THE CITY OF PLEASANTON

Planning Commission
Staff Report
March 28, 2007
Item 6.a.

SUBJECT: **PUD-33, Oak Grove Planned Unit Development**

APPLICANT: James Tong, Charter Properties

PROPERTY OWNER: Jennifer Lin, Frederic Lin, and Kevin Lin

PURPOSE: Consider the following and provide a recommendation to the City Council to:

- Certify Final Environmental Impact Report for the Oak Grove Planned Unit Development;
- Approve the PUD Development Plan to allow the development of an approximately 562-acre property into 51 custom home sites and designate the remaining 497-acres for permanent open space;
- Approve of the Development Agreement to vest the entitlements covered by this application.

GENERAL PLAN: Rural Density Residential (1 du/5 ac) – 489 acres, Public Health and Safety – 73 acres, and Urban Growth Boundary Line.

ZONING: PUD – RDR/OS (Planned Unit Development – Rural Density Residential/Open Space) District.

LOCATION: 1400 Hearst Drive, near the present terminus of Hearst Drive, to the south of Grey Eagle Estates, and to the east and south of Kottinger Ranch and Vintage Hills developments.

ATTACHMENTS:

1. Location Map
2. Exhibit A, Oak Grove PUD Development Plan dated "Received February 9, 2007", including:
   a. Exhibit A-1, Site Plan Aerial Overview
   b. Exhibit A-2, Site Map and Topographic Map
   c. Exhibit A-3, 51-Lot Plan Typical Grading Section
   d. Exhibit A-4, 51-Lot Plan Rough Grading-Cut/Fill Map
   e. Exhibit A-5, Grading Plan

f. Exhibit A-6, Site Development Profiles
g. Exhibit A-7, Slope Classification Map

3. Exhibit B, Oak Grove Final Environmental Impact Report, including:
   a. Exhibit B-1, Oak Grove Draft Environmental Impact Report, dated June 30, 2006 *(Previously provided to the Commission)*.
   b. Exhibit B-2, Oak Grove Environmental Impact Report (Response To Comments), dated February 9, 2007 *(Previously provided to the Commission)*.
   c. Exhibit B-3, Oak Grove Visual Figure Re-Print Portfolio, dated January 2007 *(Previously provided to the Commission)*.
   d. Exhibit B-4, Draft Environmental Findings and Statement of Overriding Considerations, dated March 28, 2007.
4. a. Exhibit C-1, PUD Development Plan Findings, dated March 28, 2007.
   b. Exhibit C-2, Draft Conditions of Approval, dated March 28, 2007.
5. Exhibit D, Oak Grove Development Agreement, dated February 9, 2007.
6. Exhibit E, Public Communications
   a. Exhibit E-1, List of Reponses
   b. Exhibit E-2, Map of the Public Hearing Notice Area and Public Comments – Letters and Emails
7. Exhibit F, Oak Grove Design Guidelines, including:
   a. Exhibit F-1, "*Oak Grove Residence Lot Design Guidelines*" dated December 2006 prepared by Berger, Detmer, Ennis Architects and M. D. Fotheringham, Landscape Architects, Inc.
   b. Exhibit F-2, "*Oak Grove Open Space & Common Area Design Guidelines*" dated December 2006 prepared by Berger, Detmer, Ennis Architects and M. D. Fotheringham, Landscape Architects, Inc.
8. Exhibit G, "*Planning/Development-Level Geologic and Geotechnical Investigation, Kottinger Hills, Pleasanton, California*", prepared for Ms. Jennifer Lin by Berlogar Geotechnical Consultants, dated November 14, 2003 *(Previously provided to the Commission)*.
9. Exhibit H, "*Tree Report For The Kottinger Hills Subdivision, Pleasanton, California*", prepared by Ralph Osterling Consultants, Inc., dated October 8, 2003 *(Previously provided to the Commission)*.
10. Exhibit I, Public Meeting Minutes, including:
    a. Exhibit I-1, Housing Commission held on January 18, 2007.
    b. Exhibit I-2, Parks and Recreation Commission/Trails Ad-Hoc Committee Work Session held on January 11, 2007.
    c. Exhibit I-3, Joint City Council/Planning Commission Work Session on the Oak Grove Environmental Impact Report held on February 8, 2005.
    d. Exhibit I-4, Planning Commission Work Sessions on the Oak Grove Environmental Impact Report held on July 12, 2006.
    e. Exhibit I-5, Planning Commission Work Sessions on the Oak Grove Environmental Impact Report held on August 23, 2006.
11. DVD views of the proposed project prepared by the applicant.

I. BACKGROUND

The Lin property was annexed into the City on December 31, 1991. The site of the Oak Grove development was part of a much larger property purchased by the Lin family in 1977 including the site of the adjoining Kottinger Ranch development. The property is currently used as open land to free-graze livestock. The Lin family constructed two stock ponds on the site to provide water for livestock. The City's Kottinger water tank is located in the southwest quadrant and is accessed from Benedict Court.

On October 20, 1992, the City Council approved PUD-91-13, "Kottinger Hills," which proposed 86 single-family detached "production" homes in a conventional subdivision format, an 18-hole golf course, and approximately 237 acres of open space proposed for dedication to the City. The Council's action was overturned in a referendum election held on November 2, 1993.

The property owners Jennifer, Frederic, and Kevin Lin, have submitted an application (PUD-33) for a Planned Unit Development (PUD) Plan. The first submittal to the City was as a 98-lot custom home development with a five-acre neighborhood park, and a new water tank. The remaining open space area would have been an open offer of dedication to the City. Public trails and a staging area were proposed to be built by the City after the City's acceptance of the open space as City land.

The 98-unit plan generated a significant degree of interest and concern by the City, the adjacent Kottinger Ranch neighborhood as well as other neighborhoods lying contiguous to the subject site. There were various concerns that were discovered during the DEIR review process whereby the City received comments from the Community and the Planning Commission.

Review of the project was concurrent with the Draft Environmental Impact Report which identified several environmental impacts and their significance for the 98-unit plan. Staff communicated to the applicant what the significant environmental concerns were and recommended a collaborative process to engage City staff, the neighbors, and the applicant to determine if an alternate plan could be designed which would address the environmental impacts of the proposed development to the existing habitat, open space, trees, wetland, as well as the visual impacts of the locations of the proposed homes. During this review, the applicant submitted building and landscape design guidelines to address the development of the individual lots and of the surrounding open space area. Through this process, an environmentally preferred plan has been created that is before the Planning Commission for review and recommendation to the City Council.

Environmentally Preferred Plan/DEIR Alternative Number 4

The collaborative process developed a preferred alternative plan to allow the approximately 562-acre property to create 51 custom home sites and to dedicate the remaining 497 acres to the City as permanent open space. This permanent open space area would provide: a place to protect special status flora and fauna habitat, regional and local public trails, a trail staging area, a wildland fire buffer area, reforestation of selected slopes, storm water detention basins, and a new water tank.

Staff understands that the Kottinger Ranch Homeowners Association has reviewed this plan and has indicated support for it. Issues pertaining to the open space ownership and public trails/staging areas for the development plan were addressed at a stakeholders meeting which included City staff, representatives of the Kottinger Ranch Homeowners Association, Tri-Valley Conservancy, the applicant, and the public.

The new residential site design and landscaping were designed to be sensitive to the existing site conditions. The applicant developed design guidelines to provide the framework for structures to fit into the landscape.

Custom Home Review Process
The design guidelines detail the site design, architecture, and landscape designs for the project. As a custom lot project, separate design review approvals would be required for each individual lot. The applicant proposes to establish an architectural review committee which will pre-screen individual applications prior to submittal and review by the City of Pleasanton. The review process anticipates review by the Zoning Administrator. The Planning Commission and the City Council would be advised of the Zoning Administrator's decision.

The 51-unit development plan will be referred to as the Oak Grove development plan, development, or project.

The project is before the Planning Commission for review and consideration to make a recommendation to the City Council. The DEIR has already been reviewed with the FEIR a response to those concerns noted at that time. The Planning Commission is responsible for reviewing those comments which comprise the FEIR and then evaluate if they can certify the document. The Planning Commission will also be considering the merits of the environmentally preferred alternative noted above as the 51-unit development plan. Below is a detailed analysis of that project.

II. SUBJECT PROPERTY

Project Location
The Lin property consists of one parcel totaling approximately 562 acres in area located at the end of Hearst Drive. An aerial photograph/location map, Figure 1 on the following page, is of the site and surrounding area. The existing surrounding uses are described below in Table 1.

Table 1: Surrounding Land Uses

Direction	Use	Zoning
North	Vintage Hills and Grey Eagle Estates developments	PUD – LDR and PUD – LDR/OS
East	Vacant Land/Cattle Grazing	Unincorporated
South	Vacant Land/Cattle Grazing	Unincorporated
West	Kottinger Hills Development	PUD – MDR/LDR/ OS

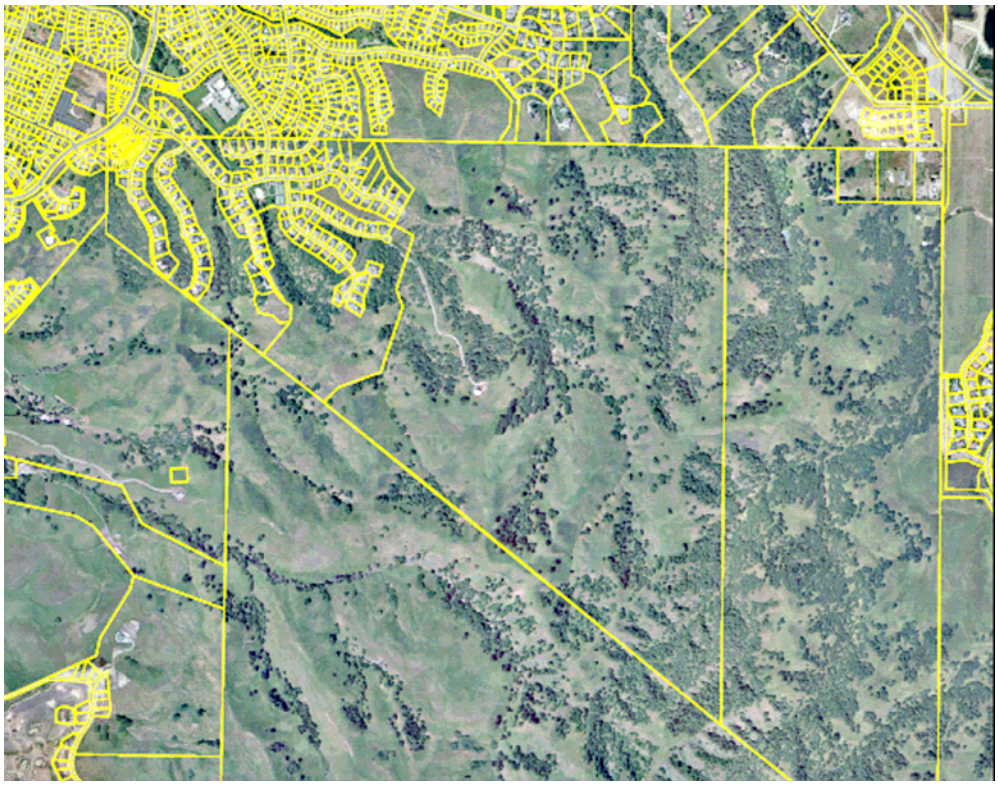

Figure 1: Aerial Photograph/Location Map of the Oak Grove Property and Surrounding Land Uses

Figures 2 and 3 are oblique aerial photographs of the Oak Grove property looking at the site to the north and to the east. The aerials were photographed in the late afternoon.

Figure 2: Aerial Photograph Looking to the North

In Figure 2, the photographer is looking across and over the Foley property from the South. Another section of the Foley property and the Ruby Hill development are to the east, Kottinger Ranch is to the west, and the Vintage Hills and Grey Fox Estates developments are to the north. The Shadow Cliffs Regional Park and the Chain-Of-Lakes are farther to the north.

Figure 3: Aerial Photograph Looking to the East

In Figure 3, the photographer is looking across and over the Kottinger Ranch development and Hearst Drive which provides access to the proposed project. The City's existing water tank and access road are shown within the lower right hand quadrant of the aerial. The Vintage Hill Elementary School is shown near the lower, left-hand corner of the photograph. This photograph shows the site's diverse topography and how it has been developed to date.

Access

Overall access to the site is from Hearst Drive, a residential collector street accessing Kottinger Ranch and the Oak Grove site to Bernal Avenue. An existing Emergency Vehicle Access (EVA) to Grey Eagle Court also exists.

The lower portion of Hearst Drive provides a through connection through the Kottinger Ranch development between Bernal Avenue and Concord Street and Touriga Drive. These two streets, in turn, provide through connections to the Vintage Hill Elementary School, Kottinger Neighborhood Park, Bernal Avenue and Vineyard Avenue, and the existing residential neighborhoods to the north and northeast of the Kottinger Ranch development.

Topography

The project site is located at the southwestern margin of the Livermore-Amador Valley characterized by being a rugged, diverse, hillside landscape. The highest elevations, up to 1,020 feet above mean sea level, occur in the southeastern portion of the project site, which will remain as permanent open space. Ridge tops are up to several hundred feet wide and slope gently to moderately toward the northwest with a two- to seven-percent slope grade. The side slopes of the ridges are moderately steep-to-steep with slope grades averaging approximately 20 percent or greater.

Biology

The site's topography is dominated by a series of intermittent and ephemeral stream and creek channels and intervening upland areas. Most of the creek channels and ridges follow a northwest to southeast direction. Two wetland plant communities – freshwater seep and seasonal wetland area – are found in small portions of the project site. Six seasonal freshwater seeps are located along the northern slopes of the site's hillsides. The seasonal wetlands tend to occur in depressions that are inundated during the rainy season for a long enough period of time to support vegetation adapted to wetland conditions.

The site also supports a biologically diverse plant and animal community. Prominent wildlife habitats on the project site include annual grassland, oak woodland, riparian woodland, and wetlands. These habitat areas support a variety of animal species including deer; birds including burrowing owls, raptors, etc.; reptiles including tiger salamander and red-legged frog species; and insects. Site vegetation is comprised primarily of non-native grassland and blue oak woodland, with interspersed small areas of Diablan sage scrub. The site contains over 12,000 trees and most comprise the blue oak woodland plant community in groupings throughout the project site, with some scattered trees in the grassland areas. This community is found predominantly in the site's canyon and swale areas. The typical plant species within the oak woodland areas include blue oak, valley oak, live oak, and California buckeye, with non-native grassland species such as slender wild oat, soft chess, and clover in the understory. Grassland dominates the hilltops of the project site and is composed primarily of soft chess, slender wild oat, ripgut brome, and clover plant species. The Diablan sage scrub is found on some of the steeper slopes in the southeast portion of the project site and is comprised primarily of California sage, sticky monkey flower, poison oak, and toyon.

III. PROJECT DESCRIPTION

Proposed Site Design

The development plan shows the proposed lots, open space area, stockpile areas, major drainage courses/habitat areas, existing and proposed detention basins, existing and proposed water tanks, and the Urban Growth Boundary Line. Local and regional trails and the trail staging area are shown on separate exhibits (Refer to the Attachments). The site plan also shows the preliminary grading limit line for the development. This limit line bisects several of the lots on the northern portion of the development. This grading limit line depicts the initial mass grading required to develop the project. Additional individual lot grading may occur as lots are built upon.

The proposed site plan includes the following features:

- The applicant proposes to develop an approximately 77-acre portion of the 562-acre property into 51 custom single-family home building sites. The actual lot area will consist of approximately 66 acres (*Refer to Table 42, pg 344)*. The proposed lots will vary in size from 33,711 square feet to 90,834 square feet, and would be arranged along Street "A", the extension of Hearst Drive, on four cul-de-sac courts, and four shared access driveways. Court 3 would have the emergency vehicle access connection from the north property line connecting to the public access/public service easement at the existing City water tank which crosses the Roberts property.

- The applicant will dedicate the remaining 497 acres of land to the City as permanent open space in perpetuity. The open space area will provide wildlife habitat preservation areas; will include a system of regional and local public trails including a trail staging area; tree reforestation of the slopes facing the existing developments to the north; fire break areas; and detention/settlement basins serving the proposed development.

