As we have seen in the latest Tim Lewis's proposal no density changes have taken place.

We believe the Happy Valley Specific Plan should be followed, as has been required for the past 20 years, and should be for all future development.

Sincerely,

The Neighbors of Happy Valley

cc.: Jenny Soo, Associate Planner
Mike Tassano, City Traffic Engineer
City Council Members


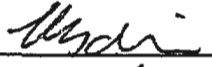

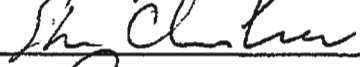

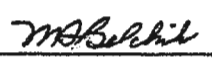



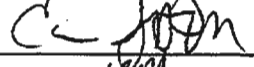

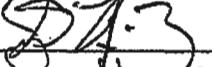

To: City of Pleasanton, Department of Community Development, Planning Division

8/20/18

CC: Pleasanton City Council

The following residents of Happy Valley oppose the suggested development of Spotorno Ranch (State Clearinghouse number 2017042032) proposed by Tim Lewis Communities for the following, included but not limited, to reasons:

- 1) HVSP: Executive Summary (page 5) specifies vehicular access to the South Happy Valley area is to be provided by a Bypass Road designed to "country road" Standards.
- 2) HVSP: Section IV Overall Goals (page 19 #5) specifies one the primary goals of the HVSP are: "5) To minimize the impact of vehicular traffic generated by future development."
- 3) HVSP: Section V. Land Use (page 22 #4) specifies Lot 98 Spotorno Flats (33 acres) is required to have a density of one home per one and one-half acres.

Name	Address	City, State Zip Code	Signature	Date
Arthur Balizan	6409 Alisal St	PL, CA 94566		8-13-18
Kathleen Balizan	6409 Alisal St	Pleasanton, CA 94566		8/13/18
Shun-Hwa Chang	6306 Alisal St.	pleasanton, CA 94566		8/13/18
Shu-Chen Lai	6306 Alisal St	Pleasanton, CA 94566		8/13/18
PAT CLAUSEN	1015 BYRD LN	PLEASANTON 94566		8/13/18
Ms Belchik	1015 Byrd Lane	Pleasanton 94566		8-13-18
Mike Belchik	1015 Byrd Ln	Pleasanton, CA, 94566		8-15-18
Jim Freitas	1019 Byrd Lane	Pleasanton CA.		8/13/18
Lori Ingersoll	1019 Byrd Lane	pleasanton, CA		8/13/18
Laural Morris	6233 Alisal	Pleasanton		8/15/18
AnneMarie Morris	6233 Alisal	Pleasanton CA		8/15/18
Jay Lofthouse-Zeis	6028 Alisal	Pleasanton CA		8/15/18
Cherpenne Lofthouse-Wolf	6028 Alisal	Pleasanton CA 94566		8/15/18

To: City of Pleasanton, Department of Community Development, Planning Division

8/20/18

CC: Pleasanton City Council

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- 3) HVSP: Section V. Land Use (page 22 #4) specifies Lot 98 Spotorno Flats (33 acres) is required to have a density of one home per one and one-half acres.

Name	Address	City, State	Zip Code	Signature	Date
Steve Mix	6360 Alisal	Pleasanton	CA 94566	[Signature]	8/13/18
Darlene Mix	6360 Alisal St.	Pleasanton, Ca	94566	[Signature]	8/13/18
Marc Fey	6511 Alisal	Pleasanton, ca	94566	[Signature]	8/13/18
Darren Archuleta	6362 Alisal	"	"	[Signature]	8/13/18
Devon Archuleta	6352 Alisal St	Pleasanton	CA 94566	[Signature]	8/13/18
Rennie Couper	6525 Alisal St.	Pleasanton	CA 94566	[Signature]	8/13/18
Phyllis Couper	6525 Alisal St.	Pleasanton	CA 94566	[Signature]	8/13/18
Donald Dahlheim	6615 Alisal	Pleasanton Calif.		[Signature]	8/13/18
Carol Dahlheim	6615 Alisal St.	Pleasanton, CA	94566	[Signature]	8/13/18
BETH GORDON	6615 Alisal St	Pleasanton	CA 94566	[Signature]	8-13-18
[Signature]	6615 ALISAL ST.	PLEASANTON	CA 94566	[Signature]	8-13-18
Sarah Dahlheim	6615 Alisal St.	Pleasanton	CA 94566	[Signature]	8-13-18
Darren MITCHELL	6615 Alisal St	Pleasanton, CA	94566	[Signature]	8/13/18

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Name	Address	City, State	Zip Code	Signature	Date
STEPHEN LOWDER	6651 ALISA ST	PLEASANTON, CA	94566	Steph L	8/13/18
DEE LICICAN	6748 ALISA ST	PLEASANTON, CA	94566	Dee Licican	8/13/18
Susan Dees	6745 Alisa St	Pleasanton CA	94566	Susan Dees	8/13/18
Pete Dees	6745 Alisa St	Pleasanton CA	94566	Pete Dees	8/13/18
Sandra Simpson	6767 Alisa St.	Pleasanton CA	94566	Sandra Simpson	8-13-18
Marjorie Bailey	6699 Alisa St.	Pleasanton, CA	94566	Marjorie Bailey	8-14-18
Pete Bailey	6699 Alisa St.	Pleasanton, CA	94566	Pete Bailey	8/14/18
Alejandra Hall	6723 Alisa St	Pleasanton CA	94566	Alejandra Hall	8/14/18
George Hendrix	6627 ALISA ST	PLEASANTON	94566	George Hendrix	8/14/18
Lynsa Hendrix	6627 ALISA ST	PLEASANTON	CA	Lynsa Hendrix	8/14/18
MIKE GIPSON	6187 ALISA ST.	PLEASANTON, CA	94566	Mike Gipson	8/15/18
Deidre Gipson	6187 Alisa St.	Pleasanton, CA	94566	Deidre Gipson	8/15/18
Nathaniel Gipson	6187 Alisa St.	Pleasanton, CA	94566	Nathaniel Gipson	8/15/18

