

Planning Commission Staff Report

February 25, 2015

Item 6.a.

- SUBJECT:** PUD-25
- APPLICANT:** Greenbriar Homes Communities (Mike Meyer/Tim Quinn)
- PROPERTY OWNER:** Greenbriar Homes Communities (Mike Meyer)
- PURPOSE:** Work Session to review and receive comments on an application for Planned Unit Development (PUD) Rezoning and Development Plan approval to construct 50 single-family, two-story homes and related improvements on the approximately 194.7-acre Lund Ranch II property
- GENERAL PLAN:** Low Density Residential (< 2.0 dwelling units per acre), Rural Density Residential (1 dwelling unit per 5 acres), and Open Space – Public Health and Safety with Wildlands Overlay
- ZONING:** PUD – LDR/OS (Planned Unit Development – Low Density Residential/Open Space) District
- LOCATION:** 1500 Lund Ranch Road at the end of Lund Ranch Road
- EXHIBIT:**
- A. [Summaries of Project History and Environmental Impact Report \(EIR\) Process](#)
 - B. [Proposed PUD Development Plan dated “Received February 27, 2012”](#)
 - C. Lund Ranch II Final Environmental Impact Report, including the [Revised Draft Environmental Impact Report, dated July 14, 2014](#), and [Response To Comments, dated January 12, 2015](#) (previously distributed)
 - D. [Excerpt of the August 27, 2014 Planning Commission Meeting Minutes on the Revised Draft EIR](#)
 - E. [Letter of Understanding between the Ventana Hills Steering Committee and Shapell Industries of Northern California, dated April 19, 1991](#)

- F. [Ordinance 1508 for PUD-90-18 \(Bonde Development\), dated April 16, 1991](#)
 - G. [Ordinance 1791 for PUD-97-12 \(Sycamore Heights Development\), dated October 26, 1999](#)
 - H. [HPD \(Hillside Planned Residential\) District, Pleasanton Municipal Code, Chapter 18.76](#)
 - I. [Location and Public Notification Area Map](#)
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I. BACKGROUND

The purpose of this Work Session is to give the Planning Commission and the public the opportunity to review and discuss the issues of the 50-unit PUD Development Plan proposed by Greenbriar Homes Communities on the Lund Ranch II property. Key to the discussion are choices related to the implementation of Measure PP, the public street connections from the Lund Ranch II development to the Ventana Hills and/or the Sycamore Heights/Bridal Creek neighborhoods, environmental impacts of the project and project alternatives, and commitments made by previous City Councils regarding these potential connections.

II. SUBJECT PROPERTY AND SURROUNDING AREA

Pleasanton General Plan

The Pleasanton General Plan designates the Lund Ranch II property for Low Density Residential (< 2.0 dwelling units per acre) on 58.4 acres equaling 116 units, Rural Density Residential (1 dwelling unit per 5 acres) on 123 acres equaling 24 units, and Open Space – Public Health and Safety with a Wildlands Overlay on 13.3 acres, which equals 0 units. Based on these land use designations and acreages, the Lund Ranch property would have a maximum density of 140 units and a total midpoint density of 82 units; 58 units for the Low Density Residential and 24 units for the Rural Density Residential areas of the property. The proposed density for the overall Lund Ranch development is 0.26 dwelling units per acre (50 units/194.7 acres)

Subject Property

The Lund Ranch II property consists of one parcel of approximately 194.7 acres in area. The Lund Ranch II property was an operating cattle ranch with several buildings including a vacant farmhouse, barn, corrals, and sheds. All existing structures would be removed with the development of the proposed project.

The Lund Ranch II property is comprised of relatively flat areas and rolling hills, swales, and ravines with areas of steep slopes. Several ridges, ridgelines, and knolls are within the northern and southerly portions of the site, primarily aligned in an east to west direction. The ridgelines of the property cross over the property lines onto the adjoining Lin, Spotorno, and Foley properties. The flatter areas of the site, below a 25-percent slope, are located at the northwesterly portion of the site near the property's entrance from Lund Ranch Road.

A series of ephemeral streams drain the Lund Ranch II property into a sloped channel that then empties into Sycamore Creek on the adjacent Sycamore Heights development to the west. There are approximately 1,700 existing trees on the property including approximately 1,400 Valley Oak trees and Blue Oak trees and a variety of orchard/ornamental trees, such as palm trees, California Black and English Walnut trees, olive trees, etc. Construction of the proposed project would result in a total of 146 existing trees removed, including 80 Heritage-size trees.

