



## Planning Commission Staff Report

September 15, 2010  
Item 6.c.

- SUBJECT:** PGPA-16, City of Pleasanton, General Plan Amendment
- PURPOSE:** Application for General Plan Amendment to remove all references to the housing cap (Measure GG, 1996, limiting the total number of residential units to 29,000) from the 2005-2025 General Plan
- ATTACHMENTS:**
1. Proposed Amendments to General Plan 2005-2025
  2. City Council Agenda Report, August 17, 2010: Approval of Settlement Agreement Concerning *Urban Habitat v. City of Pleasanton* Litigation (Including Attachment 1: Final Settlement Agreement)
  3. Letter from Cathy Creswell, Deputy Director, HCD, dated September 7, 2010

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### BACKGROUND

Measure GG was passed by the voters in 1996 to limit the number of housing units to a total of 29,000. At that time, the City's 1996 General Plan was readopted to include the policy and programs included in the initiative. The City's current General Plan (adopted in July 2009) includes the initiative language as well as other text, policies and programs referencing the housing cap. In November 2006, Urban Habitat filed a lawsuit against the City claiming that various City policies and ordinances prevent or hinder the development of affordable housing in Pleasanton, and are inconsistent with State housing law. Earlier this year, the Court issued a decision in the Urban Habitat matter, and on August 17, 2010, the City Council reached a settlement with the plaintiffs and with the State Attorney General's office which had intervened in the lawsuit. (See the attached City Council Agenda Report and Final Settlement Agreement). As part of the Settlement Agreement, the City agreed to eliminate all references to the voter-adopted housing cap from the City's General Plan, and to do so by October 19, 2010.

### PROJECT DESCRIPTION

The proposed General Plan amendment will remove all references to the housing cap within the 2005-2025 General Plan. The following section outlines the changes that are proposed to the General Plan within each applicable element. Attachment 1 to this staff report shows the pages within the General Plan that will be modified. To distinguish the proposed modifications from the existing text, text in standard format is to remain unchanged, text to be removed is

shown in ~~strikeout~~ (i.e., ~~strikeout~~), and proposed text is shown in red color, bold and double underline (i.e., **red color, bold and double underline**).

Proposed changes are summarized as outlined below. Changes to the pagination of the document will be reflected once the final approval is granted by City Council.

*Introduction, Page 1-3:* The first sentence under the heading “General Plan Accomplishments” makes mention of the of the 29,000 unit residential cap. This sentence will be deleted.

*Land Use Element, Page 2-ii:* The table of contents for the Land Use Element references the section for the residential cap. This reference will be deleted.

*Land Use Element, Page 2-14:* The second sentence under the Growth Management section will be modified to omit the reference to the cap on residential development.

*Land Use Element, Page 2-15:* The text of the section labeled “Residential Cap” will be deleted. Table 2-3 will be moved to the Growth Management Program section.

*Land Use Element, Page 2-16:* The second paragraph under the Growth Management Program will be modified to omit reference to the 29,000 unit cap.

*Land Use Element, Page 2-17:* The second paragraph under the heading Holding Capacity will be modified to delete reference to the housing cap. The population projection will remain, but the reference at the end of the paragraph regarding the housing cap being validated by a vote of Pleasanton residents will be deleted.

*Land Use Element, Page 2-23:* The second sentence of the first paragraph will be deleted since it makes reference to the maximum number of housing units.

*Land Use Element, Page 2-24:* The last sentence in the second paragraph under the Mixed Use heading will be deleted since it makes reference to the housing cap.

*Land Use Element, Page 2-34:* The last sentence in Policy 17 will be deleted since it makes reference to the housing cap.

*Land Use Element, Page 2-37:* Program 23.1 will be modified to omit the reference to residential units under the cap.

*Land Use Element, Page 2-37:* Policy 24 outlines the requirement associated with the housing cap. This policy in its entirety will be deleted. Subsequent policies will be renumbered.