  A trail staging area will be located near the planned water tank at the juncture of the regional and local trails. It will be owned by the City and will include various amenities. The trails would generally follow the alignments shown in the City's Community Trails Master Plan, and would be generally accessible to pedestrians, bicyclists, and equestrians

- Approximately 400 trees would be planted in selected portions of the open space area to reforest graded slopes, screen the proposed houses from the view of off-site properties, and to mitigate the loss of trees due to grading. These trees would be limited to native species – oaks, bays, etc. – and would be maintained by the homeowners association. Approximately 58 trees, 29 of which are heritage sized trees, will need to be removed out of the 12,000 existing trees on the subject site.

- A new water tank would be constructed.

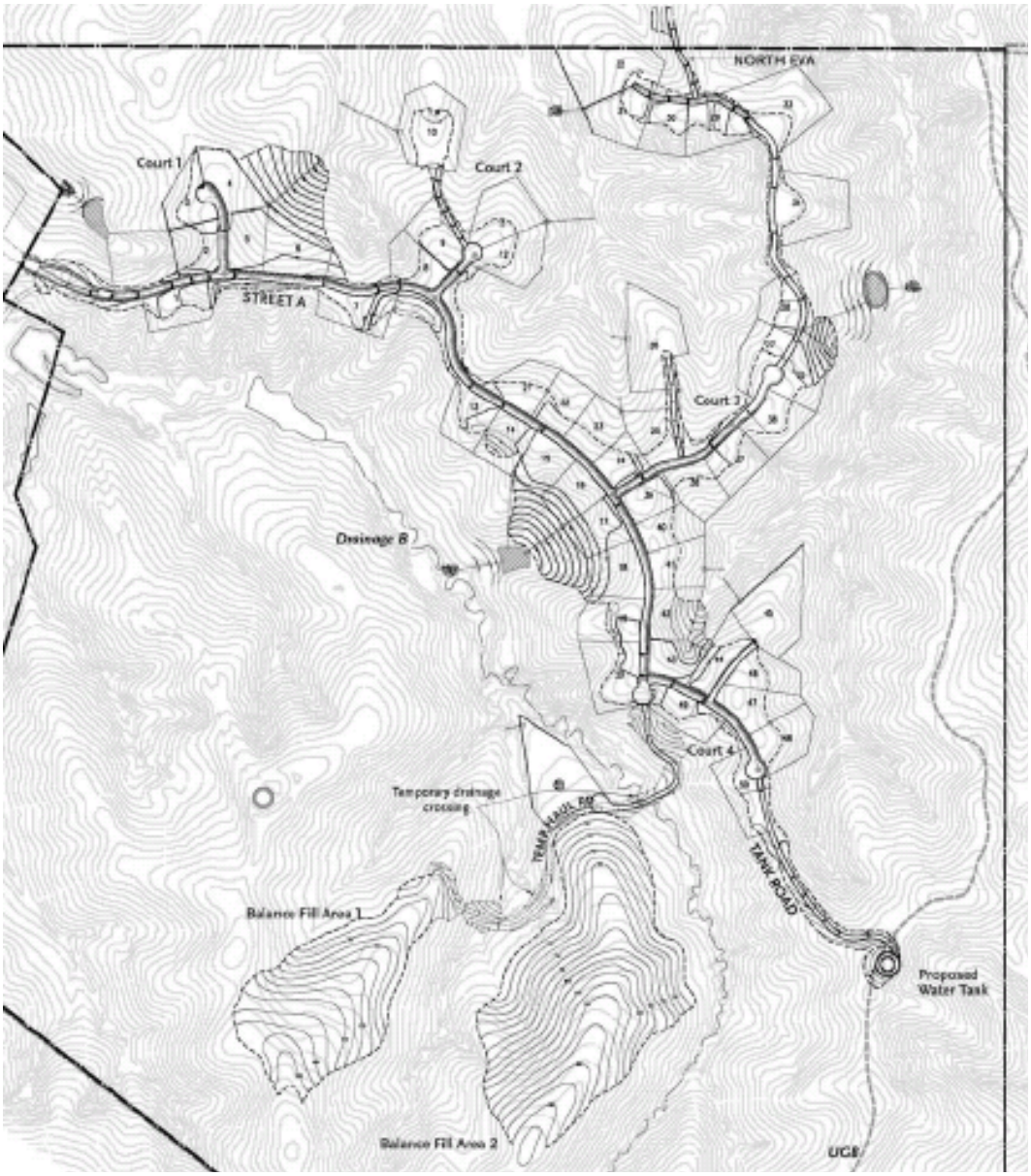

Figure 4: Focused View of the Proposed Development Plan.

Proposed Building, Site, and Landscape Design Guidelines

The lot-specific house, site, and landscape designs will be controlled by design guidelines, attached as Exhibits F-1 and F-2. The design guidelines are tailored for this development – 51 lots in a hillside setting backed by ridges, swales, and adjoining open space land. They provide detailed and comprehensive landscape and building design standards – diagrams, photographs, and drawings – addressing materials, massing, architecture, planting, etc., for clear guidance to future owners regarding their custom home and landscape design preparation, review procedures, and maintenance procedures. Exhibit F-1 includes examples of the house designs done for the different types of lots of this development. These examples function as the "beta test" of the guidelines.

Grading/Urban Stormwater Runoff
The proposed grading plan includes the following features:

- The 51-home development proposes to locate the lots and streets in the most geologically stable areas of the site in order to avoid landslide areas and to reduce the project's grading. Initial grading will be necessary to "cut" the proposed public streets and the front-yard portion of the lots into the hillsides. The front-yard portion of the lot will then be contour-graded and "feathered" to existing terrain.

- All grading will be done to a minimum 3:1 slope banks and will feature a variety of greater slopes to match existing terrain. Remaining lot grading will be reviewed in conjunction with the site-specific building design applications.

- The lots would be designed to drain to the detention basins shown on the site plan to pretreat the runoff before its entry into the City's storm drain system. For some lots or portions of lots that cannot drain to the street, localized storm water pollution prevention measures are provided. Grading for the overall development, not including private lot grading, will result in approximately 620,000 cubic yards of excess material being stockpiled in two areas of the open space area. This will prevent having to off-haul the material down Hearst Drive and through the existing neighborhoods. These stockpiles will be contour graded to reflect the existing topography. Excess material from the private lots – estimated at 51,000 cubic yards – would be off-hauled by the individual lot builders. Each custom home lot builder will be required to certify the amount of off-haul and the destination that it was placed.

- The entire development – public and private areas – will be controlled by a Geologic Hazard Abatement District. The GHAD is responsible for periodically inspecting the development for any indication of erosion, destabilization of slope banks, the functionality of storm drainage systems including detention ponds and the overall stability of slopes including any landslide repairs or potentials for future landslides, etc., and then to advise the homeowners association on private areas and the City on public areas needing attention.

Public Improvements and Traffic Mitigation
With recordation of the first subdivision map, the applicant will pay $1,000,000 to the City for in-lieu traffic impact fees. These funds would be applied as follows: for the construction of a traffic signal at the Bernal Avenue/Kottinger Drive intersection; to retime the existing signal at the Bernal Avenue/Independence Drive intersection; to construct traffic calming measures on Hearst Drive on a to-be-identified-basis; and to construct level-of-service improvements to the City-wide intersections that are affected by the proposed development's traffic. The applicant is also required to pay the Tri-Valley Council regional traffic fees.

Construction Phasing
The proposed project may be phased as to the number of final maps that may be filed after the PUD approval is granted. If maps are phased, the construction of the backbone infrastructure will likely be phased. If the applicant chooses to phase the project, only Lots 1-6 would be allowed to move forward without construction of the new water tank and emergency access route. It is anticipated, however, that the project will be constructed as one project with the sequencing as follows:

- Public infrastructure including streets, courts/cul-de-sacs, water tank preliminary grading for the lots, drainage facilities and bio-detention ponds/swales, public trails and staging facilities, and the reforestation in the open space areas first, followed by,

- Lot-by-lot custom home development by individual homeowners or by a single developer. The house designs will be governed by the design guidelines for both options.

Affordable Housing Agreement
To meet the City's Inclusionary Zoning Ordinance requirements, the applicant proposed the following:

- "Transfer" the 47 units that will not be built on the Oak Grove site – the 98 total units identified for this site by the Housing Element minus the proposed 51 units – to a different site in the City yet to be determined. Assuming the City Council finds this transfer acceptable, 20 of these 47 units – 20 percent of the 98 units allowed for this property by the General Plan – would be designated as affordable units as required in the development agreement: five units at the very low income level, ten units at the low income level, and five units at the moderate income level.

- The 20 units would be affordable in perpetuity and would be consistent with the Inclusionary Zoning Ordinance related to unit distribution and quality. No decision has been made at this time as to whether the units would be ownership or rental.

- In the event that the Lin family or their designees do not develop the 47 units within five years from the approval of the proposed development agreement, the owner would pay the City's Lower Income Housing Fee for 51 units at the fee amount then in effect, and the opportunity to transfer the units would expire.

The Pleasanton Housing Commission reviewed and supported these concepts. They will form the basis of the affordable housing agreement between the City and the Lin family which will be forwarded to the City Council with the development plan.

IV. ENVIRONMENTAL IMPACT REPORT

Oak Grove Application Review and CEQA Process

The following is an outline of the sequence of steps in the CEQA process for the Oak Grove development proposal:

- Acceptance of the project application.

- Preparation of Initial Study ("Environmental Checklist")
  On December 4, 2003, the Planning Department prepared an Initial Study for PUD-33, the initial application for PUD development plan approval to develop up to 98 single-family detached homes and ancillary improvements on the Lin property. The Initial Study is attached to the DEIR as Appendix "A".

- Decision regarding the appropriate type of CEQA document.
  The Initial Study identified significant and potentially significant environmental impacts for the proposed development and concluded that the preparation of an Environmental Impact Report would be necessary.

- Preparation of Draft Environmental Impact Report (DEIR).
  The City of Pleasanton, which is the Lead Agency under CEQA for projects requiring a discretionary action, is the "author" of the Oak Grove EIR. On May 8, 2004, the City Council authorized the City Manager to execute a contract with Mundie & Associates to prepare the Draft Environmental Impact Report for this proposal (DEIR). A joint workshop with the City Council and Planning Commission was held on February 8, 2005, with public comment to discuss the scope and content of the DEIR. Minutes of the work session are attached as Exhibit I-3. After the work session, the scope-of-work for the DEIR was finalized and work then began on its preparation.

  In addition to the work done by Mundie, the EIR includes the work done by several sub-consultants that were identified by Mundie in their contract scope and hired by the City in conjunction with hiring Mundie. Mundie & Associates and its sub-consultants are, therefore, the City's consultants. The EIR team functions, in effect, as the City's "peer reviewers" for the work that the applicant provided relating to the EIR topics. Cotton, Shires & Associates, Inc. – the City's consultant – administered a peer review of the geotechnical analysis conducted by Berlogar Geotechnical Consultants – the applicant's consultant – under supervision of the City Engineer. Cotton, Shires & Associates are part of the DEIR team working for the City.

  The Oak Grove Draft Environmental Impact Report analyzed 20 subject areas. Chapter 4 of the DEIR presents the discussion of the environmental setting and the identification of impacts and mitigation measures for each subject area. A summary of the subject areas including impacts and mitigation measures is covered in Chapter 1 of the DEIR.

- Initiation of a period for public review of the DEIR.
  The City published the DEIR on June 30, 2006. Copies of the DEIR and the Notice of Completion were sent to the California State Clearinghouse on June 30th beginning the 45-day review period mandated by the California Environmental Quality Act (CEQA). Following CEQA Section 15105. (a) "Public Review Period for a Draft EIR or a Proposed Negative Declaration or Mitigated Negative Declaration", the review period for the Oak Grove DEIR was extended to 60 days ending on Tuesday August 29, 2006 at 5:30 p.m.

  The DEIR was distributed to the City Council, Planning Commission, appropriate City departments and to the appropriate Federal, State, and local agencies for their review and comment. Agencies and departments from which an approval, permit, or other discretionary action is required in order for the project or some element of the project to proceed are considered Responsible Agencies under CEQA. Responsible Agency review of a DEIR also functions as its "peer review".

  Copies of the Notice of Completion were mailed to the parties who were previously sent public notices regarding the proposal.

- Planning Commission consideration of the DEIR.
  Consideration of the DEIR by the Planning Commission and the public began during the public review period. Written comments from the public were solicited. The Planning Commission held two public hearings on July 12, 2006 and August 23, 2006 to discuss the DEIR and to recommend revisions. Minutes of the work sessions are attached as Exhibit I-4 for the July 12th meeting and as Exhibit I-5 for the August 23rd meeting and are attached to the "Response To Comments" of the FEIR.

  The process of review and comment by the Planning Commission and the public, and comments provided by Responsible Agencies functioning as peer review bodies in their respective areas of expertise, resulted in clarification of some information presented in the DEIR, and resulted in changes presented in the document called the "Response to Comments." Exhibit B-2, The Response to Comments, and Exhibit B-3, The Oak Grove Visual Figure Re-Print Portfolio, together with Exhibit B-1, The Oak Grove Draft Environmental Impact Report, becomes the Final Environmental Impact Report (FEIR) for the project.

- Preparation of response to comments and preparation of the FEIR.
  The FEIR was completed and distributed to the City Council, Planning Commission, and the public beginning on February 9, 2007. Public comments were received and attached to the Planning Commission's packet with Exhibit E-2, Public Communications – Letters and Emails.

- Planning Commission action on the FEIR.
  When the FEIR is completed, including the DEIR together with the Responses to Comments, the Planning Commission acts on the FEIR. That action takes the form of a recommendation to the City Council to "certify" the FEIR. "Certification" indicates that, in the judgment of the Planning Commission, the FEIR satisfies

the CEQA standards of completeness and objectivity sufficiently to allow consideration of the underlying project.

- Planning Commission action on the project.
  The applicant requests that the Planning Commission consider the project – Development Agreement, PUD development plan, and Draft Conditions of Approval – in tandem with the EIR.

- City Council consideration of the FEIR and the project.
  The City Council will review the Oak Grove FEIR in conjunction with its review of the PUD development plan, development agreement, and the housing agreement. The City Council has the authority to certify or decline to certify the FEIR; or it may require revisions. If revisions are required, recirculation of the FEIR may be required.

The Environmental Impact Report for the project is considered complete, has evaluated all of the potential impacts that may be significant due the scope of the development proposed on the site. The document is comprised of the following:

- Exhibit B-1, Oak Grove Draft Environmental Impact Report, dated June 30, 2006.

- Exhibit B-2, Oak Grove Environmental Impact Report (Response To Comments), dated February 9, 2007.

- Exhibit B-3, Oak Grove Visual Figure Re-Print Portfolio, dated January 2007.

- Exhibit B-4, Environmental Findings and Statement of Overriding Considerations.

Staff believes that the project-related impacts are mitigated, with the mitigation measures provided in the environmental document, incorporated in the project's design or referenced with conditions of approval, and that there would be no significant or unmitigated project-level environmental impact, with the exception of three cumulative impacts. These have been identified as those that would not be fully mitigated but would remain as significant effects on the environment and would require a motion to consider a Statement of Overriding Considerations (Exhibit B-4).

Staff believes that the FEIR can be recommended for certification by the Planning Commission in conformance with CEQA process and requirements.

Building Designs

Where building designs will be governed by design guidelines, absent actual design plans, the preparation of accurate view studies is difficult. Staff, therefore, has conditioned the proposed project to provide computer generated view studies with the site-specific design plans.

V. PROJECT ANALYSIS

General Plan

Density and Land Use

The Pleasanton General Plan designates the 562-acre Lin property with two land use designations: 497 acres of Rural Density Residential (< 1 du/5 ac) equaling 98 units and 73 acres of Public Health and Safety. These land use designations are separated by the City's Urban Growth Boundary Line. The DEIR includes a diagram of the land use designations for the site and adjoining properties (Figure 25, page 188). Figure 5 shows the General Plan land use designations and their boundary lines of the site and adjoining properties superimposed in color on the 51-unit site plan.