Surrounding Land Uses

Surrounding land use/developments and their General Plan designations are described on Table 1, below.

Table 1: Surrounding Land Uses or Developments

| Direction | Land Use/Development | General Plan Designation |
|------------------|--|--|
| North | Kottinger Ranch development: Large-lot Single-Family Homes and open space (13,600+ sq.ft.) | Rural Density Residential (1 du/5 acres, Low Density Residential (< 2 du/ac), and Medium Density Residential (2 to 8 du/ac) |
| East | Foley property: Cattle grazing | Rural Density Residential (1 du/5 acres, Agriculture and grazing with Wildland Overlay, and Urban Growth Boundary Line |
| South | Spotorno property: Cattle and sheep grazing | Happy Valley Specific Plan: 1 du/2 acres or 1 du/1.5 acres in conjunction with major open space land or an agriculture/open space easement dedication, Medium Density Residential (2 to 8 du/ac), and Urban Growth Boundary Line |
| West | Bonde Ranch development: Single-Family Homes on 8,000+ sq. ft. lots and open space. | Low Density Residential (< 2 du/ac) and Parks and Recreation |
| | Ventana Hills development: Single-Family Homes on 8,000+ sq. ft. lots. | Low Density Residential (< 2 du/ac) and Parks and Recreation |
| | Sycamore Heights development: Single-Family Homes on 15,000+ sq. ft. lots. | North Sycamore Specific Plan: Low Density Residential (< 2 du/ac) |

Project Location

The Lund Ranch II property is presently accessed from Lund Ranch Road. Figure 1, below, is an aerial view of the Lund Ranch II property and surrounding uses and developments.

Figure 1: Aerial View of the Lund Ranch Property and Surrounding Land Uses



III. PROJECT HISTORY

The PUD Development Plan that is the subject of this report is an iteration of a project that was initially proposed in September 2002. That initial project was substantially modified in subsequent years to respond to public and decision-maker comments on environmental issues, along with the City's General Plan Update and Measures PP and QQ. The September 2002 application proposed 113 single-family residential units on approximately 12,000-square-foot lots. At the EIR Scoping Session for that project in September 2003, the Planning Commission expressed concern about the project's

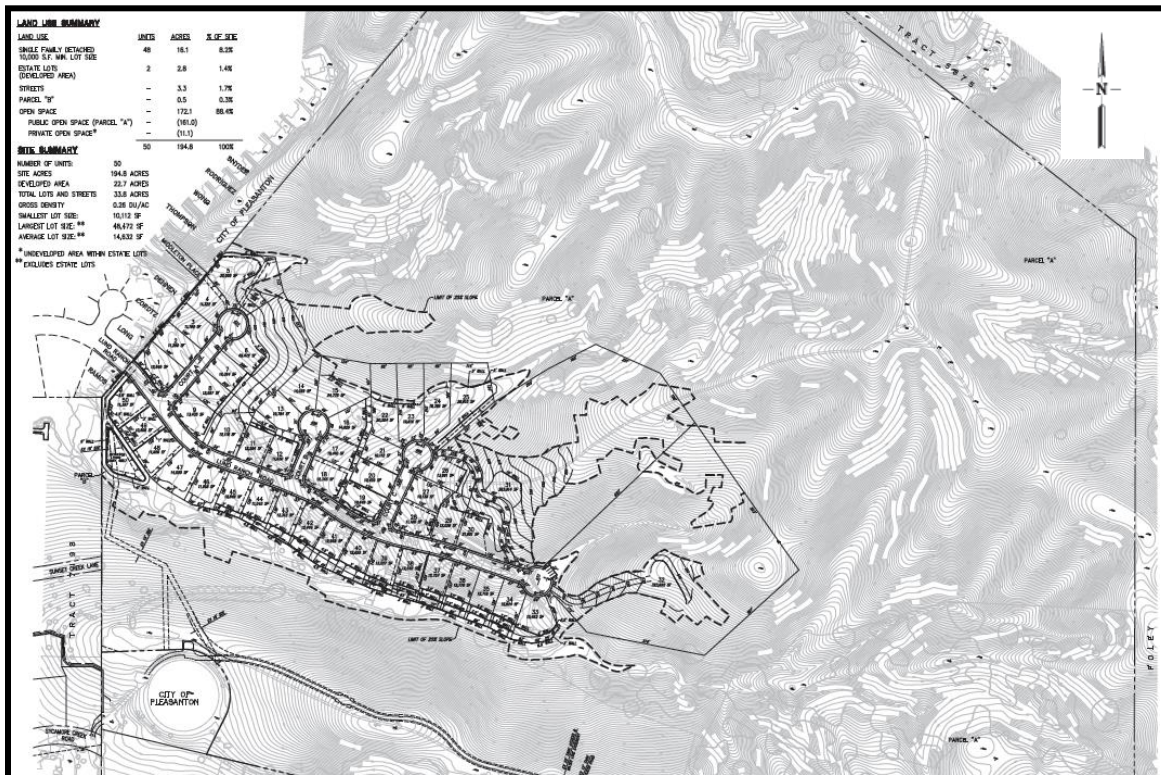
effects on hillsides/ridgelines, grading, trees, and consistency with applicable City policies, among other issues.