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Name	Address	City, State	Zip Code	IL Agreed Yes	Signature	Date
S. Dutton	6192 Alisal	Pleasanton, CA				8-15-18
DANCE BRADLEY	6245 ALISAL ST	PLEASANTON, CA				8-15-18
Dora Brown	6245 Alisal st	Pleasanton, CA				8-15-18
William M Smith Jr	6249 Alisal st	Pleasanton, CA				8-15-18
Chlette Polowski	999 E. Mockingbird Ln.	Pleasanton, CA				8/16/18
MANIK PEWASKI	999 E MOCKINGBIRD LN,	PLEASANTON, CA				8/16/18
Julia Hong	920 Sycamore Rd	Pleasanton CA				8/16/18
Jack Leung	900 Sycamore Rd	Pleasanton CA				8/16/18
E. Macias	880 Sycamore Rd	Pleasanton CA				8/16/18
S.K. GUPTA	750 Sycamore Rd,	Pleasanton, CA 94566				8/16/18
J. Burton	572 Sycamore Rd	Pleasanton CA 94566				8/16/18
JASON HEIDEMAN	727 Sycamore Rd	Pleasanton CA 94566				8/16/18
Sylvia McKenon	739 Sycamore Rd	Pleasanton CA 94566				8/16/18

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<u>Name</u>	<u>Address</u>	<u>City, State Zip Code</u>	<u>Signature</u>	<u>Date</u>
Robin Boyas	753 Sycamore Rd	Pleasanton, Ca	[Signature]	
Carmen Plum	753 Sycamore Rd	Pleasanton, Ca	[Signature]	
Alice BRUNIS	777 Sycamore Rd	Pleasanton, CA 94566	Alice Brunis	8/16/18
Terry DuBard	871 Sycamore	CA 94566	[Signature]	
Rob Guerra	893 Sycamore Rd	94566	[Signature]	8/16/18
Jennifer Guerra	893 Sycamore Rd	94566	[Signature]	8/16/18
Sharon Caldeira	911 Sycamore Rd	94566	[Signature]	8-16-18
Deanna Fey	651 Alisal St.	Pls. 94566	Nemastey	8/18/18
HANS NEGRO	Pleasanton, CA 94566	6639 Alisal St	[Signature]	8/20/18
Tom Hull	6723 Alisal St	94566	[Signature]	8/20/18
Mike MASAJLO	415 Matthew Court	94566	[Signature]	8/20/18
Malory Masajlo	415 Matthew Ct.	94566	[Signature]	8/20/18
John Severini	433 Sycamore Rd		[Signature]	8/20/18

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<u>Name</u>	<u>Address</u>	<u>City, State Zip Code</u>	<u>Signature</u>	<u>Date</u>
Debrah Inel	6300 Laura Lane	Pleasanton, 94566	Debrah Inel	8/14/18
Thomas Inel	6300 Laura Lane	Pleasanton, CA, 94566	Thomas Inel	8-14-18
Victoria Blakeslee	6330 Laura Ln	Pleasanton CA 94566	Victoria Blakeslee	8/14/18
Clive Schiewe	6330 Laura Ln	Pleasanton CA 94566	Clive M Schiewe	8/14/18
Clay James	6317 Laura Ln	Pleasanton CA 94566	Clay James	8/14/18
William Siano	6317 Laura Lane	Pleasanton CA 94566	William Siano	8/14/18
Karen Thompson	6293 Laura Lane	Pleasanton CA 94566	Karen Thompson	8/14/18
LIZ KERTON	910 E. Mockingbird Ln.	Pleasanton, CA	Liz Kerton	8/14/18
DEREK KERTON	910 E. Mockingbird Ln	Pleasanton, CA	Derek Kerton	8/14/18
MIKE ZIERAU	6311 LAURA LN.	PLEASANTON, CA 94566	Mike Zierau	8-18-18
ESTHER ZIERAU	6311 Laura Lane	Pleasanton CA 94566	Esther Zierau	8-18-18
Ardis Merwin	909 E Mockingbird Ln	Pleasanton CA 94566	Ardis Merwin	8-20-18


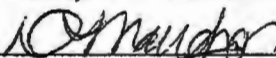
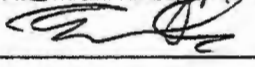
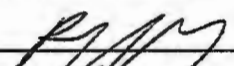
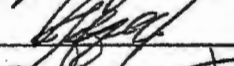
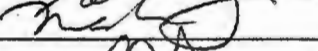

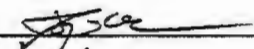
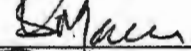
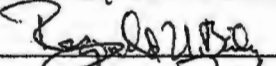
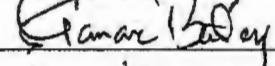

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<u>Name</u>	<u>Address</u>	<u>City, State</u>	<u>Zip Code</u>	<u>Signature</u>	<u>Date</u>
BEN MAUGHAN	2215 Westbridge	Pleasanton CA	94566		8/24/18
Deb Maughan	2215 Westbridge	Pleasanton CA	94566		8/24/18
Tao Guan	2295 Westbridge	Pleasanton CA	94566		8/26/18
Rong Wang	2295 Westbridge	Pleasanton CA	94566		8/26/18
JEFFREY HO	3210 Westbridge	Pleasanton CA	94566		8/26/18
Malendra Jain	3270 Westbridge	Pleasanton CA	94566		8/26/18
GURMINDER SINGH	5210 Clubhouse	Pleasanton CA	94566		8/26/18
Sue Sab	5250 clubhouse	Pleasanton	94566	SS	8/26/18
Tamer Kire	5230 Clubhouse Dr	Pleasanton	94566		8/26/18
Kamwalyt Mann	6175 Clubhouse Dr	Pleasanton	94566		8/26/18
Reginald Bailey	7210 Clubhouse Dr.	Pleasanton	94566		8/26/18
Kamarc Bailey	7210 Clubhouse Dr.	Pleasanton	94566		8/26/18
Bruce Hunt	7310 Clubhouse Dr	Pleasanton	94566		8/27/18

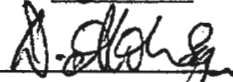
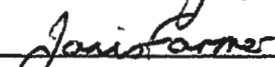