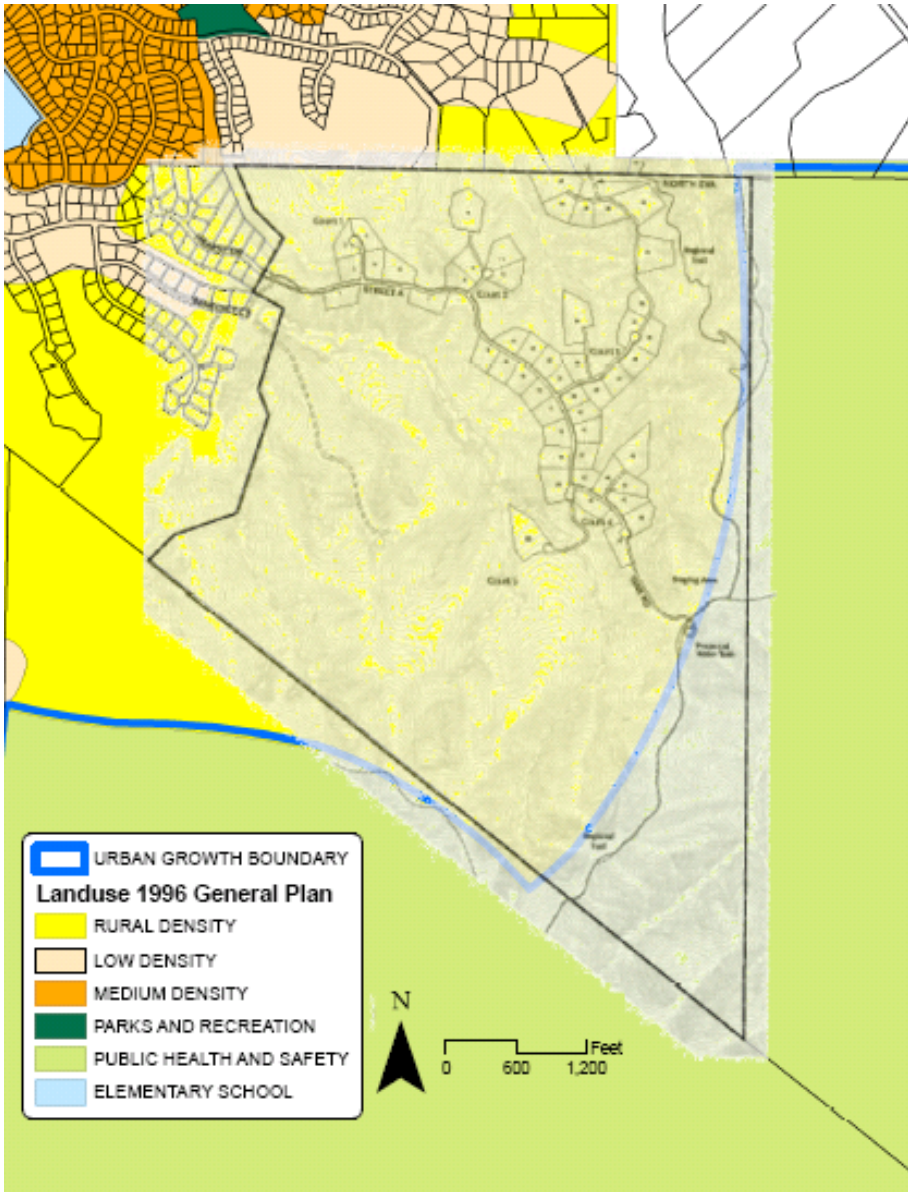

Figure 5: 51-Unit Site Plan Superimposed on the General Plan Land Use Map

Table 2 summarizes the land use designations on neighboring properties.

Table 2: Land Use Designations in Vicinity of Project

Location	Development	General Plan Land Use Designation
North Northwest	Vintage Hills Grey Eagle Estates	Medium Density Residential (2 to 8 du/ac). Low Density Residential (< 2.0 du/ac) and Open Space.
West	Kottinger Ranch	Low Density Residential (< 2.0 du/ac) and Residential and Rural Density (1 du/5 ac).
South Southwest	Foley Property/ Ranch Land	Open Space (Public Health and Safety), Open Space (Public Health and Safety and Wildlands Overlay), and the Urban Growth Boundary Line.
East	Foley Property/ Ranch Land	Open Space (Public Health and Safety) and the Urban Growth Boundary Line.

The proposed land uses and densities are compatible with the densities and land uses of the adjoining developments on all sides of the Lin property. For example, the proposed development's permanent open space areas adjoin the open space areas of the Kottinger Ranch, Vintage Hills, and Grey Eagle developments to the west and north, and the open ranch land of the Foley properties to the east and south. As discussed in the "Open Space" section of the staff report, the open space area will be covered by a conservation easement granted to the Tri-Valley Conservancy.

Although the Rural Density Residential land use designation would allow a maximum density of 98 dwelling units for the Lin property, the PUD development proposal will be limited to a maximum density of 51 dwelling units in the locations shown on the development plan. Surrounding and nearby neighbors have requested City assurances that the 51-unit density for this development plan be established for the Lin property in perpetuity. This will be accomplished with the following measures that, as proposed and/or conditioned, will be implemented with the development plan and/or by subsequent City permits and actions:

- The 51-unit density will be the maximum density allowed for the Lin property by the PUD development plan approval and by the attached development agreement. The development agreement will be reviewed by the Planning Commission and by the City Council with the PUD development plan. It will run with the land for 10 years. As discussed under the ***"Development Agreement"*** section of the staff report, the Development Agreement will vest the remaining 47 units to the applicant for construction on another location in the City.

- The present land use designations for the Lin property will be updated to reflect the PUD development plan approval.

Any future request to increase the density beyond 51 units would require an amendment to the Pleasanton General Plan, a new PUD development plan, a new development agreement, and a new Environmental Impact Report. In addition to these steps, if a request were to affect the status of the open space land – uses, area, etc. – the Tri-Valley Conservancy would have to concur.

Urban Growth Boundary Line

Figure 25 of the DEIR shows the approximate location of the Urban Growth Boundary (UGB) line on the Lin property. The proposed water tank to serve the proposed development and existing developments is located on the UGB line's approximate location shown on the General Plan Land Use Map, which approximates the location of the ridge separating the east- and west-draining watersheds on the Lin property.

The Pleasanton General Plan considers the UGB permanent and, therefore, discourages "future adjustments" of the UGB, but allows "minor adjustments" meeting designated criteria:

- otherwise consistent with the General Plan's goals and policies;
- no significant impact on agriculture, wildland areas, or scenic ridgeline views;
- contiguous with urban existing urban development or with property for which all discretionary approvals have been granted;
- would not induce further adjustments to the UGB; and,
- public facilities and services will be provided in an efficient and timely manner.

Staff considers the water tank's proposed location to meet the criteria. The water tank would serve the surrounding residential developments by providing a back-up potable water source in the event that an existing water tank is taken off-line for maintenance and would help to equalize and balance the domestic water pressure levels of the area's homes. The tank is obscured from view by surrounding trees and topography. It is sized at approximately 250,000 gallons, based upon the needs of the proposed project and surrounding development, and could not be used to satisfy the potable water needs of any additional development in the area.

Policies

The DEIR evaluated the project's conformance to the goals, policies, and definitions of the Pleasanton General Plan. The primary General Plan issues raised by this proposal include the following:

- Rural Density Residential Definition (Page II-5):
  "…..Clustering of (Rural Density Residential) development shall be encouraged with lots of one acre and larger. "

  The proposed project implements this policy. Refer to the ***"Site Design"*** section of the staff report for further discussion.

- Land Use Element Policy 1 (Page II-14):
  "…..preserve the character of existing residential neighborhoods."

  Proposed development is separated from the boundary lines of the existing developments and open space land surrounding the site by large setbacks, open space, and natural terrain. Graded slopes will be replanted to buffer the views of the proposed homes from adjoining properties. No more than 51 units, a 48-percent reduction of the maximum density allowed for this property, will use Hearst Drive to access Bernal Avenue. There will be no off-haul of graded material – estimated between 35,000 and 70,000 trips – from the site. Construction traffic will be minimized. (State how it will be minimized or considering deleting this last sentence.)

- Land Use Element Policy 10 (Page II-16):
  "Preserve open space areas for the protection of public health and safety, the provision of recreation opportunities, use for agriculture and grazing, the production of natural resources, the preservation of wildlands, and the physical separation of Pleasanton from neighboring communities."

  Nearly five-hundred acres of open space land will be dedicated to the City of Pleasanton and will be held as open space in perpetuity. Staff considers this an amenity benefiting the City, the surrounding neighborhoods, and the proposed project.

- Land Use Element Policy 12 (Page 12):
  "Preserve scenic hillside and ridge views of Pleasanton, Main, and Southeast Ridges."

  As discussed under the Site Design section of the staff report, the applicant proposes the development predominantly on the ridge areas of the site. The proposal would cluster development to the most geotechnically stable areas of the site, would minimize grading, and would serve to preserve habitat areas, and large sections of open space areas. Therefore, the clustering of development in the areas shown on the development plan implement several policies of the General Plan on the location of development on sensitive lands. However, the location of lots increase their visibility to adjoining properties thereby requiring screening and care in the design of the homes on these lots to minimize their visual impact. This has been a major concern expressed by the neighborhoods and homeowners on the west and north sides of the proposed development.

  As shown on the visual simulation, the views of homes on ridges are backed by distant ridge lines thereby functioning as a back drop. Where development would affect the "skyline", as from Red Feather Court, trees will be planted in the City-owned and controlled open space areas that, after 15 years, will screen the homes from view. The home size is discussed in the "Design Guidelines" section of the staff report. However, to briefly summarize the section, staff recommends

an 8,000 square-foot maximum size for primary structures and a 2,000 square foot maximum size for accessory structures.

Therefore, staff believes that the proposed development implements this policy of the Pleasanton General Plan.

- Land Use Element Policy 15 (Page II-19):
"Maintain a maximum housing buildout of 29,000 housing units within the Planning Area."

  At 51 units, less than the maximum 98 units for this site by the Pleasanton General Plan, the proposed project implements this policy of the General Plan.

- Land Use Element Policy 9 (Page II-16):
"Provide each major residential area with high quality neighborhood facilities including a park and other amenities….."

  Nearly five-hundred acres of open space land will be dedicated to the City of Pleasanton and will be held as open space in perpetuity. On the open space land will be located local and regional public trails and a public trail staging area. Staff considers the proposal to meet the community's need for a neighborhood park. Refer to the ***"Open Space"*** section of the staff report for further discussion.

- Housing Element Policy 21 (Page 81):
"Ensure compliance with the Inclusionary Zoning Ordinance by requiring each residential…development to which the Ordinance applies to include its pro-rata share of very-low and low-income housing needs or, if the Ordinance criteria are met, to contribute an in-lieu fee to the lower-income housing fund to facilitate the construction of very-low and low-income housing….."

  The proposed project implements this policy. Refer to the ***"Housing"*** section of the staff report.

- Circulation Element Policy 2 (Page III-11):
"Phase development and roadway improvements so that levels-of-Service do not exceed LOS "D" at major intersections outside the Central Business District."

  The proposed project implements this policy. Refer to the ***"Traffic"*** section of the staff report.

- Conservation And Open Space Element Policy 1 (Page VII-10):
"Preserve and enhance natural wildlife habitats and wildlife corridors."

  The proposed project implements this policy. Refer to the ***"Flora/Fauna/Wetlands"*** section of the staff report.

- Conservation And Open Space Element Policy 3 (Page VII-11):

  "Preserve and enhance stream beds and channels in a natural state, except where needed for flood control."

  The proposed project implements this policy. Refer to the ***"Flora/fauna/Wetlands"*** section of the staff report.

- Conservation And Open Space Element Program 13.1 (Page VII-17):
  "Land containing no slope of less than 25 percent should be limited to one single-family home per existing lot of record."

  The proposed streets and lots are located on the areas of the site having slope grades less than and greater than 25 percent. As shown on the attached design guidelines, the very steep slopes on some lots would be excluded from the development envelopes. As previously stated, the development is proposed on the portions of the site having the least impact on landslides, habitat, and tree cover.

Growth Management Allocations
Development of this property would fall under the "First-Come-First-Serve" category of the City's Growth Management program, which has an annual, non-transferable allocation of 100 units. Although past demand for "First-Come-First-Serve" units has exceeded supply, that demand has declined since 2000. Staff, therefore, anticipates that there would be adequate building permit capacity for these lots in the future.

Housing
Inclusionary Zoning Ordinance
Pleasanton has an Inclusionary Zoning Ordinance, which establishes requirements for new residential projects related to the provision of affordable housing units within proposed development. As part of the review of Oak Grove, the applicant was required to propose a plan to meet the requirements of the Inclusionary Zoning Ordinance. The plan is reviewed by the City's Housing Commission and is then memorialized in an Affordable Housing Agreement subject to the City Council's review and approval.

For single-family developments, at least 20 percent of the total number of units shall be affordable to very low, low, and/or moderate income households. In lieu of on-site units, the Inclusionary Zoning Ordinance provides several alternatives to the applicant to meet the inclusionary requirement:

- Off-Site Projects – The inclusionary units may be permitted to be constructed at a location within the City other than the project site.

- Land Dedication – An applicant may dedicate land to the City or a local nonprofit housing developer in place of actual construction of inclusionary units.

- Credit Transfers – In the event that a project exceeds the total number of inclusionary units required in this chapter, the project owner may request inclusionary unit credits which may be used to meet the affordable housing requirements of another project.

- Alternate Methods Of Compliance – The applicant may propose creative concepts for meeting the requirements of this chapter, in order to bring down the cost of providing inclusionary units, whether on- or off-site.

- Lower Income Housing Fee Option – In lieu of providing inclusionary units in a project, an applicant may pay the City's lower income housing fee. The fee for single-family development is approximately $9,393 per unit. The exact amount would vary depending upon the fee in effect when the building permits are issued.

The in-lieu fee for the 51 units of this development is estimated at $479,043. If an off-site option is used, the provisions in the Inclusionary Zoning Ordinance require that the affordable units be produced within five years, unless modified by the City Council.

To meet the Inclusionary Zoning Ordinance requirements, the applicant requested that the City Council authorize the following:

- "Transfer" the 47 units that will not be built on the Oak Grove site – the 98 total units identified for this site by the Housing Element minus the proposed 51 units – to a different site in the City yet to be determined. Assuming the City Council finds this transfer acceptable, 20 of these 47 units would be designated as affordable units as follows: five units at the very low income level, ten units at the low income level, and five units at the moderate income level. Note that 20 units is based on 20 percent of the total units allowed for this site by the Pleasanton General Plan.

- The 20 units would be affordable in perpetuity and would be consistent with the Inclusionary Zoning Ordinance related to unit distribution and quality. No decision has been made at this time as to whether the units would be ownership or rental.

- In the event that the Lin family or their designees do not develop the 47 units within five years from the approval of the proposed development agreement, the owner would pay the City's Lower Income Housing Fee for 51 units at the fee amount then in effect, and the opportunity to transfer the units would expire.

- That this concept form the basis of its affordable housing agreement with the City, and that it be incorporated in the development agreement covering this proposal.

California Government Code §65863, et seq.

California Government Code §65863 states that Pleasanton cannot reduce the Oak Grove property's density from its holding capacity of 98 units as identified in the City's Housing Element, unless the City finds that the reduction will not result in a net loss of density citywide and that the City can still identify "adequate sites" for development pursuant to the housing element. Staff believes that this finding can be made in conformance with the Government Code.

As proposed with the attached development agreement, the 47 units that will not be built on the Oak Grove site will be allowed to be transferred to a different site in the City. Assuming the City Council finds this transfer acceptable, there are presently five potential sites available in the City where this density could be applied:

- PUD-62 and PGPA-13, the proposed mixed use commercial/residential development on the BART property by Stoneridge Mall with 350 apartments, 11,500 square feet of retail space, and a parking garage for the BART station.