The applicant considered these comments and in April 2007, submitted a second application that included three alternatives: (1) 149 units on 3,000- to 40,000-square-foot lots; (2) 107 single-family units on 17,000- to 60,000-square-foot lots; and (3) 82 units on 14,000- to 60,000-square-foot lots. These alternatives also included approximately 124 to 130 acres of open space that would be dedicated to the City. Access would be provided via public street connections to Livingston Way (Bonde Ranch development) and Sunset Creek Lane and Sycamore Creek Way (Sycamore Heights). However, the EIR for these alternatives was never completed; the project was further delayed by the General Plan Update and the initiatives for Measures PP and QQ. In 2008, the applicant submitted a third application, a revised PUD Development Plan with 77 residential units, but that plan was rejected by staff because it was deemed inconsistent with Measure PP. Staff continued to work with the applicant on refining the project to meet the requirements of Measures PP and QQ, resulting in submittal of the current application.

IV. PROJECT DESCRIPTION

Figure 3, below, is a copy of the focused site development plan for the proposed development of the Lund Ranch II property.

Figure 3: Focused Site Development Plan for PUD-25



Site Design

Greenbriar Homes would construct 48 production lots, varying in area from 10,506 square feet (0.24 acres) for Lot 49 to 48,472 square feet (1.11 acres) for Lot 6, and two estate lots for custom homes varying in area from 283,814 square feet (6.52 acres) to 323,992 square feet (7.44 acres). The average lot size for all 50 lots would be approximately 14,632 square feet (0.34 acres). The developed portion of the project site would be located on approximately 33.8 acres.

The remaining 160.9 acres of the Lund Ranch II property would be preserved as natural terrain designated as permanent open space containing the proposed development's wildland fire management areas, public trails, and the existing City water tank and water tank access roads. (Issues pertaining to ownership and maintenance responsibility of the open space area would be worked out prior to the Planning Commission public hearing on the project.) A bio-retention pond is proposed along the rear property lines of Lots 48 through 50 to treat the development's stormwater runoff before entering the City's storm drain system.

All proposed lots will be accessed from public streets. The applicant would extend Lund Ranch Road approximately 1,500 feet into the property to end at a cul-de-sac. Three courts ending in cul-de-sacs would then extend into the developable areas of the site. All streets and courts are double-loaded with lots on both sides of the street and court. No public street connections are proposed with this development plan to Livingston Way in the Bonde Ranch development or to Sunset Creek Lane in the Sycamore Heights/Bridal Creek developments.

Grading Design/Urban Stormwater Runoff

All proposed lots are flat pad lots. Grading for the two custom lots will be addressed with the design guidelines prepared for these lots. Grade differences between lots would be designed with a combination of single or multiple retaining walls and/or slope banks. A combination of single and multiple retaining walls and slope banks transition the rear property lines of lots to the existing creek and to the surrounding hillsides.

The proposed retaining walls would vary in height from 3 feet to 6.5 feet. Multiple retaining walls would be designed as stepped retaining walls separated by a distance varying from 10 feet to 40 feet that would allow for planting in these stepped areas to soften and/or screen the retaining wall from view. The applicant has not stated the material that would be used to construct the retaining walls.

All grading will be primarily done to a minimum 3:1 slope bank and will also feature varied slopes to blend the proposed development with the surrounding terrain. The proposed lots and public streets would be designed to drain to the bio-detention pond shown on the site plan to pretreat the runoff before its entry into the City's storm drain system. In addition to the bio-retention pond, each lot would also be graded and constructed with a bio-retention swale to filter each lot's storm water and landscape water runoff before it enters the bio-retention pond.