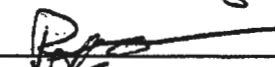



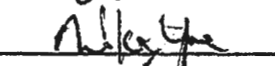


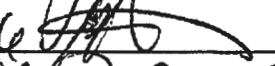

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Srisika Sori	3230 Westbridge Ln	Pleasanton, CA 94566		8/26/2018
Janis Farmer	5255 Clubhouse Dr	Pleasanton, CA 94566		8/26/2018
Cary Kuo	6155 Clubhouse Dr	Pleasanton CA 94566		8/26/2018
Kathy Huang	6155 Clubhouse Dr	Pleasanton CA 94566		8/26/18
Bob Blocka	6195 Clubhouse Dr	Pleasanton CA 94564		8/26/18
Jean Blocka	6195 Clubhouse Dr.	Pleasanton CA 94566		8/26/18
Dennis Chen	7250 Clubhouse Dr.	Pleasanton CA 94566		8/27/18
Nicki Pimentel	7290 Clubhouse Dr.	Pleasanton CA 94566		8/27/18
Mike YUE	7230 Clubhouse Dr.	Pleasanton CA 94566		8/27/18
Maha Hanna	417 Dycamore Rd	Pleasanton CA 94566		8/27/18
Juha Sandersen	6330 Alisal St	Pleasanton CA 94566		8/29/18
Sandy Bickert	1340 Happy Valley Rd.	Pleasanton CA 94566		8/29/18
Jennifer Adams	1380 Happy Valley Plac	CA		8/29/18

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<u>Name</u>	<u>Address</u>	<u>City, State</u>	<u>Zip Code</u>	<u>Signature</u>	<u>Date</u>
Barbara Kuro	6493 Amber Lane	Pleasanton	CA 94566	[Signature]	8/16/18
KEVIN MORRIS	6493 Amber Lane	Pleasanton	CA	[Signature]	8/16/18
Michele Ferreri	6415 Amber Lane	Pleasanton	CA	[Signature]	
Elizabeth Sweetnam	6457 Amber Lane	Pleasanton	CA	[Signature]	8/17/18
Leon Sweetnam	6457 Amber Ln	Pleasanton	CA	[Signature]	8/17/18
Daniella Kuro	6578 STANTON CT.	Pleasanton, CA		[Signature]	8/17/18
RICHARD ENNIS	6578 STANTON CT	PLEASANTON CA		[Signature]	8/17/18
Bill Isaacs	6633 Amber Lane	Pleasanton	CA	[Signature]	8/17/18
GARY HIRATA	570 SPANMERE RD	Pleasanton		[Signature]	8-19-18



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY • LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

September 14, 2018

Jenny Soo, Associate Planner
City of Pleasanton, Community Development Department
P.O. Box 520
Pleasanton, CA 94566
Sent by e-mail to: jsoo@cityofpleasantonca.gov

Re: *Comments on Spotorno Ranch Draft SEIR*

Dear Ms. Soo,

Zone 7 Water Agency (Zone 7, or Zone 7 of the Alameda County Flood Control and Water Conservation District) has reviewed the referenced document in the context of Zone 7's mission to provide water supply, flood protection, and groundwater and stream management within the Livermore-Amador Valley. Following are our comments for your consideration:

1. **Page 3.8-10, under Zone 7 of Alameda County Flood Control and Water Conservation District –**
 - The second paragraph regarding an encroachment permit is incorrect; an encroachment permit is only necessary if there is a need to temporarily access Zone 7 right-of-way. Zone 7 reserves the right to review and inspect any proposed work of any nature via the CEQA process. Please revise the document as appropriate.

2. **Page 3.8-10, under the Stream Management Master Plan –**
 - Suggest revising the paragraph to read: “The Stream Management Master Plan (SMMP) is a planning document adopted in 2006 that uses an integrative planning approach to manage stormwater and flooding in the Zone 7 Service Area, through multi-benefit projects that provide opportunities for enhancing water quality, water supply, ground water recharge, habitat enhancement, and recreation. The heart of the SMMP is the use of the Chain of Lakes to attenuate flooding in the Tri-Valley area during a 100-yr storm event.”

3. **Page 3.14-2, under Water Supply –**
 - Clarification: “Zone 7 serves water from three sources: (1) State Water Project imported via the South Bay Aqueduct, (2) local surface water collected in the Del Valle Reservoir, and (3) local groundwater. In addition to water stored in the local groundwater basin, Zone 7 has acquired additional out-of-basin groundwater storage to help supply its

service area during droughts and emergencies. Water delivered to Pleasanton comes primarily from the State Water Project.”

4. **Page 3.14-2, under Distribution System –**

- Correction: “California pumps State Water Project water from the Sacramento-San Joaquin Delta via the Banks Pumping Plant and conveys it to the Valley via the South Bay Aqueduct.”
- Clarification: “Zone 7 also uses this water as the primary supply source to its two water treatment plants.”
- Correction: “~~Zone 7 also stores water from the~~ State Water Project water and ~~from~~ local runoff are stored in the Del Valle Reservoir, and ~~uses~~ this water is used to serve customers and to replenish groundwater supplies through release into the Arroyo del Valle. Water is also released from the SBA directly to Arroyo Mocho and to Arroyo Valle to replenish groundwater supplies.”

5. **3.14-4, under Urban Water Management Plan Projections –**

- Suggest revising paragraph to read, or adding: “Zone 7 continues to pursue attractive water supply and storage options to bolster water supply reliability for the Valley through build-out. Zone 7 will be conducting an update of the Water Supply Evaluation starting in Fall 2018 and complete an update of the Urban Water Management Plan by mid-2021.”

6. **Water Wells.** Our records indicate that there are no wells in the project area and one well in the proximity (3S1E28K01). The approximate well location is shown on the enclosed Well Location maps. Please verify these results in the field and report any unknown wells to Zone 7 Water Agency. Also, please be advised that a Zone 7 drilling permit is needed for any water well or soil boring work that may be planned for this project. Well permit applications and permit fee schedule can be downloaded from our website: www.zone7water.com, or requested by email sent to wellpermits@zone7water.com.

We appreciate the opportunity to comment on this project. If you have any questions on this letter, please feel free to contact me at (925) 454-5005 or via email at erank@zone7water.com.