- PUD-57 and PSP-11, the proposed mixed use commercial/residential/senior care/park development on the Staples Ranch property with six auto dealerships, 722 dwelling units of various types, a senior care facility, and a neighborhood park.

- The remaining vacant properties in the Hacienda Business Park, which would facilitate a transit-oriented development in close proximity to business park employment.

- The 45.77 acre Merritt property designated for Low Density Residential land uses with a maximum density of 92 units and a mid-point density of 46 units.

- The properties pending review under the future East Pleasanton Specific Plan. Staff understands that conceptually, 250 units would be envisioned with this plan.

The sum total of the above-identified units would exceed the 47 units that, technically, are reduced from the Oak Grove property. Staff notes that the above-described developments would provide living opportunities for very low, low, and moderate-income households.

Traffic, Parking, and Off-/On-Site Circulation

During the scoping session and subsequent public comments sessions on the DEIR, community members raised the following concerns relating to traffic:

- Impact on existing traffic problems at the following intersections: Hearst Drive/Bernal Avenue and Hearst Drive/Concord Street;
- Impact on the existing character of surrounding neighborhoods and streets.
- Concern that concentrating all of the project's traffic on a single access road would cause congestion;
- Suggested potential second access roads.
- Safety of bicyclists and pedestrians especially children;

- Inclusion of adequate sidewalks;
- Traffic generated by the open space uses;
- Accessibility for emergency vehicle access to and from the site; and
- Impact of traffic generated during the construction of the project.

Traffic Level-Of-Service Impacts/Mitigation Measures

Existing Plus Approved
Appendix F of the Environmental Impact Report includes the traffic study, "***Report for (the) Oak Grove Residential Traffic Study***", dated April 14, 2006, prepared by Dowling Associates for the proposed project. The report analyzed the existing/approved/project scenario and cumulative build-out traffic scenario with the 98-unit development plan, and a traffic alternative with a second public street connection to New Vineyard Avenue through the Berlogar property.

Appendix F includes a set of tables that describe the trip generation rates used for the a.m./p.m. peak commute hours. Using this methodology, the following table lists the a.m./p.m. trips for the 98-unit plan from the Dowling report and for the 51-unit plan calculated by staff.

Dowling Table 4 - Trip Generation Rates and Estimated Traffic									
98-Unit Development Proposal									
Use		**AM Rates**		**PM Rates**		**AM Trips**		**PM Trips**	
		In	**Out**	**In**	**Out**	**In**	**Out**	**In**	**Out**
Detached Single-Family Residential Homes	98 units	0.33	0.42	0.55	0.45	32	41	54	44
Model School Adjustment	98 units	0.00	0.07	0.00	0.00	0	7	0	0
Total New Trips						32	48	54	44
51-Unit Development Proposal									
Use		**AM Rates**		**PM Rates**		**AM Trips**		**PM Trips**	
		In	**Out**	**In**	**Out**	**In**	**Out**	**In**	**Out**
Detached Single-Family Residential Homes	51 units	0.33	0.42	0.55	0.45	17	21	28	23
Model School Adjustment	51 units	0.00	0.07	0.00	0.00	0	4	0	0
Total New Trips						17	25	28	23

Figure 6: "*Table 4 – Trip Generation Rates and Estimated Traffic*" from the Dowling traffic report

At 9.8 trips per unit, the 98-unit and 51-unit development plans will generate 938 and 488 daily trips respectively. Although the 51-unit development plan will generate 52-percent fewer trips, the traffic analysis was not revised for the 51-unit plan. Staff did not consider the reduction of trips to surrounding streets and intersections for the 24-hour, a.m. peak hour, and p.m. peak hour to have a comparable decrease in time-delay. Although a significant improvement in trip impacts over the 98-unit development plan, the 51-unit development plan did not result in a comparable improvement to levels-of-service in part because the 98-unit development has minimal impacts on the community.

The proposed regional and local trails and the staging area would also generate trips. However, there is no established trip generation rate for these facilities. To analyze the possible effects on trip generation that these facilities would have, Dowling developed an estimate by customizing the regional park rate based on the number of individual picnic sites. (Will the staging area have picnic tables? I didn't see it mentioned in the staff report but maybe I missed something. If it does not contemplate picnic tables then Dowling's estimate is meaningless.) On this basis, the trails/staging facility would generate approximately 60 total trips, with fewer than five trips during the a.m./p.m. peak hours. Staff does not believe that this trip volume would significantly affect the development's peak-hour traffic analyses.

Intersections

The Oak Grove traffic study identified several intersections that require mitigation from the current "existing plus approved" roadway geometries to maintain an acceptable level of service. Table 3 below is derived from the Dowling report and identifies the intersections operating at LOS "E" or "F" for the existing/approved/project traffic scenario.

Table 3: Summary of Intersections With LOS "E" or "F" Conditions for the Existing/Approved/Project Traffic Scenario

No.	Intersection	Time	Approved Conditions – No Project		Approved Conditions – Plus Project		
			Delay	LOS	Delay	Δ	LOS
1	Bernal Avenue @ Angela Street	AM	12.7	B	14.4	+ 1.7	B
		PM	31.3	D	35.2	+ 3.9	E
5	Bernal Avenue @ Hearst Drive	AM	4.0	A	5.8	+ 1.8	A
		PM	27.4	D	55.7	+ 28.3	F
6	Bernal Avenue @ I-680 Southbound On-Ramp	AM	>9999	F	>9999	N/C	F
		PM	5,158.3	F	5,170.2	+ 11.9	F
9	Bernal Avenue @ Valley Avenue (Bernal Properties)	AM	44.2	D	45.0	+ 0.8	D
		PM	87.9	F	89.4	+ 1.5	F
18	Santa Rita Road @ Stoneridge Drive	AM	58.1	E	58.2	+ 1.1	E
		PM	67.8	E	68.0	+ 2.2	E
19	Santa Rita Road @ Valley Avenue	AM	39.4	D	39.4	n/c	D
		PM	58.6	E	59.0	+ 0.4	E
20	Stanley Boulevard @ Valley Avenue/Bernal Avenue	AM	106.8	F	107.1	+ 0.3	F
		PM	68.6	E	69.7	+ 1.1	E
21	Stoneridge Drive @ I-680 Northbound On- and Off-Ramps	AM	11.4	B	11.4	n/c	B
		PM	75.0	E	75.2	+ 0.2	E
22	Sunol Boulevard @ I-680 Northbound On- and Off-Ramps	AM	84.0	F	84.3	+ 0.3	F
		PM	128.6	F	130.2	+ 1.6	F
24	Valley Avenue @ Blackbird	AM	22.4	C	22.4	n/c	C
		PM	39.9	E	40.2	+0.3	E

Of these ten intersections that are projected to operate at an unsatisfactory LOS with the project, eight intersections – 6, 9, 18 through 22, and 24 – would operate at the same unsatisfactory LOS without the project. At only one intersection would the project change the estimated future LOS: Bernal Avenue/Hearst Drive from LOS "D" to "F" for the p.m. peak hour. As noted above, the DEIR traffic analysis only considers a 98-unit project. When considering the preferred alternative 51-unit project, intersection 1, Bernal Avenue and Angela Street, remains at LOS D. Intersection 5, Bernal avenue and Hearst Drive improves from LOS F to LOS E.

However, note that the project's impact on delay at the listed intersections is generally negligible; only two arterial intersections close to the project where the project's impacts on delay exceed two percent:

- For the p.m. peak-hour movement at Bernal Avenue/Angela Street, the Oak Grove project would increase the delay by 12.5 percent, from 31.3 to 35.2 seconds.

- For the p.m. peak-hour movement at Bernal Avenue/Hearst Drive, the Oak Grove project would increase the delay by 103.5 percent, from 27.4 to 55.7 seconds.

The only intersection at which delay would increase substantially with the proposed project is Bernal Avenue/Hearst Drive – which would be the expected outcome since Hearst Drive is the main access route from Bernal Avenue to the Oak Grove site. Bernal Avenue/Hearst Drive is a three-way intersection with Hearst Drive and Clinton Place controlled by a stop sign. Bernal Avenue is a through street having no traffic controls.

The mitigation to this intersection is a new traffic signal. The projected traffic volumes for the proposed project combined with the increase in traffic volume on Bernal Avenue creates traffic volumes with an insufficient number of acceptable gaps in traffic. A traffic signal is required to allow the side streets to access Bernal Avenue. A signal installed at this intersection would improve the a.m. level-of-service to LOS "A" – 8.6 seconds of total delay – and the p.m. level-of-service to LOS "B" – 10.4 seconds of delay. However, the Kottinger Ranch homeowners oppose the traffic signal, citing their concerns that the section of Hearst Drive between Bernal Avenue and Concord Drive would become a "cut-through traffic route" because of the controlled, left-turn movement provided between Hearst Drive and Bernal Avenue. For this reason, the Kottinger Ranch homeowners want to retain the existing stop sign.

In lieu of providing this traffic signal, staff believes that a new traffic signal at the Bernal Avenue/Kottinger Drive intersection would mitigate the impacts to the Bernal Avenue/Hearst Drive intersection. The installation of a traffic signal will group the vehicles approaching Hearst Drive, instead of having an even dispersion that results from a stop sign.

Traffic Fees

The applicant will pay $1,000,000 in traffic fees to the City with the recordation of the first subdivision map for this development. These fees will be applied to the following items:

- The City's traffic impact fees (TIF) for the 51 units at the rates in effect when the subdivision map is recorded, estimated at $250,000.

- Cover the costs to install traffic calming measures on Hearst Drive to slow vehicle speeds on this street. A significant concern of the Kottinger Ranch homeowners is the high vehicle speeds on this residential street. The type of traffic calming measures will be decided by the City's Traffic Engineer working

with the Kottinger Ranch homeowners association and could include standard measures – speed humps, radar speed signs, etc. – and/or major street improvements including median islands, narrowed street sections, etc.

- Install a traffic signal at the Bernal Avenue/Kottinger Drive intersection with the first development phase, which is expected to improve the traffic levels-of-service at the Bernal Avenue/Hearst Drive intersection.

- Coordinate the signal phasing of the Bernal Avenue/Independence Drive intersection signal to provide for adequate gaps for left-turn movements to/from Bernal Avenue and Hearst Drive. Installation plans for the signal shall be submitted to the City Engineer for review and approval before recordation of the final subdivision map.

- The project developer shall pay the Tri-Valley regional improvement fees for the 51 units at the rates in effect when the subdivision map is recorded, estimated at $100,000. This fee is in addition to the $1,000,000 discussed above

- Staff considers the applicant's payment of traffic impact fees to these intersections as sufficient mitigation for the following reasons:

- The project's impact to the majority of these intersections is minimal with less than a four second increase in delay.

- The City has accepted the payment of fees in lieu of intersection improvements for previous projects – the Regency Centers/Home Depot development on the southeast corner of Bernal Avenue and Stanley Boulevard and the U.S. Petroleum service station on the southwest corner of Bernal Avenue and Utah Street.

Therefore, the applicant's payment of traffic fees along with the installation of the Bernal Avenue/Kottinger Drive traffic signal implements the Circulation Element of the Pleasanton General Plan for the existing/approved/project scenario.

Cumulative

For the cumulative/project scenario, two intersections will operate at an unsatisfactory level-of-service:

- Bernal Avenue/I-680 south bound ramp – LOS "E" (69.5 seconds of delay) for the a.m./p.m. peak-hours.

- Santa Rita Road/Valley Avenue – LOS "E" (63.8 seconds of delay) for the a.m./p.m. peak hours.

Even with the construction of the traffic improvements identified with the build-out of the General Plan, the LOS at these intersections would remain significant-and-unavoidable for the cumulative scenario. No further feasible mitigation is available to reduce this transportation impact at these intersections to a less-than-significant level. Note that

the constrained levels-of-service at these intersections could act as a constrained gateway, a matter being evaluated by the City Council with the General Plan update. In order to approve the proposed project with unsatisfactory levels-of-service at two intersections for the cumulative traffic scenario, the City would have to make a Statement of Overriding Consideration described in the Environmental Findings.

Second Public Street Access Road

Alternative 3 of the DEIR evaluated a second public road access toward the north through the Berlogar property to a connection with New Vineyard Avenue. The rationale for this alternate access road is that it could reduce project traffic on Bernal Avenue. The traffic analysis concluded that the alternative would not be successful in diverting enough project traffic to have a substantial effect in reducing future congestion in Pleasanton's road network. Thus, it would not achieve the principal purpose for which it was formulated. Additionally, the construction of a second access through the Berlogar property would result in its own environmental impacts – grading, geological, trees, topography, etc. – to an area previously studied by the City with the Final Environmental Impact Report for the Vineyard Avenue Corridor Specific Plan.

Public Streets and Sidewalks

The proposed public streets for this development will be 28 feet in width providing for two travel lanes and one parking lane on one side of the street. A separated sidewalk will be provided on one side of Street "A" from Hearst Drive to the trail staging area. Sidewalks are not required for the smaller side-street cul-de-sacs courts. A large landscaped median island will be provided at the development's entrance reflecting a method of traffic calming. All streets and courts would be public and maintained by the City. The driveways serving Lots 10, 26, 30 through 32, 44 through 46, and 51 would be private and would then be maintained by the Homeowners Association.

The project's circulation appears to ensure sufficient accessibility for emergency service vehicles and that there would not be a design feature likely to contribute to a hazardous traffic condition.

Construction Traffic

Trips associated with construction traffic are described in Appendix "F" of the DEIR. As noted in the Noise section of the DEIR, it is anticipated that major equipment required for site preparation and the installation of infrastructure would be brought to the site and remain there throughout this construction period, without contributing to daily traffic. Thus, the majority of construction traffic would be construction workers and delivery vehicles.

Appendix "F" includes an estimate of construction traffic – 50 to 100 trips per day, with about 40 to 50 trips in the hour before construction begins at 8:00 a.m. and an equivalent number of trips at the end of the work day. About 10 percent of the pre a.m./post p.m. vehicles are expected to be trucks. Construction-period traffic associated with the project would be less than the operations-period traffic, and the majority of these trips would be outside of the a.m./p.m. peak hours. The DEIR did not find an adverse impact to the existing street system relating to construction-period traffic.

Impact On Surrounding Neighborhoods and Streets

The DEIR analyzed three residential streets using procedures defined in the City's Baseline Report: Hearst Drive, Concord Street, and Palomino Drive. All three of these streets are categorized as residential collector streets in the Baseline Report. These streets represent the two most direct routes connecting Bernal Avenue to Hearst Drive at the entrance to the Oak Grove development: a route entirely on Hearst Drive, and a route that connects Hearst Drive to Bernal Avenue via Concord Street and Palomino Drive. For the purposes of the residential street analysis, the project trips that would use either the first route or the second route were analyzed conservatively by assigning project traffic to both routes in order to reflect the most conservative analysis for each street segment. The traffic analysis in Appendix "F" of the DEIR concluded that these three residential collector streets would operate acceptably – LOS "D" or better – under the scenarios analyzed. Project traffic is projected to have minimal effects on other neighboring residential streets, and no adverse impact is found relating to this issue.

Regarding project traffic relating to the Vintage Hills Elementary School site on Concord Street, the DEIR's residential street analysis did not find that traffic levels would be significantly affected by the school-related trips associated with the project.

Habitat/Wetland Areas

Approximately 77 acres of the 562-acre project site – the footprint of the preliminary project grading plan – would be altered by the proposed development, and would include the areas for lots, streets and infrastructure, and the two stockpile areas that would receive the soil displaced from the construction of the subdivision. Depositing the material in the stockpile areas will require three temporary crossings of ephemeral streams.

The DEIR evaluated the entire site for its biological diversity and identified the possible impacts of development and the mitigation measures required to reduce these impacts to a less-than-significant level. During the scoping session for the Oak Grove EIR, several concerns were stated:

- Impact of grading on biological resources;
- Impact of development pattern on biological resources; specifically, landscaping irrigation effects on lower elevation trees;
- Impact on Special Status Species;
- Impact on wildlife species and habitats; specifically, displacement, loss of habitat (both general and species specific), and domesticated animals effects;
- Tree removal; specifically, habitat loss and erosion control; and
- Cumulative impacts; specifically, wildlife habitat, heritage trees, oak woodland loss, and loss of open space.