House Design

Three house plans are proposed. Plan One – 4,123 square feet, one- and two stories in height, with a one-car side-entry and a two-car front-entry garage; Plan Two – 4,280 square feet, two stories in height, with a one-car side-entry and a two-car front-entry garage; and Plan Three – 4,501 square feet, two stories in height, with a one-car side-entry and a two-car front-entry garage.

Each building plan includes three exterior finishes with varied material and color palettes including a combination of light- to dark-tone gray, beige, and brown body and trim colors, beige and gray flat concrete tile roofs, and beige and gray stone and red brick wainscots. The lot-specific house, site, and landscape designs for the two custom lots will be covered by design guidelines.

V. ENVIRONMENTAL IMPACT REPORT

California Environmental Quality Act (CEQA) review for the proposed project is addressed with the preparation of a Final EIR. The Final EIR is an information document only; it does not provide an opinion on the approval or rejection of the project. Its purpose is to meet CEQA requirements by disclosing the environmental impacts of the project such that the Planning Commission and the City Council can make a reasoned decision about the project.

The Final EIR consists of the Response to Comments and the previously completed Revised DEIR. The Revised DEIR discussed the environmental effects of the proposed project related to aesthetics; air quality; biological resources; cultural resources (including archeological and historical resources); energy; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use, plans, and policies; noise; public services; and traffic and circulation. Impacts, their significance, and the feasible measures necessary to mitigate each significant impact to a less-than-significant level are identified. The Revised DEIR includes an analysis of alternatives, including the environmentally preferred alternative, no-project alternative, and eight-access alternatives; and impacts found not to be significant; significant but unavoidable impacts; growth inducing impacts; and cumulative impacts.

The analysis in the Final EIR indicates that the project would not result in any significant unavoidable environmental impacts, meaning that all impacts would be reduced to a less-than-significant level with implementation of the mitigation measures in the Final EIR. Significant but mitigable impacts would occur in the following areas:

- *Biological Resources.* The project would result in the loss of: oak/woodland savanna habitat and a fraction of an acre of drainages and wetlands, trees, and habitat and nesting sites for protected animal species. These impacts would be mitigated primarily through the preparation and implementation of an Oak Woodland Restoration and Management Plan, standard tree protection and

replacement measures, species identification and protection measures, and habitat enhancement activities.

- *Geology and Soils/Hydrology and Water Quality.* Impacts would include those associated with steep/unstable slopes, earthquakes, soils, and contamination of surface water. Mitigation measures would include the implementation of best engineering practices on the site as detailed in a project geotechnical report, and implementation of a water protection program geared towards homeowners.
- *Traffic and Circulation.* The project would make a significant contribution to traffic levels at the I-680/Sunol Boulevard interchange, which would be mitigated through signalization of the Northbound and Southbound ramp intersections.
- *Noise, Air Quality, and Energy Conservation.* The project would generate temporarily increased levels of noise and air pollution during the construction period, operational vehicle traffic would increase noise levels on a segment of Lund Ranch Road, and project construction and operation activities would result in energy use. Mitigation would include compliance with construction-period noise and air pollution control measures, the identification of truck routes to minimize disturbance to nearby residents, the implementation of noise control measures on Lund Ranch Road, and the incorporation of energy conservation features into proposed buildings.
- *Cultural Resources.* Significant cultural resources impacts would include effects to previously-unidentified archaeological resources on the site and removal of the existing ranch complex and its associated landscape. These impacts would be mitigated with the implementation of standard archaeological resources evaluation and protection measures, and documentation of the existing ranch complex.
- *Hazards and Hazardous Materials.* Soil disturbance, demolition of structures at the site, and use of commercially-available household materials could result in the release of hazardous materials, and the project could increase fire risks at the site. These impacts would be mitigated through measures such as the implementation of a contingency plan for unidentified hazardous materials and a Fire Prevention Plan.

VI. KEY PROJECT ISSUES

Measure PP Questions

Measure PP

In November 2008, Pleasanton voters passed Measure PP and Measure QQ. Measure PP states that: "No grading to construct residential or commercial structures shall occur on hillside slopes 25 percent or greater, or within 100 vertical feet of a ridgeline." Measure QQ reaffirmed the policies of Measure PP with policies involving

the re-adoption of the policies and programs of the 1996 Pleasanton General Plan to:

- (1) preserve hillside and ridge views of the Pleasanton, Main, and Southeast Hills;
- (2) study the feasibility of preserving large open-space areas in the Southeast Hills; and,
- (3) protect large contiguous areas of open space.