Sincerely,



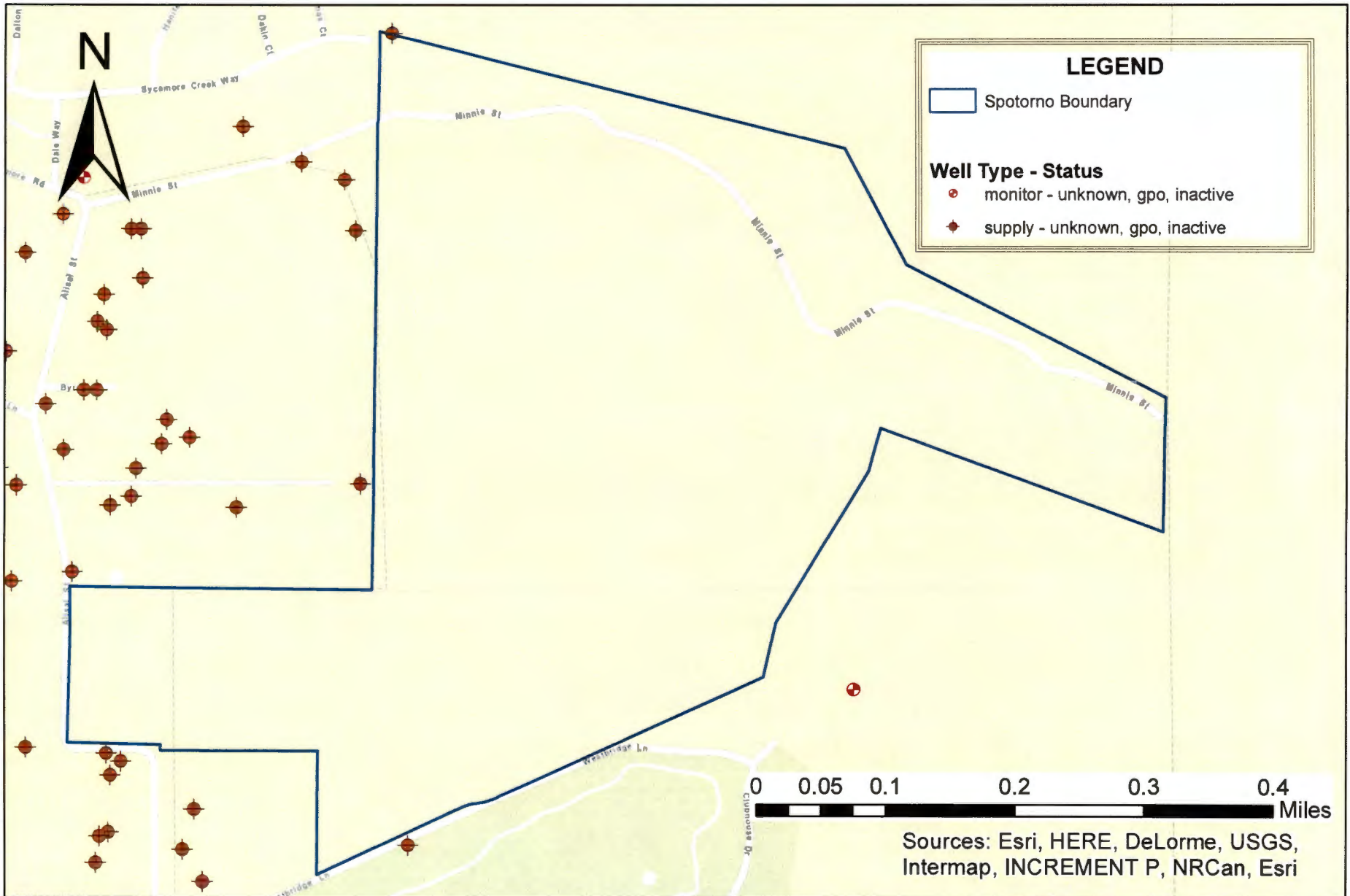
Elke Rank

cc: Carol Mahoney, Amparo Flores, Matt Katen, Joe Seto, file

Attachments: (1) well record search, (2) local well map, (3) detailed well location map

Zone 7 Water Agency
Records Search August 2018

Well ID	Address	City	Status	Driller	Category	SubCategory
3S/1E 28K 1	986 SYCAMORE RD	Pleasanton	unknown	LEITE BROS.	well-supply	domestic



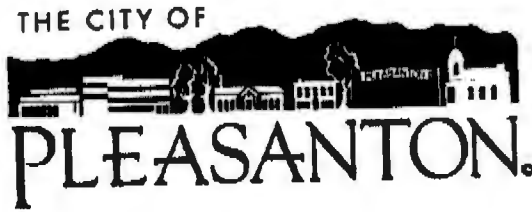
Zone 7 Water Agency
 100 North Canyons Parkway, Livermore, CA

Spotorno Ranch Project
 Well Map 1



Zone 7 Water Agency
 100 North Canyons Parkway, Livermore, CA

Spotorno Ranch Project
 Well Map 2



September 12, 2018

All responsible Agencies and Other Interested Parties

RE: Public Comment Period Extension for the Draft Subsequent Environmental Impact Report (Draft SEIR) Spotorno Ranch Project (SCH Number 2017042032)

Due to lack of a quorum to conduct the previously scheduled public hearing on the Draft SEIR, the public comment period for the DSEIR for the Spotorno Ranch Project in the City of Pleasanton will be further extended, ending on Friday, September 28, 2018.

The Draft SEIR, prepared per the requirements of CEQA, is being made available to the public in accordance with CEQA for the comment period. Copies may be obtained at the Planning Division, 200 Old Bernal Avenue, Pleasanton, between the hours of 8:00 a.m. and 5:00 p.m. during weekdays. The Draft SEIR is also available for review at the Pleasanton Library, 400 Old Bernal Avenue, Pleasanton, and on the City's webpage at: www.cityofpleasantonca.gov/PDF/SpotornoSEIRJuly2018.PDF. Paper or CD copies of the Draft SEIR may be requested using the staff contact information.