Vegetation

Site vegetation is comprised primarily of non-native grassland and blue oak woodland, with interspersed small areas of Diablan sage scrub. The site contains over 12,000 trees. Of the trees surveyed in the EIR, approximately 950 trees greater than six inches in diameter are located within and immediately adjacent to the proposed graded areas. Several trees will be located on the individual lots in the areas designated on these lots as natural terrain. Most of these trees are part of the blue oak woodland plant community, with some scattered trees in the non-native grassland plant community.

As identified in the EIR, the proposed development could significantly impact the site's vegetation areas unless mitigation measures are implemented.

- Blue oak woodland is the dominant plant community within the site's canyon and swale areas. The typical plant species within oak woodland areas on the project site include blue oak, valley oak, and California buckeye in the overstory, with non-native grassland species such as slender wild oat, soft chess, and clover in the understory. Blue oak trees and the oak woodlands on the site are considered sensitive by the California Department of Fish and Game. Most of these trees are classified heritage-size trees subject to the City's Heritage Tree Preservation Ordinance.

- Non-native grassland dominates the hilltops throughout the project site. The non-native grassland community on the project site is dominated by soft chess, slender wild oat, ripgut brome, and clover plant species. The diablan sage scrub is found on some of the steeper slopes in the southeast portion of the project site. Typical Diablan sage scrub species include California sage, sticky monkey flower, poison oak, and toyon.

- Up to 90 heritage-size trees would be removed from the project site and an additional 44 heritage-size trees would be potentially impacted from site preparation and development. As explained in greater detail below, the applicant is required to plant 400 trees in the open space areas of the project with an additional 600 trees anticipated on the home lots.

Wildlife Habitat Areas

Prominent wildlife habitats on the site are mapped in the DEIR and include annual grassland, oak woodland, riparian woodland, and wetlands. As identified in the EIR, the proposed development could significantly impact the site's wetland areas unless mitigation measures are implemented.

- The annual grassland is comprised mostly of grazed rangeland and provides foraging habitat for a wide variety of animal species including black-tailed jackrabbit, Botta's pocket gopher, California ground squirrel, golden eagle, turkey vulture, red-tailed hawk, American kestrel, and western meadowlark.

- The oak woodland/riparian woodland habitats throughout the project site provide nesting and foraging habitat for species including acorn and Nuttall's woodpeckers, Bewick's wren, black phoebe, western bluebird, European starling,

California towhee, California quail, violet-green swallow, scrub jay, red-shouldered hawk, and yellow-billed magpie. Mule deer and gopher snake also use the riparian corridors along the site's creeks.

- No special status plant species were observed during the field surveys, and no historic occurrences for the site have been recorded. Large-flowered fiddleneck, a federal-endangered species for which marginal habitat was potentially identified within the project site, was not observed and is not believed to occur. Other special status plant species with potential habitat on the project site also were not found during the rare plant surveys that were undertaken with the DEIR.

- Based on a search of all relevant sources, 61 special status wildlife species were determined to have the potential to occur on the project site and immediate vicinity, and were evaluated in the habitat assessment. While none of these species has documented occurrences on the project site, potentially suitable habitat at the marginal level or higher for 42 of the 61 species occurs within the project site.

- Stock ponds provide aquatic habitat that may be used by special status wildlife. These ponds provide breeding habitat for the federal-threatened California tiger salamander and California red-legged frog, and adjacent grasslands with rodent burrows provide needed upland habitat for these species. A California red-legged frog was observed adjacent to one of the stock ponds during an October, 2004 survey, and California tiger salamanders were also found on the project site adjacent to both stock ponds. Suitable upland habitat for both of these species is abundant near these ponds.

- Callippe silverspot butterfly (Speyeria callippe callippe) is a federal-endangered species found in coastal scrub and grassland habitat on the San Francisco peninsula and in certain areas of the East Bay hills. Presence of this species depends on an abundance of its host plant, Johnny-jump-up (Viola pedunculata). Larvae of this species feed on the host plant from March to May and the typical flight season runs from May to July. Two adults were found on the site in July, 2005 although definitive subspecies identification could not be made.

- On some of the steeper slopes in the southeast portion of the project site, Diablan sage scrub provides a small amount of habitat for reptile species. Alameda whipsnakes most commonly occur in chaparral habitat and have a moderate potential of occurring at the southern tip of the project site due to suitable habitat availability on and adjacent to the site.

- The open fields and grasslands on the project site provide suitable foraging habitat for a number of special status bird species, including white-tailed kite, golden eagle, prairie falcon, burrowing owl, and loggerhead shrike. An abundant rodent population provides a solid prey base for eagles and hawks, while also supporting habitat for burrowing owls, which may use the rodent burrows for shelter and nesting.

Impacts

As stated, the site supports a diverse biology including a variety of animal special – mammal, reptile, birds, and insects. Their potential habitats on the site are mapped in the DEIR. As identified, the proposed development could significantly impact the site's wetland areas unless mitigation measures are implemented.

- California Tiger Salamander

  Field surveys for California tiger salamander species began in March, 2005 ending in December, 2005. Species was found on the site adjacent to Pond 1, Pond 2, and in the area of the proposed detention basin. Potential salamander breeding habitat is present offsite in a stock pond 1.1 miles west of the site, and in three stock ponds located between 0.7 and 1.3 miles east of the site.

  The proposed project would not cause disturbance or removal of breeding habitat, but loss of adjacent upland habitat areas within 1,000 feet of suitable breeding habitat that is favored by this species. Other possible impacts include reduction in the species capability to travel to potential offsite breeding habitat due to the development of upland areas and drainages, as well as reduction in water quality and aquatic habitat due to increased sedimentation and input of other substances in streams from runoff.

- California Red-legged Frog

  California red-legged frog was observed adjacent to Pond 2 in October, 2004. Potential breeding habitat is present offsite in a stock pond 1.1 miles west of the site and in three stock ponds located between 0.7 and 1.3 miles east of the site.

  Site preparation and construction activities could result in a loss of upland habitat or direct mortality of this species. Other possible impacts include reduction in the species capability to travel to potential offsite breeding habitat due to the development of upland areas and drainages, as well as reduction in water quality and aquatic habitat due to increased sedimentation and input of other substances in streams from runoff.

- Callippe Silverspot Butterfly

  The potential for occurrence of the callippe silverspot butterfly within the project site was evaluated based on a survey conducted March, 2005, for the presence of its host plant, Johnny-jump-up (Viola pedunculata), which was confirmed. A survey was then conducted for the silverspot butterfly on July, 2005. This survey, which was conducted late in the silverspot butterfly's flight season, resulted in the identification of two individuals, although definitive subspecies identification could not be made. A second spring survey for the host plant was conducted in spring, 2006.

  Based on the surveys conducted on the site to date, it has been determined that the project site contains Viola pedunculata, the larval host plat for the Callippe silverspot butterfly (Speyeria callippe callippe) and other subspecies of the species Speyeria callippe, and that butterflies which need this plant for part of their life cycles may occur on various portions of the project site. Based on these

initial observations, it may be that Speyeria callippe callippe occurs on the site but, due to the similarities between Speyeria callippe callippe and other subspecies or hybrids, a positive identification must still be made.

Staff notes that the initial determination that Speyeria callippe callippe are present made in the DEIR has been contradicted by a second entomologist. Where experts disagree, an updated survey and analysis of this issue is advisable. The final decision about whether a special status species would be impacted by a project lies with the permitting authority; the United States Fish and Wildlife Service. If Speyeria callippe callippe are considered to be present and their habitat area impacted by the development, then mitigation measures will be identified and implemented subject to the review and approval by the USFWS. This matter will be resolved before the recordation of the first final subdivision map for this development.

- Nesting Raptors
  Active raptor nests are protected. Red-tailed hawks, Cooper's hawks, sharp-shinned hawks, and golden eagles could potentially establish nests within the project site prior to construction. The removal or disturbance of a nest during construction resulting in abandonment of eggs or young, or direct mortality, would constitute a significant impact.

- Burrowing Owl
  The burrowing owl is a diurnal owl that inhabits open, dry flat grassland and desert habitats of California. The owl utilizes old rodent burrows, artificial burrows, or rubble habitat for nesting and roosting, and perches for hunting and predator watch. Since the project site contains suitable burrow habitat and owls are known to occur on adjacent parcels, burrowing owls have a high potential for occurrence at the project site and could be affected by site development. Burrowing owls are protected.

- Alameda Whipsnake
  The Diablan sage-scrub community present in the southeast corner of the project site and adjacent offsite slopes provide suitable habitat for Alameda whipsnake. In addition, the lands south of the project site are undeveloped and movement corridors for this species, if present, are likely to be intact. The closest known whipsnake occurrence is approximately three miles south of the project site. The whipsnake is not likely to occur in the remaining portions of the project site due to the lack of scrub habitat and potential movement corridors.

- Blue Oak Woodland Community
  Blue oak woodland is the dominant plant community within canyons and swales on the project site and is considered to be sensitive habitat. The 562-acre project site includes approximately 237 acres of blue oak woodland. Of the total blue oak woodland area on the site, approximately 14.9 acres would be affected by development activities, involving removal of approximately 135 trees.

- Impact on the Movement of Any Species
  The project would not substantially interfere with the movement of native resident/migratory fish/mammal species, with established native resident/migratory wildlife corridors for such species, or impede the use of native wildlife nursery sites. As stated previously, the project could interfere with the movement of California Tiger Salamander or California Red Legged Frog species from known onsite breeding habitat to potential breeding habitat east of the project site. Movement of these species across the extension of Hearst Drive on the project site could result in direct mortality.

Mitigation Measures
As conditioned, the applicant is required to retain licensed or registered biologists to prepare and submit the following biological reports/analyses and/or plans with the first final subdivision map application for review and approval by the Planning Director and the United States Fish and Wildlife Service (USFWS):

- A California Tiger Salamander (CTS) Mitigation and Monitoring Plan shall be prepared in consultation with the USFWS to address the potential significant impact on California tiger salamander populations due to the disturbance or removal of their upland or dispersal habitat area.

- A California Red-Legged Frog CLRF) Mitigation and Monitoring Plan shall be prepared in consultation with the USFWS to address the potential significant impact on California red-legged frog due to disturbance or removal of upland or dispersal habitat.

- A Callippe Silverspot Butterfly (CSB) Mitigation and Monitoring Plan shall be prepared in consultation with the USFWS to render a decision regarding the presence/absence of Speyeria callippe callippe and, if present, the appropriate mitigation plan. The presence of this species must first be determined to the satisfaction of the USFWS. If present, the impacts would then be mitigated to the satisfaction of the USFWS either with the protection of habitats on- and/or off-site.

- A silt-control fence plan shall be prepared in consultation with the USFWS to protect the potential Alameda whipsnake populations from possible impacts during construction through direct mortality. As conditioned, the applicant is required to install the fencing 10 days before grading begins and maintain the fencing during all grading activities.

- To mitigate the potential significant impact on United States wetlands and waters from the proposed filling of 0.03 acres of Section 404 and isolated wetlands and 145 linear feet – 0.003 acres – of United States waters in drainages, the project developer shall mitigate the wetland impacts in the form of creating on-site wetlands at a 2:1 ratio, and shall mitigate the stream impacts by creating new drainages on-site at a 1:1 ratio, or preserve off-site drainages at a 10:1 ratio.

- To mitigate the potential significant impact on California tiger salamander and California red-legged frog movements to off-site breeding habitats from direct mortality, the project developer shall implement the Hearst Drive wildlife crossing features described in the DEIR.

The applicant is required to implement the mitigation criteria set forth in the DEIR for these species. At the discretion of the Planning Director, the above-described information may be combined on a single drawing or combination of drawings provided that the information is clear, legible, and able to be used by the reviewing authority in rendering its decision.

As conditioned, if grading is scheduled to begin during the breeding season of raptor and/or burrowing owls, as defined by the California Department of Fish and Game, the applicant shall retain a licensed biologist to conduct a pre-construction survey 30 days prior to the beginning of grading to verify the presence/absence of active raptor nests. Construction shall not take place if it is determined that such construction would disturb an identified active nest. This same requirement will be applied to the individual building sites and shall be added to the design guidelines covering this development. The applicant is also required to implement the mitigation criteria set forth in the DEIR for these species.

Wetlands and Waters

A total of nine drainages flow from south to north across the project site with varying degrees of branching. The majority of the drainages within the project site are ephemeral. Portions of some drainages are intermittent in nature. Ephemeral drainages do not show evidence of carrying water for more than a few days following rain. Intermittent drainages show evidence of carrying water for a week or more following rain. The two stock ponds on the site are constructed features in the paths of drainages to provide water for livestock.

Two wetland plant communities – freshwater seep and seasonal wetland area – are also found in small portions of the project site. Six seasonal freshwater seeps are located along the northern slopes of the site's hillsides. The seasonal wetlands tend to occur in depressions that are inundated during the rainy season for a long enough period of time to support vegetation adapted to wetland conditions. These areas are shown on the biological maps in the DEIR. As identified in the EIR, the proposed development could significantly impact the site's wetland areas unless mitigation measures are implemented.

Development including fill will impact a total of 145 linear feet of ephemeral streams. In addition, 0.046 acre of seasonal wetlands and freshwater swales would be affected, including 0.033 acre of isolated wetlands. The majority of these areas are located in the portion of the project farthest to the south and southwest along the most southerly section of Street "A" and along the extension of Court 5 toward the west.

The areas are subject to Army Corps review with its Section 404 permit. As conditioned, the Corps shall be consulted by the applicant and/or the City before the approval of the first final subdivision map or before issuance of a grading permit. Once

the Corps has completed its review, additional mitigation may be required beyond any City-imposed measures. Impacts on waters of the U.S. and isolated wetlands also must be approved by the Regional Water Quality Control Board through its Section 401 water quality permit. In addition, any impacts on waters on the site will require a Section 1602 Streambed Alteration permit from California Department of Fish and Game. Neither of the two stock ponds contains aquatic vegetation and neither one is considered jurisdictional waters.

Blue Oak Woodland and Heritage Trees:

To mitigate the loss of blue oak woodland trees and heritage trees from site preparation and development, the applicant is required to plant 400 trees in the open space areas of the project. This number was based on the 98-unit development plan and has been carried over to the 51-unit development plan now proposed. The 400 trees to be planted by the applicant would be augmented by the trees that will be planted with the individual lot developments, estimated at approximately 600 additional trees.

The replacement trees would be required to be planted in the development's open space areas with the first phase of subdivision construction, and to be maintained, replaced, and irrigated by a temporary irrigation system installed by the applicant for five years after installation and until the planting is accepted by the Director of Parks and Community Services.

Table 4, copied from the DEIR, states the replacement ratio of heritage-size and non-heritage-size trees removed with development:

Table 4: Tree Replacement Ratios from the Oak Grove DEIR.

Impacted Tree	**Mitigation Ratio (Number of Replacement Trees and Containers of Acorns**	
Diameter at Removal	**Replacement Trees**	**Gallon Containers of Acorns**
6"–10"	1:2	1:8
10"–15"	1:4	1:16
15"–36"	1:8	1:32
36"–47"	1:12	1:40

Much discussion has occurred with the applicant regarding the size distribution of the replacement trees. Traditionally staff has recommended a combination of 15-gallon and 24-inch box-size trees as replacement for the removable of a single tree or a small number of trees on small areas. However, for the reforestation of large areas, the City has supported the use of a wider range of tree sizes including 24-inch box-size, 15-gallon size, 5-gallon size, and TreePot size – a 4-inch by 14-inch deep container – trees with the ratio of tree sizes determined with the review of the mitigation monitoring plan. Therefore, staff recommends deferring the determination of the replacement ratio sizes to the review of the Tentative Subdivision Map subject to the review and approval by the Planning Commission.

To mitigate the potential significant impacts on the blue oak woodland community and heritage trees from the site preparation and development activity, the applicant is required to prepare and submit a Blue Oak Woodland Mitigation Plan to the Planning Director for review and approval before the Planning Commission's action on the Tentative Subdivision Map. The plans are required to include an updated tree analysis based on the "Tree Report For The Kottinger Hills Subdivision, Pleasanton, California", prepared by Ralph Osterling Consultants and to implement the applicable provisions specified in Pleasanton's Tree Preservation Ordinance.