Applying Measure PP to the Lund Ranch II Development

The interpretation and application of Measure PP to the Lund Ranch II development requires interpretation by the City of Pleasanton, since Measure PP lacks definitions of key terms used in the preparation and review of hillside developments and would be subject to a variety of possible interpretations.

The proposed project and project alternatives were designed to comply with Measure PP, based upon staff's best interpretations of Measure PP, including:

- (a) defining the 25-percent slope line as a nominal value, not an average value;
- (b) defining the end of a ridgeline as the last highpoint of the ridgeline on the subject property;
- (c) measuring the 100-foot ridgeline setback to the building pad;
- (d) excluding artificial slopes graded prior to Measure PP from the 25-percent slope calculation; and
- (e) not defining roads as structures. The following summaries describe how the Measure PP terms on slope, and ridge and ridgelines were interpreted for the Lund Ranch II property.

1. Measuring Slope

Staff defined slope as the ratio of rise (height) over run (distance). A 25-percent slope¹ is the ratio of 1 unit of height over 4 units of distance, i.e., 25 percent. Staff also defines the 25-percent slope as a nominal value and not as an average value, since an average value would enable development to be located on hillsides greater than a 25-percent slope. The 25-percent slope line is the line that links these points together into a continuous line.

2. Ridgeline and Measure PP Ridgeline Setback Line

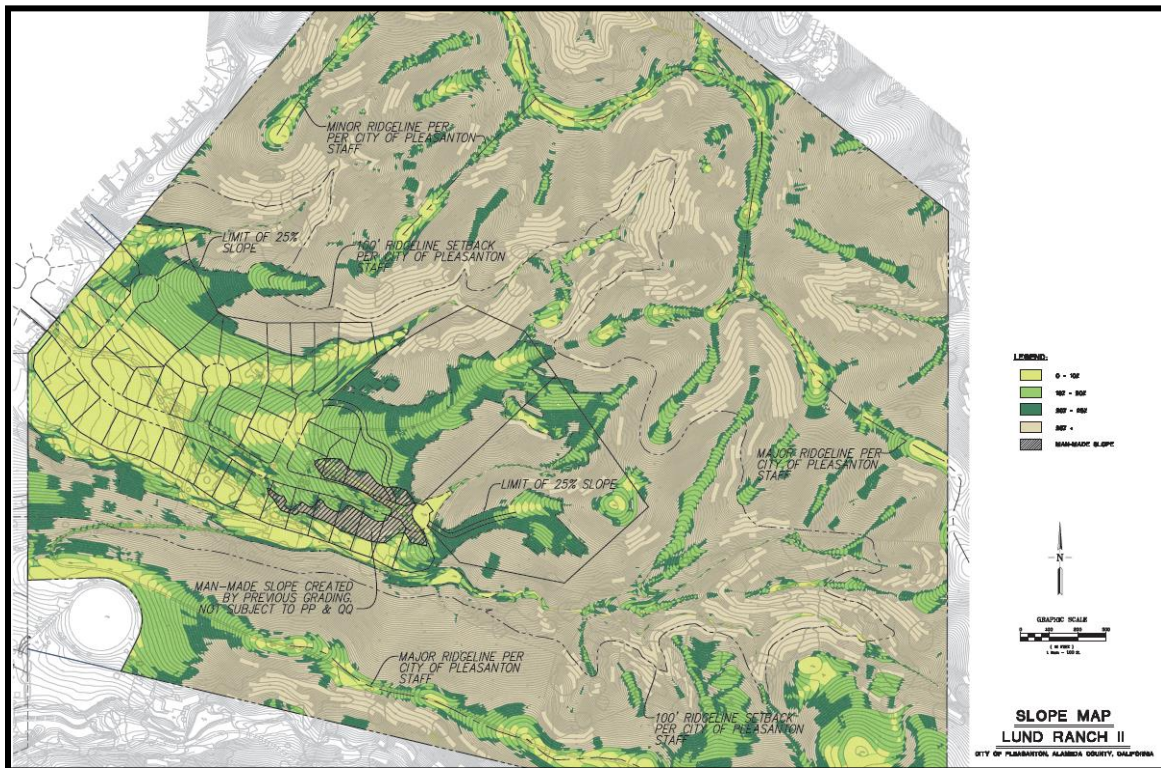
A "ridge" and "ridgeline" is the topographic high points of property connected by a continuous line flanked on both sides by relatively steep slopes². For the purpose of applying Measure PP to hillside properties, staff ended the ridgeline at the peaks and similar highpoints on the Lund Ranch II property. The Measure PP ridgeline setback line is measured on the closest ridge to a proposed developed area from the ridgeline elevation, minus 100 vertical feet. (Refer to Figure 4: Slope Cross Section with the Ridgeline Setback and Building Pads.)