The Planning Commission of the City of Pleasanton has set 7:00 p.m., Wednesday, September 26, 2018, Council Chamber, 200 Old Bernal Avenue, Pleasanton, as the time and place to receive public input and comments on the Draft SEIR.

Sincerely

Ellen Clark, AICP
 Planning Manager
 Community Development Department

Keep traffic off west bridge!

 W.B.

COMMUNITY DEVELOPMENT		P. O. BOX 520, Pleasanton, CA 94566-0802	
Planning	Building & Safety	Traffic	
200 Old Bernal Ave.	200 Old Bernal Ave.	200 Old Bernal Ave.	
(925) 931-5600	(925) 931-5300	(925) 931-5650	
Fax: 931-5483	Fax: 931-5478	Fax: 931-5479	

PAGE 01

STEVEJENSEN

09/17/2018 09:15 6254269171

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
September 17, 2018 at 9:16:15 AM PDT	6254269171	46	1	Received

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

Jenny Soo

From: Janis Farmer
Sent: Friday, September 07, 2018 9:56 AM
To: Jenny Soo
Subject: Tim Lewis Communities for Alex Spotorno

Hi there:

I did attend the last planning commission meeting regarding the Spotorno property and distinctly remember a member of the commission having recorded that the average density of properties around the area of concern is one property to two acres. It seems to me that, having looked at the new plans, the number of homes and "casitas" now proposed will severely violate that guideline. This will set a dangerous precedent for every property that comes up for sale along Sycamore, and Alisal. I think the original number of approved homes (was it 22?) is a much better solution.

Janis Farmer

Clubhouse Drive

Be the Change you wish to see in the world

Click [here](#) to report this email as spam.

September 7, 2018

Sent Via E-Mail

Jenny Soo, Associate Planner
City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566
Email: jsoo@cityofpleasantonca.gov

**Re: *Comments to the Spotorno Ranch Project Draft Subsequent EIR
State Clearinghouse No. 2017042032
Our File No.: S0897.016***

Dear Ms. Soo:

The purpose of this letter is to comment on the draft Subsequent Environmental Impact Report dated July 16, 2018 (the "SEIR") for the Spotorno Ranch Project (the "Project") on behalf of the Spotorno Family (LaVerne, Ken, John, Kathy, Marianne, Alex, (recently deceased) and Joanne Zacharides). The Spotorno Family acknowledges that the SEIR took into consideration the impact of the Project on their existing cattle-grazing and farming operations and appreciates the opportunity to be included in the proposed development in the Happy Valley area. After careful review of the SEIR, the Spotorno Family provides the following comments, clarifications and minor corrections for your consideration and adoption in the Final SEIR.

1. Factual Errors and Discrepancies in the SEIR

A. The Project Description

Throughout the SEIR, the Project is referred to as 154 acres, which the Spotornos feel is misleading. The Project site is only 111 acres (Lot 98) which includes 31 acres to be developed and 80 acres of land adjacent to the development that will be subject to a conservation easement. The entire Project affects Lot 98 only. The remaining 43 acres referred to in the SEIR make up Lot 97, but it is not being developed as part of the Project. The Spotorno Family is retaining the entirety of Lot 97. Both Lot 97 and Lot 98 are included in the Planning Area defined in the 2005 Pleasanton General Plan (hereinafter referred to as the "General Plan") and the Happy Valley Specific Plan ("HVSP"). In order to clarify the scope of the Project, the Spotorno Family proposes the following terms and definitions to be adopted throughout the SEIR:

- **Project Site** = 111 acres of Lot 98 consisting of 31 acres to be developed and 80 acres to be zoned as Agricultural Open Space ("A/OS") and subject to a conservation easement;

- **Development Area** = 31 acres of land located on Lot 98 in the Spotorno Flat Area; and
- **The EIR/Application Planning Area** = 154 acres consisting of 111 acres on Lot 98 and 43 acres on Lot 97.

Additionally, the Draft SEIR accurately identifies APN for Lot 98 (APN 949-16-6). However, as shown on the Assessor's Parcel Map enclosed herewith as **Exhibit A**, Lot 98 is actually composed of five separate legal parcels. The Spotorno Family requests that the SEIR clarify this distinction to preserve a record of the parcels that embody Lot 98.

B. Exhibit 2-6b

The Spotorno Connector Trail and portions of the Spotorno Hills Trail were not proposed by T.L. Partners IV, L.P. as part of the Project. Specifically, the trails that intrude upon Lot 97 and the 80 acre conservation easement on Lot 98 were not proposed as part of the Project.

2. Construction of the Proposed Spotorno Connector Trail and Portions of the Spotorno Hills Trails

The Spotorno Family objects to the proposed Spotorno Connector Trail and portions of the Spotorno Hills Trails to the extent that these trails intrude upon Lot 97 and the 80 acre conservation easement on Lot 98.¹ (See SEIR Exhibit 2-6b.)

A. The Trails Master Plan Update Is Not Applicable to This Project

The SEIR refers to new public access trails on Lots 97 and 98 of the Spotorno Property based on the Trails Master Plan Update ("TMPU") which has not yet been adopted. (See SEIR Exhibit 2-6b and Impact Analysis p. 3.12-78.)² The Spotorno Connector Trail and portions of the Spotorno Hills Trails shown in Exhibit 2-6b were not adopted in the General Plan or the HVSP and have only been proposed in the TMPU. (See HVSP Sec. VI.E. and Fig. VI-3.) Accordingly, the provisions of the TMPU, including the additional proposed trails referenced therein, are not relevant to the analysis of the project in the SEIR. (See Cal. Code Regs., tit. 14, § 15125(e); see also *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145 [a proposed project has a significant effect on the environment only if it will conflict with an adopted plan].)

Furthermore, the Notice of Preparation dated April 7, 2017 did not require or suggest an analysis of the Project's compliance with the TMPU as part of the SEIR. (See SEIR Appendix A.) As such, the proposed trails discussed in the TMPU are not relevant to the analysis of the project in

¹ The Spotorno Family does not object to the Alisal Trail or Spotorno Flats Trail that was included in the proposed plans for the Project and depicted in Exhibit 2-6a of the SEIR.