The Heritage Tree Mitigation Plan is also required to include the following:

- A map based upon the final subdivision design showing the tree locations superimposed over the lotting plan and grading plan including all cut/fill areas showing the trees to remain, to be removed, and the trees that may be impacted by grading.

- A listing of every tree covered in the above-stated map stating its species, caliper, health, significance, and valuation.

- The 10-foot grading setback lines from the canopy areas of the trees to be preserved and the trees that may be impacted from development that will also function of the fence lines to protect these trees.

- The type of fencing that will be used to fence the trees; and,

- Statements addressing tree protection.

At the discretion of the Planning Director, the information contained in the Blue Oak Woodland and Heritage Tree Plans can be combined into a single plan.

Geotechnical

Issues

The proposed project includes residential development in a rugged, undeveloped area of relatively steep slopes with narrow elongated ridges and intervening creek valleys. The DEIR evaluated the development's impacts on siesmicity and geology including erosion hazards, liquefaction, shrink-swell potential, and slope stability and defined the mitigation measures for the project-related impacts to these areas. During the scoping of the DEIR, the following comments regarding the proposed project's impact on geology, soils, and seismicity were stated:

- The location of building sites on steep grades or unstable slopes;

- The amount and impacts of grading, specifically, the effect of grading on soil instability, susceptibility to erosion, and slides, the reshaping of previously graded landscape, if any, the ecological impact of grading, street and sewer construction on existing watersheds and mountainsides;

- Construction on fill, specifically the amount of fill to be used and the construction of homes on fill;

- Slides, specifically the evidence of slides onsite from previous grading, if any, the impact to land stability due to removing existing growth and from future homeowners' watering; and,

- Requests to include a soils report and an assessment of land movement on the site in the environmental impact report.

The site was analyzed by the applicants' consultant, Berlogar Geotechnical Consultants, with their findings peer-reviewed by Cotton, Shires and Associates under supervision by the City Engineer. The analyses were then incorporated into the DEIR. A summary of the DEIR's analysis follows:

- The project site is located within the San Andreas Fault System of the San Francisco Bay Region. The two most prominent fault zones potentially affecting development on this property include the Calaveras and the Verona faults, which are capable of generating moderate to large earthquakes.

    - The Verona fault is located approximately one mile southwest of the southern boundary of the project site, and is capable of generating a magnitude 6.3 earthquake.
    - The Calaveras fault parallels the west side of Foothill Road and is capable of generating a magnitude 6.8 earthquake.

- The Pleasanton General Plan characterizes the site's upland areas as moderately susceptible to landsliding and highly susceptible to erosion. The site's unstable areas correspond to the existing landslides and landslide deposits that were identified in the Berlogar geotechnical analysis for the applicant.

- Unstable slope conditions within the boundaries of building lots are acceptable as long as the building pads are stable. The DEIR notes that it is impractical to remove the remaining unstable deposits underlying the natural slopes that are downslope of the building pads and/or the subdivision improvements. These remaining deposits on the lots' unimproved areas could experience future soil movement. However, the potential movement would be downslope and away from the improvements, such that the building pads and other upslope improvements would not be affected.

- The erosion hazard on the hill slopes is severe to very severe where water runoff is rapid. Soils underlying the project site have high shrink-swell potential, which could damage buildings and infrastructure if the potentially expansive soils are not considered in the project design and construction. Corrosive soils, if present, could dissolve or weaken underground utilities and structural components, such as metal and concrete.

Mitigations Measures

Mitigation measures for the above-described issues are addressed in the draft conditions of approval and include:

- The applicant is required to undertake a detailed, design-level geotechnical investigation and, based upon this investigation, to submit a design-level geotechnical report with the tentative subdivision map application. This second evaluation and report is the engineering design report that will address the technical aspects of dragging, drainage, retaining walls, streets, etc. The report will be peer reviewed by a geotechnical consultant selected by the City. The recommendations specified in the report and by the peer review consultant will be incorporated into the development's grading and improvement plan designs for review and approval by the City Engineer before the Planning Commission's action on the tentative subdivision map.

- During the grading and construction of the subdivision improvements, the applicant shall arrange and pay for a geotechnical engineer, the selection subject to the approval of the City Engineer, to be present on-site at all times during grading and subdivision construction to inspect and approve all subdivision improvements and to prepare and submit progress reports to the City Engineer. This is considered to be standard City practice on the development of hillside properties in geologically sensitive areas.

- As conditioned, all primary and accessory structures including swimming pools are required to be located in the building setbacks defined for the primary structures. This follows the same methodology used for the custom lots on the private street portions of Casterson Court, Grant Court, and Remillard Court of the Kottinger Ranch development. Staff notes that this requirement may be modified at the tentative subdivision map stage based on the design-level geotechnical investigation. Any revision to the setbacks would then become part of the final design guidelines subject to the Planning Commission's review.

- The applicant is required to create a Geologic Hazard Abatement District (GHAD) for this development covering the public and private areas. The GHAD will administer an ongoing Slope Management Program over these areas, which will include periodic inspections and reports to the City on public land and to the Homeowners Association on private land.

The applicant proposes that the GHAD assume the management responsibilities of some areas of the development – fire buffer areas, reforestation areas, etc. – that have been the responsibility of the Homeowners Association. Staff considers the applicant's request workable and has included this option – Homeowners Association or GHAD where applicable, and subject to the City Engineer's determination – in the draft conditions of approval. The determination would be made with the review of the tentative subdivision map and would be subject to the approval of the Planning Commission.

Fire Safety Measures

During the scoping of the EIR, comments were made regarding the proposed project's impact on wildland fire hazards:

- The potential for wildland fires; specifically, the presence of high winds in the area, emergency evacuation routes and vehicle access to/from the site, the impact of wildland fires on neighboring development, and the impact of past wildland fires on onsite habitats.

- The Fire Department's involvement in and assessment of the proposed project.

The Oak Grove development is located in a dry wildland area that is currently used for grazing. As mapped by the Pleasanton General Plan, the project site and adjoining properties include areas designated Moderate, High, and Very High wildland fire risk by the Pleasanton General Plan. Development of the proposed project will introduce potential ignition sources to the project site – for example, barbeque grills, motor vehicles, use of the open space area, etc. – which would increase the potential to ignite fires in the open space areas as well as the open space areas adjoining the private lots. The homes increase the potential for a wildland fire to result in property loss, injury, etc. The DEIR judged this impact to be significant if not mitigated.

Under state law, the properties owners in these areas are subject to the maintenance requirements defined under the California Public Resources Code, Section 4291, described in the DEIR. However, the Livermore-Pleasanton Fire Department requires more stringent wildland fire protection than that required by the state law. In 2002, Pleasanton adopted "Development Strategies in the Wildland/Urban Interface," published by the International Association of Fire Chiefs and Western Fire Chiefs Association, which established a Wildland-Urban Interface Code that requires a Wildland/Urban Interface Plan be prepared for developments with potential wildland fire risks.

To mitigate this impact, the project is subject to the measures described further and reflected in the draft conditions of approval. With their implementation, the potential impacts related to wildland fire hazards would be mitigated to a less-than-significant level, would meet the policies and programs of the Pleasanton General Plan, and would conform to the CEQA Guidelines – Appendix "G", Items VII (g) and XIII (a) of the DEIR – which list the criteria used to determine this development's significance on the City's fire services.

<u>Wildland/Urban Interface Plan</u>

The development and implementation of a Wildland/Urban Interface Plan is considered to be the most effective means to mitigate potential wildland fire hazards as a result of the project's development due to its emphasis – reduce the potential heat output of wildland fires, design structures and landscapes to increase their potential for survival when exposed to fire, make it more difficult for fires to ignite and burn erratically, and allow LPFD emergency access to potential wildland fire areas. The plan would be prepared by a Certified Forester in accordance with the LPFD requirements and the Wildland-Urban Interface Code adopted by the City of Pleasanton in 2002.

The Wildland/Urban Interface Plan shall include building and landscape design requirements consistent with City and State requirements, fire-resistant vegetative buffers for the proposed lots, and emergency access and fuel management measures for the proposed open space areas. As the terrain of the project site is highly variable, the plan shall describe fire risks and provide mitigation measures on a lot-by-lot basis.

The measures identified in the plan covering private lot development would be designed to create a "defensible space" around building structures and lots, and will be incorporated in the development's design guidelines. The applicant will be initially responsible to implement the Wildland/Urban Interface Plan on the lots and on the area immediately surrounding the lots and streets, a total distance of 100 feet measured from the building setback lines, public streets, and private driveways. This buffer area would be managed at first by the applicant and then by the GHAD (or the development's homeowner's association after 51 percent of the lots are sold).

The measures identified in the plan for the permanent open space areas apply to landscape management practices to defend against wildland fires, and would be incorporated in the City's management/maintenance plan of the open space area. The responsibility to implement the Wildland/Urban Interface Plan in the open space areas would transfer from the applicant to the City of Pleasanton (or other public entity, such as the GHAD) upon dedication by the applicant.

Cattle Grazing

As conditioned, cattle may be grazed on the open space areas not counting the areas set aside for protection as wildlife habitat and habitat restoration areas. The maximum grazing density will be determined with the tentative subdivision map in conjunction with determining the extent of the habitat areas to be preserved and their specific locations. Staff notes that by allowing cattle grazing to continue, the wildland fire fuel potential of the open space areas decreases, especially the open space areas proximate to the proposed lots.

Street Designs

The internal streets within the project site are designed to accommodate fire fighting and emergency vehicles, and were reviewed by the LPFD staff to meet their standards regarding width, surfacing, load-bearing capability, turning radius, and emergency access. As conditioned, the final street designs shall conform to the 2001 California Fire Code maximum of 12 percent. However, the Fire Marshall may accept road grades up to 15 percent in limited circumstances including the emergency vehicle access to Grey Eagle Court. Except for the private driveway aprons, all public and private roads/driveways shall be designed to carry a minimum H-20 road load rating under all weather conditions.

New Fire-Fighting Equipment

The applicant will purchase a new Type 3, four-wheel drive, four-door fire truck, at an estimated cost of $387,000.00 for the Livermore-Pleasanton Fire Department. The design and purchase specifications shall include all of the necessary equipment including radios, rescue equipment, hose, ladders, etc. The applicant has agreed to

purchase this fire engine, subject to a reimbursement agreement, and to have it delivered to the LFPD ready to be placed in service prior to the beginning of construction activity on the site. (Do you want to explain briefly what a reimbursement agreement is, i.e, that the City is not reimbursing the applicant, other developers will pay their share for the truck as they develop)

Residential Fire Sprinklers

All primary and accessory structures shall be equipped with automatic fire sprinkler protection, with a minimum fire flow of 2,000 g.p.m. at 20 lbs. per square inch pressure. This is an increase of 500 g.p.m. over the minimum residential development standards due to the potential fire flow demands required in the event of a wildland fire.

Emergency Vehicle Access to Grey Eagle Court

Figure 7 is an aerial photograph showing the northeast corner of the Lin property, Grey Eagle Court, the Allen Roberts property, and the City's water tank site.

Figure 7: Grey Eagle Court and the Allen Roberts Property

The applicant proposes an emergency vehicle access (EVA) connection from the end of Court 3, and through the Grey Eagle Estates subdivision to the north including the property owned by Allen Roberts directly adjoining the proposed development's open space area. The precise location of this easement on the Robert's property – Lot 10 of Tract 5189 – is not known at this time. Mr. Roberts and representatives of the Grey Eagle Estates Homeowners Association have stated their opposition to the easement connection. Their comments are attached.

As conditioned, the easement's location must be resolved prior to the recording of the first final subdivision map for the development. The draft condition is reflected in the proposed Development Agreement.

The Pleasanton City Council conditionally approved the PUD plan for the Grey Eagle Estates project in 1983 (PUD 82-10; Ordinance 1077). In part, those conditions required the developer of Tract 5189 to dedicate to the City for emergency access and utility purposes a 20-foot-wide easement to connect the Grey Eagle Court cul-de-sac to the southeast corner of Tract 5189, which borders the Lin property. Consistent with that condition, the owner's certificate of the final map of Tract 5189 dedicates to the City a 20-foot-wide access easement and on the subdivision map itself, the property owner dedicates to the City a 20-foot-wide public access and public service easement on Lot 10 between the Grey Eagle Court cul-de-sac and the Lin property. Moreover, in 1987, the City was granted through the recordation of the CC&R's, an irrevocable right of entry into the Grey Eagle Estates subdivision for public safety and municipal purposes including, without limitation, access by emergency vehicles.

As to the 20 foot wide public access and public service easement on Lot 10 owned by Allen Roberts, in 2005 the City entered into an agreement with Mr. Roberts that would allow a portion of this easement to be relocated in order to accommodate a driveway to a new house on Lot 10 assuming there was a location of the easement acceptable to the City.

Therefore, it is staff's position that there exists an easement within the Grey Eagle Estates subdivision for public safety purposes, including access by emergency vehicles, and that, in the case of a catastrophic incident whereby residents within the proposed project could not exit through that project's site, such residents could use the easement within the Grey Eagle Estates subdivision.

As conditioned, the easement would be secured by a locked access gate at the Oak Grove side of the easement thereby preventing its routine use by the public.

Site Design

The site's physical and environmental constraints – geotechnical sensitivity including slope stability and landslides, habitat areas, trees, access, slope grades, open space preservation and trails, and neighborhood sensitivity – has determined the location of residential sites. Advantages of this strategy are that it would focus development in the more geologically stable areas of the site, separated from the boundary lines of adjoining neighborhoods, and would minimize the area subject to disturbance by development and roads, but there is a corresponding disadvantage in the increased visibility of development from offsite locations.

Overall, the proposed site design would achieve the following:

- Cluster the 51 lots along Street "A", Courts 1 through 3, and on one shared private driveway. All lots would face open space area. South facing lots would have unobstructed views of the development's open space areas. The cluster

concept fulfills the applicable policies and standards of the Pleasanton General Plan for the Rural Density Residential land use designation, which mandates clustered hillside development.

- The large setbacks, open space, and natural terrain areas surrounding the proposed lots would preserve the character of existing residential neighborhoods and surrounding open space properties by separating the lots from their boundary lines. Lots that are visible to adjoining properties will be screened with the new tree planting on the City-owned open space areas and with the planting of new trees on the lots themselves.

- Provide nearly 500 acres of permanent open space areas for the preservation and protection of habitat areas, the provision of public trails, grazing, and maintaining the semi-rural character of the site. The large block of open space land provides for a series of continuous local and regional public trails. Staff considers the open space area an amenity benefiting the public, the surrounding neighborhoods, and the residents of the proposed project, and it continues the City's on-going program of uninterrupted open space and open space buffers along the entire southerly side of the City.

- Development is located on the most geotechnically stable areas of the site, minimizing grading. The very steep slopes on the site and on the private lots would be excluded from development.

- Natural wildlife habitats and wildlife corridors are preserved and enhanced. Ephemeral stream beds and channels are generally preserved in their natural state. Existing trees and blue oak woodland are predominantly preserved.

Although the lots closest to the north project boundary, visible to adjoining properties, will be screened with new tree planting, this is a matter of concern to several adjoining neighbors.

View Analyses

View analyses showing the before/after views of the project from various vantage points are attached as Exhibit B-3. Also attached are the DVD views prepared by the applicant of the proposed project requested by the Planning Commission. Exhibit B-2 includes the replies to the public comments provided at the Planning Commission's work sessions on the DEIR.

Twenty-Eight Millimeter Lens

Public comment at the work sessions questioned the use of a 28-mm. lens for the visual simulations instead of a 50-mm. lens. The "Response To Comments" of the FEIR includes the response from Environmental Vision, the visual sub-consultant for the EIR. The choice to use a 28-mm. lens was made by staff and was deliberate. Staff believes that the visual analyses should represent the site's panorama and the development's effects on that panorama, which would be accurately represented by the 28-mm. lens. The 28-mm. lens also represents the manner in which people view a panorama – scanning the scene from side to side. Staff believes that the view analyses provide an

accurate modeling of the project and can be used to evaluate the visual impacts of the development.