*Land Use Element, Page 2-37:* Programs 24.1, 24.2, and 24.3 will be deleted as they directly relate to the housing cap.

*Land Use Element, Page 2-38:* Polices will be renumbered.

*Housing Element, Page ii:* The table of contents for the Housing Element will be modified to delete the housing cap.

*Housing Element, Page 4:* The first paragraph on page 4 references the housing cap and the city population at build out. The paragraph in its entirety will be deleted since the General Plan addresses population at build out and the reference to the housing cap will be deleted.

*Housing Element, Page 8:* The third complete paragraph on page 8 of the Housing Element is proposed to be deleted since it references the housing cap.

*Housing Element, Pages 64 and 65:* The paragraph beginning on the bottom of page 64 and continuing on to page 65 refers to the housing cap and its associated implications. This paragraph will be deleted.

*Air Quality and Climate Change, Page 9-15:* The sentence beginning at the bottom of the left-side column and continuing to the top of the right-side column would be modified to delete references to the residential cap.

*Economic and Fiscal Element, Page 13-8:* The second sentence in the first paragraph of the right-side column will be modified to say new housing that is “planned for” instead of “allowed.”

*Appendix A, Page A-6:* The appendix references Program 3.6 and the housing cap. The program is within the Energy Element of the General Plan and is intended to encourage low-energy homes through the City’s Growth Management Program. Thus, the program has been modified to reference the Growth Management Program instead of the housing cap.

## **DISCUSSION**

The changes proposed in Attachment 1 would eliminate all references to the 29,000 unit residential cap. In practical terms, these amendments will not change the anticipated number of residential units at buildout, the mix of residential units (single family or multifamily), or the expected rate of population growth. These proposed amendments do not impact specific sites by changing any residential land use designations. All growth management measures, including the Growth Management Ordinance, the urban growth boundary, and portions of *Measures PP and QQ* related to hillside development all remain in place. In the future, the Housing Element update must consider the land use changes needed to accommodate Pleasanton’s share of the regional housing need and is likely to recommend land use designation changes to accommodate rezoning for additional residential development. At that time, the Planning Commission will have the opportunity to hear from the public and thoroughly evaluate and consider those changes.

## **ENVIRONMENTAL REVIEW**

A Final Environmental Impact Report (EIR) on the 2005-2025 General Plan was reviewed and certified by the City Council on July 21, 2009. This EIR analyzed the impacts at buildout of development authorized by the General Plan. The action now proposed -- to remove references to the 29,000 unit residential cap -- would not necessarily increase the development potential under the General Plan since no land use designations will be changed by the proposed General Plan Amendment. In the near future, the City anticipates considering land

use changes from commercial or other designations to Residential High Density or Mixed Use land use designations as part of the Housing Element update and in order to accommodate the City's share of the regional housing need. At that time, additional environmental review will be undertaken.

### **PUBLIC NOTICE**

Notice of this update to the General Plan was published in a local newspaper, *The Valley Times*. In accordance with Government Code Section 65352, a copy of the proposed amendments has also been forwarded to adjacent jurisdictions, the California State Department of Housing and Community Development (HCD), California Native American Tribes that are on the contact list maintained by the Native American Heritage Commission, the Local Agency Formation Commission, Pleasanton Unified School District, the Association of Bay Area Governments, and the Bay Area Air Quality Management District. The City received a response from HCD (Attachment 3) acknowledging the proposed amendments but noting that the City cannot be found to be in compliance with the requirements of State housing element law since a formal draft updated Housing Element has not yet been submitted for HCD's review.

### **STAFF RECOMMENDATION**

Staff recommends that the Commission take the following actions:

1. Receive public input on the General Plan Amendment and then close the public hearing; and,
2. Recommend the City Council approve the General Plan Amendments (PGPA-16)

Staff Planner: Janice Stern/Planning Manager; (925) 931.5606.; e-mail: [jsstern@ci.pleasanton.ca.us](mailto:jsstern@ci.pleasanton.ca.us)