² The Impact Analysis on page 3.12-78 of the SEIR provides, "although the updated Trails Master Plan Update is not yet adopted, it likely will be adopted before the project is considered for approval by the City...therefore it has been determined appropriate to consider the project for conformation with this document."

the SEIR and references to such trails should not be considered in the decision to approve the Project. (See Cal. Code Regs., Tit. 14, § 15125(e) and *Chaparral Greens v. City of Chula Vista, supra.*)

As discussed in more detail below, the TMPU has proposed additional trails through the Spotorno Property that would interfere with the longstanding ranch and farming activities that the Spotorno Family has conducted for more than 150 years. As such, the Spotorno Family objects to any analysis in the SEIR to the extent that it is based on the TMPU. Their specific objections to the TMPU were previously submitted on May 15, 2018 and a representative of the family will attend the next scheduled committee meeting.

B. The Trails Identified in the SEIR Were Not Included In the General Plan or the HVSP

The Spotorno Connector Trail and portions of the Spotorno Hills Trails that are proposed on Lot 97 and Lot 98 as shown in Exhibit 2-6b (“TMPU Proposed Trails”) were not included in the General Plan or the HVSP. (See General Plan, Open Space Trails p. 7-22 – 7-25, Figures 3-13 and 7-5; HVSP pp. 55-58 and Fig. VI-3; SEIR Exh. 2-6b.)

The HVSP specified three trails on the Spotorno property: the Bypass Road Trail, the Spotorno Flat Area Trail, and the Spotorno MDR/Foley Trail (“HVSP Proposed Trails”). (See HVSP Sec. VI.E, pp. 55-58 and Fig. VI-3.) The proposed location of these trails took into consideration the protection of existing agricultural and farming operations on the Spotorno property and public health and safety concerns. (HVSP Sections V.B.1-V.B.4, pp. 26-31.)

The HVSP Proposed Trails were based on the presumption that the Spotorno Upper Valley MDR Residential Subarea (“MDR Subarea”) would be developed and the Spotorno MDR/Foley Trail would connect the development from the Bypass Road to the Foley Ranch property. (HVSP Sec. VI.E.4 and VI.E.7, pp. 57-58.) The precise alignment and development of each trail was to occur at the time of the development plan approval. (HVSP Sec. VI.E., p. 55.) Since the Project proposes to eliminate the Bypass Road and the MDR subarea is being re-zoned as Agricultural Open Space (“A/OS”), the purpose of constructing either the Bypass Road trail or the Spotorno MDR/Foley Trail no longer exists. In keeping with original concept for the HVSP Proposed Trails, the Project has proposed an alternative location for the trails to connect to the Foley Ranch Property.

Additionally, the TMPU Proposed Trails are not consistent with the goals and objectives of either plan in that they will cause significant interference and disruption of longstanding Spotorno Ranch operations instead of preserving the land so it is conducive to continued agricultural use.

The objectives of the General Plan include the preservation of agricultural uses of land. (General Plan, Guiding Objectives p. 1-6.) Additionally, the General Plan identifies the important history

of agricultural land use in Pleasanton, and recognizes the significance of the Spotorno Ranch agricultural and farming operations. (General Plan, Farmlands p. 7-25 – 7-28 & Figure 7-6; see also Agriculture p. 12-8.)

The HVSP goals and objectives expand on those of the General Plan and include: (1) preservation of the existing semi-rural character of the neighborhood, (2) perpetuating the existing semi-rural uses and preserving large areas of open space, (3) permanently preserving agriculture and open space lands located outside of the Urban Growth Boundary through means such as dedication of agriculture and open space easements, and (4) perpetuating the raising of farm animals in Happy Valley. (HVSP Sec. IV. Specific Plan Goals and Objectives, pp. 19-20.) Most importantly, the HVSP provides that no public improvement shall be made in the Plan Area unless it is in substantial compliance with the plan. (HVSP Sec. X.B. at p. 95.)

Additionally, the HVSP specifically provides that the Spotornos are allowed to continue their existing agricultural uses of the Spotorno Upper Valley Subarea “until such time that residential development in the PUD-MDR District commences.” (HVSP Sec. V.B.1.b.1.g.) Because no development of the Spotorno Upper Valley Subarea or Lot 97 is proposed in the Project, construction of the TMPU Proposed Trails is not consistent with the terms of the HVSP because that portion of the land is not being developed.

Furthermore, “[a]ttempts to achieve public access to open-space areas and trails should not create onerous impositions on property owners.” (See General Plan, p. 2-9.) Here, the proposed trail near Minnie Road is next to the only vehicle entrance to the Spotorno Ranch. Accordingly, large hay delivery trucks, farm vehicles and livestock transport trucks are frequently travelling in this area in furtherance of ranching and farming operations. Thus, placing a public access trail adjacent to the vehicle entrance would substantially interfere with the ongoing operations of the ranch while also compromising pedestrian safety.

The trail would also be located near farm equipment, barns, corrals and tool sheds. Therefore, the trail would create an attractive nuisance for trail users and generate security and privacy concerns for the Spotorno Family. They have already experienced trespassers, property theft and vandalism on the property and worry that the construction of additional trails on the property would escalate the risk that these events would happen again. The HVSP favors the protection of agricultural areas from urban encroachment and the construction of the Proposed Trails would be a contradiction to this preference. (See HVSP Potential Agricultural/Non-Agricultural Use Conflicts, p. 40.)

The Planning Commission should consider the adverse impacts the TMPU Proposed Trails may have on nearby cattle-grazing and farming operations, as well as public safety issues. (See e.g. *Sumner Hill Homeowners' Assn., Inc. v. Rio Mesa Holdings, LLC* (2012) 205 Cal. App. 4th 999, 1005 [county had concerns that development would have an adverse impact on cattle-grazing operations].) The trails proposed in the Project by T.L. Partners IV, L.P. have taken all of these issues into consideration. As such, the trails proposed in the Project are located in areas that

adequately balance the interests of all parties, including the community's need for access to trails, the City's public safety concerns and the Spotorno Family's continuing use and enjoyment of their land.