Viewpoints and Viewsheds

The viewpoints chosen for the simulations are representative of the public viewing locations, chosen from among those used to prepare the photographs presented in the DEIR. The DEIR includes an analysis of the viewpoints used/not used in the DEIR. The simulations portray both building forms and project landscaping, including the mitigation trees, street trees, and private lot trees. The evaluation of potential visual impacts associated with the Oak Grove project is based, in part, on comparing the "before" and "after" visual conditions as portrayed in the simulation images and assessing the degree of visual change that the project would bring about.

The general area from which the project site is visible – the viewshed – includes close range and more distant viewing locations. The Oak Grove project viewshed is limited because intervening topography and mature vegetation screen the views of the project site from many locations in its vicinity. Visibility is primarily from the west and north. The site is not visible in its entirety from any single ground-level public vantage point. In general, the site is not visible by the public from areas to the south and east due to a lack of public roads and development.

Various portions of the site are visible from close range locations along public residential streets to the north and west including Grey Eagle Court and Red Feather Court from the north, and Hearst Drive, Benedict Court, and Smallwood Court from the west. Portions of the site can also be seen from some more distant vantage points including Stanley Boulevard and Bernal Avenue to the north and Vineyard Avenue to the northeast. The overall project site is barely visible from downtown Pleasanton and I-680. Staff considers the most significant visual effects of the development of this site would be to the neighbors adjoining the property. Parts of the site may also be visible from private residential properties in this area.

Open Space Area

Ownership

With recordation of the first final subdivision map on the proposed development, the applicant will dedicate nearly 500 acres of open space to the City or other public entity, such as a GHAD (the board of directors of which would be the City Council). Representatives of the Kottinger Ranch neighborhood and neighbors living in the adjoining neighborhoods have requested that the open space area be secured as open space in perpetuity. Staff believes that the following measures will achieve their request.

- The applicant is required to dedicate the entire open space area in fee title to the City of Pleasanton (or the GHAD) with the first subdivision map. Staff considers this an amenity benefiting the public, surrounding neighborhoods, and the proposed project.

- The development plan approval limits the open space area to open space uses – public trails, trail staging area, cattle grazing, etc. Uses pertaining to the proposed development affecting the open space area would include the wildland fire buffer area, reforestation of designated slopes to screen development, and infrastructure including a new water tank, some utilities, and stormwater detention ponds. (I thought the report previously stated that the water tank would not be changed. Here, there is a reference to a new water tank.)No additional density would be allowed.

- With recordation of the first subdivision map, an open space/conservation easement will be granted, thereby providing second-party oversight and monitoring of the open space area. A request to increase density in the open space area would then require modification of the easement language by the holder of the easement.

- Through periodic inspections, the easement holder will monitor the open space area for conformance with the easement and will provide second-party review and approval of any changes to the easement area. Any costs associated with these inspections will likely be paid by the homeowners.

Trails and Staging Area

At their work session, the City's Park and Recreation Commission and the Trails Ad-Hoc Committee determined that local and regional trails and a trail staging area should be provided in the open space areas of the proposed development. The trails would generally follow the conceptual locations shown in the Community Trails Master Plan with some changes reflecting public concern expressed at the work session, e.g., no connections to Benedict Court, and the suggestions made by the Parks and Recreation Commission and the Trails Ad-Hoc Committee. Figure 8 shows the conceptual trail locations and staging area location.

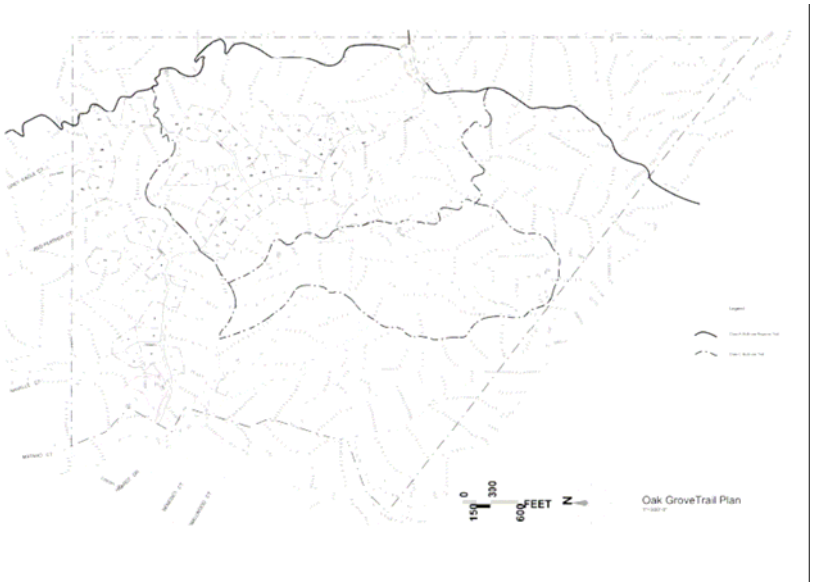

Figure 8: Conceptual Trail/Trail Staging Area Locations

The staging area is located in the general area by the proposed water tank and would be accessed from the water tank access road which would be gated at night. It will include 11 parking spaces on a gravel surface, one restroom building, a horse trough, and a water fountain. The trails and staging area will be owned and maintained by the City. As conditioned, the trails and staging area are required to be constructed and accepted by the City before the sale of the fifth lot. Figure 9 is a conceptual plan of the staging area prepared by the applicant.

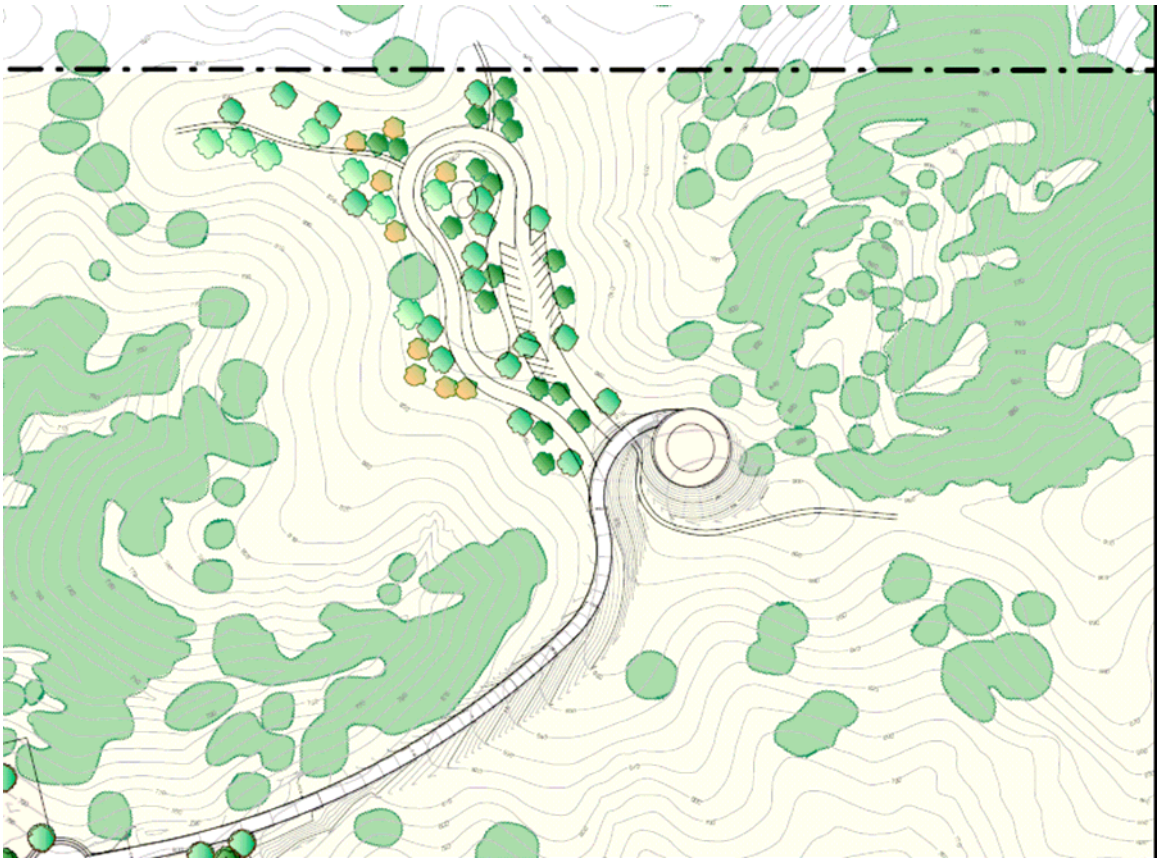

Figure 9: Conceptual Design of the Trail Staging Area

As conditioned, the trails would be accessible to pedestrians, equestrians, and bicyclists with the final determination made by the Parks and Recreation Commission with input from the Trails Ad-Hoc Committee in conjunction with their review of the detailed trail plans.

Grading/Urban Stormwater Runoff

Grading

A preliminary grading plan is provided with Exhibit A. The proposed grading to be done with the subdivision would "cut" the top of the main ridge bisecting the site in order to accommodate the main access road from Hearst Drive, the individual courts, and a narrow area adjoining the roads corresponding to the front yards of the building sites, and to stockpile the spoil material on the two stockpile areas shown on the development plan.

The 620,000 yards of surplus material will be moved to the two stockpile areas shown on the development plan. The stockpile areas will be graded at a 3:1 slope with minimal "benches" and "V"-ditches to minimize the horizontal dimension of the stockpiles, thereby keeping the stockpile away from sensitive habitat areas. These stockpile areas would be for the subdivision grading only and would not be available for the surplus grading generated by the individual lot construction

Minimal grading is done with the individual building sites and is limited to the lots' front yard areas with the remaining lot area retained as natural terrain. Individual lot grading would be reviewed with the building design applications. A key point of the building design guidelines is to "step" the building form based upon the site's contour to reduce the amount of individual cut and fill quantities. All graded areas would be re-contoured and re-vegetated in a manner designed to blend in with the natural appearance of the surroundings.

Urban Stormwater Runoff

A significant feature of this development is its stormwater runoff measures that will pretreat the runoff from the entire development before its entry into the City's stormdrain systems. To achieve this, the applicant will install three detention ponds to pretreat the development's storm water runoff before entering the site's existing drainage areas and/or the City's storm system. The detention ponds would be maintained by the development's homeowners association.

Stormwater runoff from the public street and all lots will be conveyed to the detention pond by a combination of "V"-ditches and/or by underground piping. The applicant's proposal is reflected on the development plan and in the draft conditions of approval. The development's storm water runoff measures will be shown in detail with the tentative subdivision map for review and approval by the Planning Commission. However, some lots because of their location will have to pre-treat their stormwater runoff on-site and then discharge it directly into an existing swale.

The project will be required through the grading and building permit and construction processes to incorporate best management practices to control erosion and to prevent discharges into the City's storm drain system resulting from this development.

Building Design Guidelines

The building and landscape design guidelines provide detailed and comprehensive landscape and building design standards – diagrams, photographs, and drawings – addressing materials, massing, detailing, architectural types, planting, etc., for clear guidance to future owners regarding all aspects of the designs of these homes. Staff believes that the proposed guidelines would provide a comprehensive level of detail and direction to the future homeowners regarding all aspects of the designs of their homes.

Review Procedures

The guidelines also state the design review procedures for these homes. The first review stage is peer review of the design proposal provided by the Oak Grove Architectural Review Committee. After the committee has reviewed and approved the

design plans, the homeowner would then submit the formal design application to the Planning Department for review by the Zoning Administrator. To inform the Planning Commission of the Zoning Administrator's actions, staff suggests using the procedures being followed with the Mariposa Ranch homes by the Callippe Golf Course. With the notification of the Zoning Administrator's action sent to the Planning Commission, staff will provide the approval letter, conditions of approval, and the plan set including colored building perspectives and building elevations.

Development Standards

Uses

The 51 lots of this development will be subject to the permitted and conditional uses of the R-1 (One Family Residential) District as described under Chapter 18.32 of the Pleasanton Municipal Code.

Building Setbacks

The building setbacks for these lots are illustrated in the design guidelines on a diagram of each lot. They were prepared by the applicant with staff input, and are based on the lot's location, topography, visibility, and the presence of existing trees. Unlike the building setback standards of most PUD-based residential developments that reference a standard City zoning district, the building setbacks for Oak Grove are specific to this PUD development plan and would require a development plan modification to change. As conditioned, the building setbacks for the primary structures would also apply to the accessory structures – pools, spas, patio covers, arbors, gazebos, etc. – including second units.

Building Height

The applicant proposes a 30-foot maximum building height, measured parallel to the lot's existing topography. This is different from past practice on hillside developments where the building height was measured from the lowest to highest point on the structure in order to reduce the building height and building mass of the home and groups of homes. However, the previous hillside developments with this standard were typically flat-pad lots or split-pad lots with a relatively small separation between the building pads.

The proposed design guidelines emphasize stepped designs for the lot's primary and accessory structures and landscape features including patio areas. Stepped designs typically require a flexible building height standard to achieve a design that reflects the site's topography. Staff, therefore, believes the proposed height standard would work with the "stepped" building design concept to distribute the building mass over the building's footprint in relation to the site's topography. By "hugging" the ground, the visual impacts associated with the "building block" type of house design would be prevented. Additionally, the proposed homes would have building-to-building separations between lots varying from 40 feet to 50 feet or greater, allowing for generous landscape treatments between homes, or would adjoin the development's open space areas.

Floor Area Ratio

The proposed homes would be limited to a 25-percent floor area ratio subject, however, to the limitation that Lots 6, 10, 11, 12, 20, 26, 31 through 34, 45, 50, and 51 would be limited to a maximum size of 12,500 square feet, unless larger homes are specifically approved by the Oak Grove Design Review Board and the City. Up to 800 square feet of garage area is exempt from the floor area. Table 5 on the following page lists the building areas for each lot based on the applicant's proposal, and a comparison to a 20 percent floor area ratio applied to proposed lots.

Table 5: Comparison of 25% and 20% Floor Area Ratios For Oak Grove

Lot	Land Area	25% FAR	20% FAR	Lot	Land Area	25% FAR	20% FAR
1	46,367 sq. ft.	11,592 sq. ft.	9,273 sq. ft.	**27**	42,815 sq. ft.	10,704 sq. ft.	8,563 sq. ft.
2	40,041 sq. ft.	10,010 sq. ft.	8,008 sq. ft.	**28**	45,804 sq. ft.	11,451 sq. ft.	9,161 sq. ft.
3	40,361 sq. ft.	10,090 sq. ft.	8,072 sq. ft.	**29**	40,016 sq. ft.	10,004 sq. ft.	8,003 sq. ft.
4	44,200 sq. ft.	11,050 sq. ft.	8,840 sq. ft.	**30**	46,950 sq. ft.	11,738 sq. ft.	9,390 sq. ft.
5	41,819 sq. ft.	10,455 sq. ft.	8,364 sq. ft.	**31**	80,154 sq. ft.	12,500 sq. ft.	12,500 sq. ft.
6	56,216 sq. ft.	12,500 sq. ft.	11,243 sq. ft.	**32**	80,154 sq. ft.	12,500 sq. ft.	12,500 sq. ft.
7	47,937 sq. ft.	11,984 sq. ft.	9,587 sq. ft.	**33**	84,607 sq. ft.	12,500 sq. ft.	12,500 sq. ft.
8	37,612 sq. ft.	9,403 sq. ft.	7,522 sq. ft.	**34**	80,544 sq. ft.	12,500 sq. ft.	12,500 sq. ft.
9	40,189 sq. ft.	10,047 sq. ft.	8,038 sq. ft.	**35**	48,363 sq. ft.	12,091 sq. ft.	9,673 sq. ft.
10	81,267 sq. ft.	12,500 sq. ft.	12,500 sq. ft.	**36**	46,682 sq. ft.	11,671 sq. ft.	9,336 sq. ft.
11	57,483 sq. ft.	12,500 sq. ft.	11,497 sq. ft.	**37**	42,242 sq. ft.	10,561 sq. ft.	8,448 sq. ft.
12	49,485 sq. ft.	12,500 sq. ft.	9,897 sq. ft.	**38**	40,935 sq. ft.	10,234 sq. ft.	8,187 sq. ft.
13	43,025 sq. ft.	10,756 sq. ft.	8,605 sq. ft.	**39**	30,290 sq. ft.	7,573 sq. ft.	6,058 sq. ft.
14	41,084 sq. ft.	10,271 sq. ft.	8,217 sq. ft.	**40**	37,038 sq. ft.	9,260 sq. ft.	7,408 sq. ft.
15	40,454 sq. ft.	10,114 sq. ft.	8,091 sq. ft.	**41**	41,796 sq. ft.	10,449 sq. ft.	8,359 sq. ft.
16	40,303 sq. ft.	10,076 sq. ft.	8,061 sq. ft.	**42**	42,017 sq. ft.	10,504 sq. ft.	8,403 sq. ft.
17	43,008 sq. ft.	10,752 sq. ft.	8,602 sq. ft.	**43**	33,711 sq. ft.	8,428 sq. ft.	6,742 sq. ft.
18	45,486 sq. ft.	11,372 sq. ft.	9,097 sq. ft.	**44**	40,768 sq. ft.	10,192 sq. ft.	8,154 sq. ft.
19	48,038 sq. ft.	12,010 sq. ft.	9,608 sq. ft.	**45**	82,067 sq. ft.	12,500 sq. ft.	12,500 sq. ft.
20	61,808 sq. ft.	12,500 sq. ft.	12,500 sq. ft.	**46**	40,142 sq. ft.	10,036 sq. ft.	8,028 sq. ft.
21	41,037 sq. ft.	10,259 sq. ft.	8,207 sq. ft.	**47**	42,851 sq. ft.	10,713 sq. ft.	8,570 sq. ft.
22	40,038 sq. ft.	10,010 sq. ft.	8,008 sq. ft.	**48**	47,390 sq. ft.	11,848 sq. ft.	9,478 sq. ft.
23	42,374 sq. ft.	10,594 sq. ft.	8,475 sq. ft.	**49**	41,445 sq. ft.	10,361 sq. ft.	8,289 sq. ft.
24	30,814 sq. ft.	7,704 sq. ft.	6,163 sq. ft.	**50**	45,098 sq. ft.	12,500 sq. ft.	9,020 sq. ft.
25	39,759 sq. ft.	9,940 sq. ft.	7,952 sq. ft.	**51**	90,834 sq. ft.	12,500 sq. ft.	12,500 sq. ft.
26	84,813 sq. ft.	12,000 sq. ft.	16,963 sq. ft.				

Staff has discussed the issue of building size with the applicant extensively to work out an acceptable alternative that would maintain a relatively low building floor area and, therefore, the attendant building mass and visual impacts with the applicant's ability to market the lots. The staff concern is predicated upon the market's tendency to design large buildings to the maximum allowed floor area. The applicant believes that the design guidelines and the design review procedures provided by the Oak Grove Design Review Board, in conjunction with the City's design review, will provide the level of design control to prevent an objectionable building design.

Staff had proposed to the applicant a maximum building area of 8,000 square feet for the primary structures, an additional 2,000 square feet for accessory structures, and the 800 square-foot exemption for garage area. The floor area for primary structures and accessory structures could not be transferred between each other. The applicant does not concur with staff.

This proposal would dispense with a percentage-based floor area value, would state the maximum floor area for each lot as a nominal value, and would enable a house designed to the maximum area for the primary structure with building area "set aside" for future accessory structures. Table 6 lists the floor area ratios for the 8,000 square-foot primary structures with/without the additional 2,000 square feet allowed for accessory structures.

Table 6: Comparison of 8,000 sq. ft. and 10,000 sq. ft. Floor Area Ratios

Lot	Land Area	8,000 sq. ft.	10,000 sq. ft.	Lot	Land Area	8,000 sq. ft.	10,000 sq. ft.
1	46,367 sq. ft.	17.25%	21.57%	27	42,815 sq. ft.	18.69%	23.36%
2	40,041 sq. ft.	19.98%	24.97%	28	45,804 sq. ft.	17.47%	21.83%
3	40,361 sq. ft.	19.82%	24.78%	29	40,016 sq. ft.	19.99%	24.99%
4	44,200 sq. ft.	18.10%	22.62%	30	46,950 sq. ft.	17.04%	21.30%
5	41,819 sq. ft.	19.13%	23.91%	31	80,154 sq. ft.	9.98%	12.48%
6	56,216 sq. ft.	14.23%	17.79%	32	80,154 sq. ft.	9.98%	12.48%
7	47,937 sq. ft.	16.69%	20.86%	33	84,607 sq. ft.	9.46%	11.82%
8	37,612 sq. ft.	21.27%	26.59%	34	80,544 sq. ft.	9.93%	12.42%
9	40,189 sq. ft.	19.91%	24.88%	35	48,363 sq. ft.	16.54%	20.68%
10	81,267 sq. ft.	9.84%	12.31%	36	46,682 sq. ft.	17.14%	21.42%
11	57,483 sq. ft.	13.92%	17.40%	37	42,242 sq. ft.	18.94%	23.67%
12	49,485 sq. ft.	16.17%	20.21%	38	40,935 sq. ft.	19.54%	24.43%
13	43,025 sq. ft.	18.59%	23.24%	39	30,290 sq. ft.	26.41%	33.01%
14	41,084 sq. ft.	19.47%	24.34%	40	37,038 sq. ft.	21.60%	27.00%
15	40,454 sq. ft.	19.78%	24.72%	41	41,796 sq. ft.	19.14%	23.93%
16	40,303 sq. ft.	19.85%	24.81%	42	42,017 sq. ft.	19.04%	23.80%
17	43,008 sq. ft.	18.60%	23.25%	43	33,711 sq. ft.	23.73%	29.66%
18	45,486 sq. ft.	17.59%	21.98%	44	40,768 sq. ft.	19.62%	24.53%
19	48,038 sq. ft.	16.65%	20.82%	45	82,067 sq. ft.	9.75%	12.19%
20	61,808 sq. ft.	12.94%	16.18%	46	40,142 sq. ft.	19.93%	24.91%
21	41,037 sq. ft.	19.49%	24.37%	47	42,851 sq. ft.	18.67%	23.34%
22	40,038 sq. ft.	19.98%	24.98%	48	47,390 sq. ft.	16.88%	21.10%
23	42,374 sq. ft.	18.88%	23.60%	49	41,445 sq. ft.	19.30%	24.13%
24	30,814 sq. ft.	25.96%	32.45%	50	45,098 sq. ft.	17.74%	22.17%
25	39,759 sq. ft.	20.12%	25.15%	51	90,834 sq. ft.	8.81%	11.01%
26	84,813 sq. ft.	9.43%	11.79%				

Green Building Measures

The homes covered by this approval shall be covered by the City's adopted Green Building Ordinance, which establishes a minimum of 50 points for a home with a minimum of 10 points in each category (Resources, Energy, and IAQ/ Health). As required by the ordinance, the applicant would submit a proposed checklist showing which measures are incorporated in the design of the proposed home addition/remodeling in order to meet this 50-point requirement.

Landscape Design Guidelines
The landscape design guidelines for the private lots and the open space area surrounding the private lots are attached as Exhibit F-2. Some of the significant features of the landscape guidelines include:

- New plantings in the open space area will be limited to native tree species indigenous to the area and will function as reforestation and/or screening of the development from adjoining neighborhoods.

- The plant lists for private lots emphasize native plant materials for a specific purpose – integrating the lots with the adjoining open spaces, water conservation, and fire prevention. The wildland fire buffer area will encroach into private side and rear yards. The planting in the buffer area will be designed to protect the structures from the effects of a wildland fire.

- The private lot landscaping is divided into planting zones and these zones are intended to transition from the domestic landscape areas to the open space areas.

- Open fencing will be used throughout the development. Limited solid fencing will be allowed for privacy.

- Pervious paving is encouraged for stormwater infiltration.

VI. DEVELOPMENT AGREEMENT

Purpose
A development agreement is a contract, that allows the developer and the City of Pleasanton to establish the rules and procedures that will govern its development. The purpose of such agreements is to provide developers with certainty in the entitlement process. If a development agreement is approved, the City agrees to vest development rights as described in the agreement for a designated period of time. Normally, in exchange for such rights, the developer agrees to construct certain improvements or provide certain amenities over and above what a local agency could otherwise require a developer to construct and/or provide. Hence, in certain circumstances, there are advantages to the developer and the local agency by entering into a development agreement.

Entitlements
Often a Development Agreement will lock in certain standards and preclude the City, for example, from making changes to the standards or procedures that would conflict with the project approvals or that would limit or control the phasing of sequencing of the project; that is the case here. Fees, however, that are applied citywide to all substantially similar projects may be applied to this project unless those fees – the in lieu park dedication fees, for example – are expressly waived by the Agreement.

Note that the Development Agreement for Oak Grove reflects the entitlement set forth by the PUD development plan and conditions of approval. It also incorporates, where

applicable, the mitigation measures of the Environmental Impact Report. Hence, a development agreement cannot be used to change the development after the overall entitlement process is completed.

Review
During the term of the Development Agreement –e City staff will conduct a periodic review to determine the developer's good faith compliance with the terms of the Agreement. The Planning Director reports to the City Council whether there is/is not such compliance. The Planning Director's determination can be appealed to the City Council.

If the City Council determines that the project is not in compliance, then the Development agreement may be modified or terminated. If terminated, the City may elect to open the review process and, based upon findings, effect changes to the development's entitlements. Therefore, for the developer to "enjoy" the benefits and protections provided by the development agreement, the developer must comply in good faith with the Agreement.

Modification
As with any City approval, the development agreement can be modified upon request by the applicant and the administration of due process. Due process here would include, but not necessarily be limited to, a request to modify the PUD development plan in some manner and a determination that the request is covered by the Oak Grove EIR. If not covered by the EIR, new environmental review would be required.

VII. ADDITIONAL COMMISSION COMMENTS

Housing Commission
The Pleasanton Housing Commission heard the applicant's proposal at its public hearing held on January 18, 2007. The public hearing minutes are attached as Exhibit I-1. The Housing Commission voted to require that the 20 affordable units be produced within five years starting from approval of the final subdivision map and that the developer provide the City with an annual progress report.

Parks And Recreation Commission/Trails Ad-Hoc Committee Work Session
The Parks and Recreation Commission and the Trails Ad-Hoc Committee work Session held a work session on January 11, 2007 to discuss and make recommendations on the open space areas of the Oak Grove development: ownership, type of facilities, and timing. Minutes of the meeting are attached as Exhibit I-2.
The Parks and Recreation Commission/Trails Ad-Hoc Committee voted to support:

- The open space area shall be owned by the City upon recordation of the first subdivision map for the development;
- A trails staging area shall be provided in the general area near the proposed water tank with 11 parking spaces, restrooms, horse trough, and water fountain
- Local and regional trails shall be constructed with no connections to Benedict Court;

- The trails and staging area shall be constructed and accepted by the City before the sale of the fifth lot; and,
- A neighborhood park would not have to be provided with this development given the open space dedication, provision of trails, and the lack of a flat, five-acre site.

VIII. PUBLIC NOTICE

Attachment 6, Exhibit E, Public Communications provides a list of the homeowners that have commented on the proposal, the map of the noticing area, and copies of comments received during the project review process. Responses to these comments are contained within the FEIR as noted above.

The project was noticed to an area greater than the 1,000 feet as shown on Attachment 6, Exhibit E-2.

The public comments generally cover the environmental issues pertaining to available City and regional parks to service the residents of the proposed project, available school capacity to serve the children of the proposed project, impacts to the quality of life of existing neighborhoods, loss of existing trees, loss of open space provided by the subject property, loss of views, single public street connection to Hearst Drive, proposed density, traffic and circulation, etc. Several neighbors also believe that the proposed project is premature given the ongoing update of the Pleasanton General Plan.

Staff has received additional comments which are attached to Exhibit E that may not reflect a response in the FEIR in that the comments were received after the public comment period closed for the DEIR. However, staff believes that the DEIR/FEIR along with the staff report answers those comments adequately. Any additional letters and/or emails received after the staff report is published will be forwarded to the Planning Commission.

IX. PUD DEVELOPMENT PLAN FINDINGS

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD development plan proposal. The Planning Commission must make the findings attached as Exhibit C-1, PUD Development Plan Findings, that the proposed PUD development plan conforms to the purposes of the PUD District, before making its recommendation.

X. CONCLUSION

The proposal is a combined residential/open space development consisting of 51 custom homes on large lots surrounded by 497 acres of permanent open space, with the open space transferred to public ownership as permanent open space in perpetuity.

Staff believes that the proposed development would have the following community, social, and environmental benefits:

- It would result in nearly 500 acres of publicly dedicated land as open space and added to the City's open space preserve in southeast Pleasanton.

- It would provide the opportunity for local and regional trails linking Oak Grove open space to Vineyard Avenue and eventually to the Callippe golf course.

- It would preserve and protect biological resources and leave undisturbed over 12,000 mature trees in the open space lands.

- It would assure that the development of homes at Oak Grove will be of high quality and will meet a visual integration standard through the implementation of effective design guidelines.

- It would provide for development that is harmonious with existing neighborhoods.

  It would result in the funding of traffic calming facilities in Kottinger Ranch and the construction of important citywide traffic improvements and other infrastructure improvements;

The proposed project is designed in a manner that is sensitive and compatible with the site and nearby developments. Large, unobstructed view sheds of the open space are preserved and the present cattle grazing taking place on the site will be maintained. The proposal includes comprehensive building and landscape design guidelines, and it will implement the City's Green Building ordinance for residential structures.

Staff, therefore, believes the proposed project merits a favorable recommendation by the Planning Commission.

XI. REQUIRED PLANNING COMMISSION ACTIONS

The action of the Planning Commission is to consider the merits of the proposed project and provide a recommendation to the City Council:

- To certify or decline to certify the Final Environmental Impact Report (FEIR) for the Oak Grove Planned Unit Development.
- For the PUD development plan to allow the subject property to create 51 custom home sites and designate the remaining 497-acres for permanent open space.
- For the Development Agreement to vest the entitlements covered by this application. This would include Exhibit D, Oak Grove Development Agreement.

XII. STAFF RECOMMENDATION

Staff has structured the staff recommendation below to enable the Planning Commission to act on open space and trails separately from the other areas of the development to allow Commissioner Narum to vote on the project but not the open space and trails in that she served on the Park and Recreation Commission when that body discussed the open space and trails issues of this development and made its recommendation.

Staff recommends the Planning Commission forward Case PUD-33 including the Final Environmental Impact Report, PUD Rezoning and Development Plan Approval, and the Development Agreement to the City Council with the following recommendations by taking the following actions:

1. Find that the Final Environmental Impact Report (FEIR) conforms to the California Environmental Quality Act (CEQA), make the Environmental Findings stated in Exhibit B-4, dated March 28, 2007, and adopt a motion recommending certification of the FEIR as complete;
2. Find that the proposed project conforms to the goals and policies of the Pleasanton General Plan;
3. Make the PUD Development Plan Findings 1 through 6 as stated in Exhibit C-1 that Case PUD-33 conforms to the purposes of the PUD Ordinance;
4. Adopt a motion recommending dedication of 497 acres of open space shown on Exhibit A, the PUD development plan for PUD-33, as open space in perpetuity. Adopt a separate motion (so that Commissioner Narum can abstain) to allow public trails and staging areas in the open space area subject to Exhibit C-2, Draft Conditions of Approval, dated March 28, 2007;
5. Adopt a motion recommending approval of the PUD development plan to subdivide the remaining 66 acres of the subject property into 51 custom home sites and to allow miscellaneous public infrastructure including a water tank, drainage facilities, etc., shown on Exhibit A of Case PUD-33, dated “March 16, 2007”;
6. Find that the Development Agreement conforms to the Pleasanton General Plan and adopt a motion recommending its approval.

Staff Planner: Marion Pavan, (925) 931-5610, mpavan@ci.pleasanton.ca.us