In addition to the other arguments made previously herein, there is no justification for requiring the additional trails proposed by the TMPU. Implementation of the Project would result in 58 fewer homes than contemplated by the HVSP. (SEIR p. 3.9-13.) The future development of planned parks within the City, coupled with 80 acres of agricultural open space preservation would not affect the City's ability to maintain its parkland ratio. (Id.) As a result, the project would not result in the need for construction of new or expanded existing park facilities. (Id.) Because the benefits to the community are not outweighed by the burden on the Spotorno Family's right to use and enjoyment of their land, the construction of public access trails on the 44 acres of farmland on Lot 97 creates an "onerous imposition" on the Spotorno Family. Additionally, the TMPU Proposed Trails directly conflict with the goals and objectives of the General Plan and HVSP. For these reasons, they are simply not justified.

3. Incorrect Land Use Restrictions On Spotorno Land

As part of the Project, approximately 15 acres in the Spotorno Upper Valley would be rezoned from Medium Density Residential ("MDR") to Agricultural Open Space ("A/OS"). (See SEIR p. 2-26 and Table 2-2.) The SEIR correctly states that most of this area is located on Lot 97, with a small portion being located on Lot 98. (Id.) However, the SEIR misstates that this change in zoning will "allow no new units in this specific plan subarea." (SEIR at Project Buildout p. 2-26, Table 2-2 p. 2-26, and PUD-AG/OS Maximum Allowable Units p. 3.9-5.) The existing HVSP land use designations include fairly specific site development standards, including standard 13, which relates specifically to the right of the owner of Lots 97 and 98 to apply for a PUD development plan approval for one "ranch compound." (See HVSP Site Development Standards V.B.4.c.13, p. 31.) Because this right pertains to lots 97 and 98 specifically, rather than relating to the uses generally allowed in the PUD-LDR, PUD-SRDR, and PUD-A/OS land use designations, both the amended HVSP and the SEIR should reflect that this standard will continue to apply to the Spotorno properties. Section 2.5 of the SEIR should reflect this application by amending the column in Table 2-2 for "Developable Units with the Proposed HVSP" for the Spotorno Upper Valley Area (MDR) from "0" to "1" and change the corresponding "Difference" calculations accordingly. The language at the bottom of page 2-26 should also be amended to read, "With the amendments, the MDR portion of the Spotorno Upper Valley Area would be designated Agricultural Open Space, allowing only one ranch compound to be constructed."

The proposed amendments to the HVSP and SEIR are consistent with the HVSP development plan objectives including the maintenance of the area's existing semi-rural character and open-space feeling between homes and other structures. (HVSP V.B.4.e.2, p. 31.) They are also consistent with the HVSP land use standard provided for Agricultural Open Space. (HVSP V.B.6, p. 37 [permitted use includes single-family home and accessory structures].)

City of Pleasanton
Re: Spotorno Ranch Project
September 7, 2018
Page 6

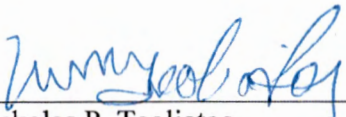
The Spotorno Family has been involved in the development of Pleasanton since 1867 when the Spotorno Ranch was established. The family participated in the creation of the General Plan and HVSP. In the spirit of cooperation, they agreed to have the property annexed into the city of Pleasanton, which then allowed the City to obtain the property next door for the development of the Callippe Preserve. The Spotorno Family continues to support the responsible development of Pleasanton and believes the proposed Project would be beneficial to the community.

Thank you for taking the time to consider the Spotorno Family's comments on the SEIR for the Spotorno Ranch Project.

Very truly yours,

RANDICK O'DEA & TOOLIATOS, LLP

By



Nickolas P. Tooliatos
ntooliatos@randicklaw.com

NPT/cmr

Enclosure: Exhibit A

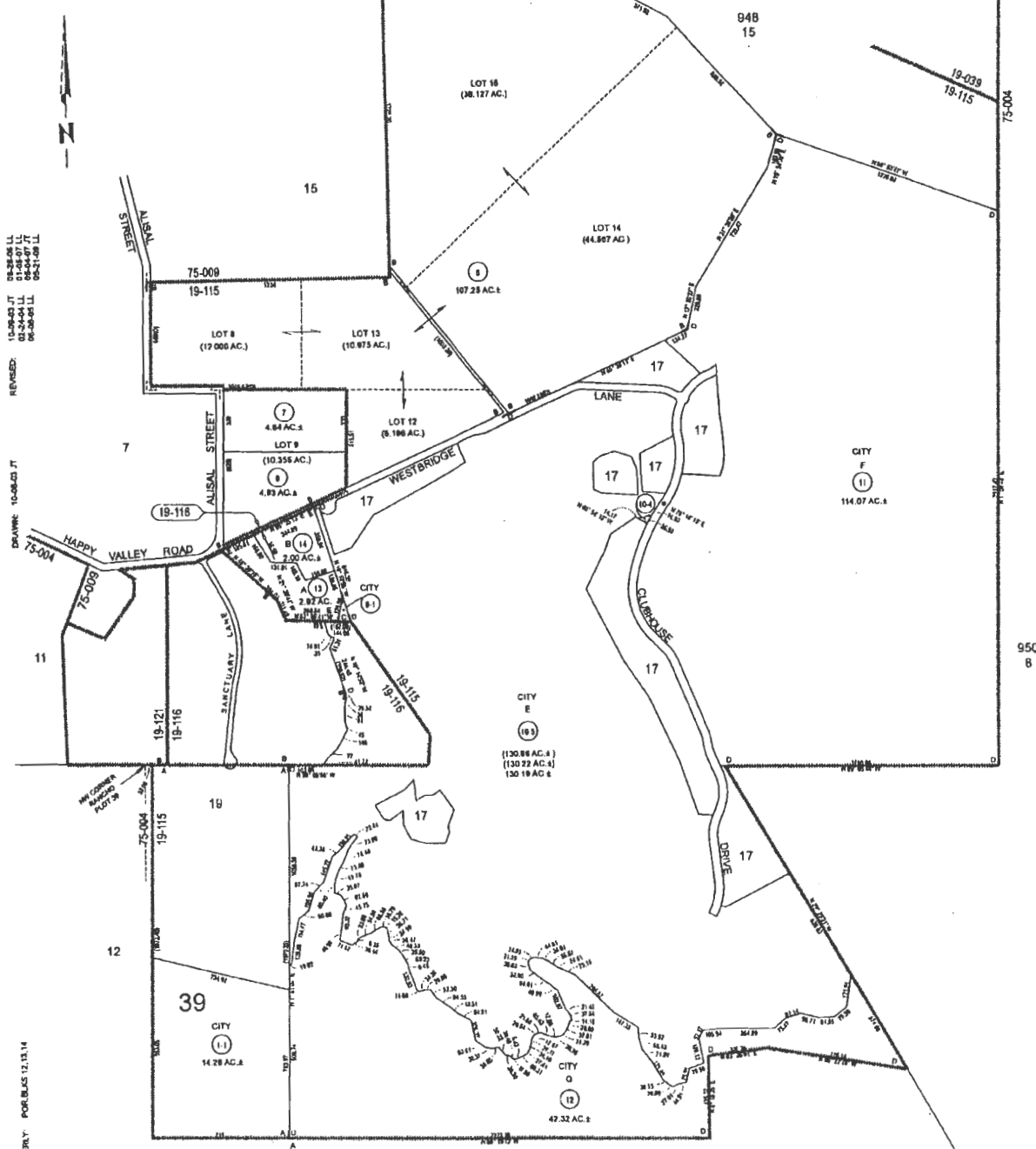
ASSESSOR'S MAP 949

16

SCALE: 1" = 400'

Code Area Nos. 19-115 19-110 75-009

(A) RANCHO EL VALLE DE SAN JOSE 46-0016
 (B) PART OF PLOT NO.40 OF THE RANCHO EL VALLE DE SAN JOSE (HARDIN ESTATE) 17770
 (C) P.M.3443 12M00-91 (D) TR.7372 26847-85
 (E) P.M.8178 27456-00



REVISED: 10-26-03 JT
 03-24-04 LL
 06-28-04 LL
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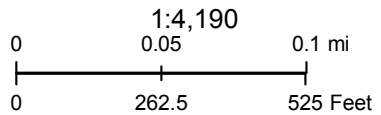
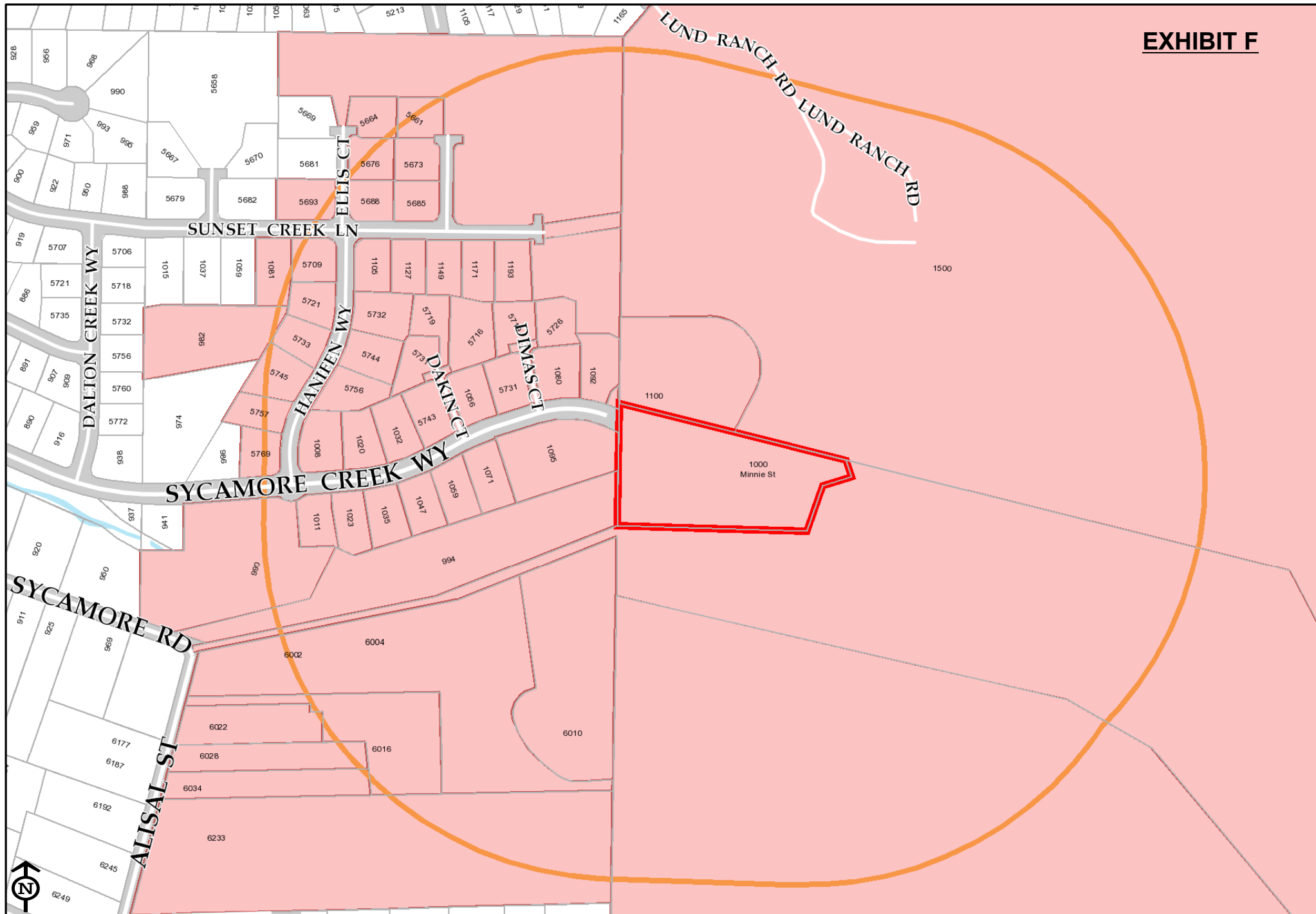
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FORMERLY: P.O.B. 13, 14

ACM: 46 68E 85D,76 REF:

HPN: 14 WDP: 2

EXHIBIT A



Spotorno Ranch Project, Adjacent to 1000 Minnie Drive