¹ A 25-percent slope is equal to a 14-degree angle.

² This definition is based on the ridge and ridgeline definition used in the HPD (Hillside Planned Residential) District of the Pleasanton Municipal Code, Chapter 18.76, Section 18.76.100, (pp. 611 to 612).

Figure 4, below, is the Slope Map from Exhibit B that shows the slope grades and ridgelines for the Lund Ranch II property with the Measure PP Development Limit line.

Figure 4: Slope/Ridgeline Map with the Measure PP Development Limit Line



While staff is confident that it has made an objective interpretation and application of Measure PP to the Lund Ranch II property, the ultimate discretionary authority to interpret Measure PP lies with the City Council. There are four primary areas pertaining to the interpretation of Measure PP:

1. Identifying Ridges and Their End-Points.
2. Measuring the 100-foot ridgeline setback to the building pad or to the top of the building.
3. Defining roads as/as not structures.
4. Including or excluding artificial slopes graded prior to Measure PP from the 25-percent slope calculation.

The interpretation of these areas relative to the Lund Ranch II property would affect its site design, number of lots, and potential street connections to Lund Ranch Road, to Sunset Creek Lane, and from Middleton Place.

Identifying Ridges and Their End-Points

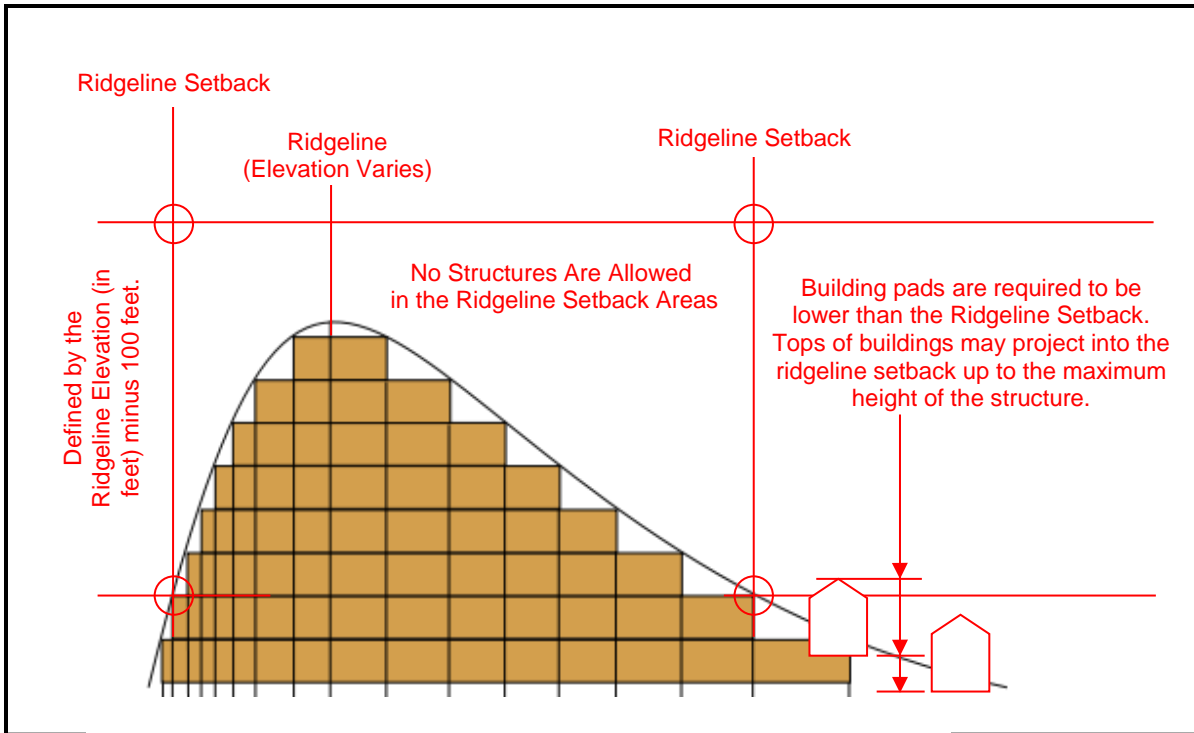
Identifying what constitutes a ridge is an important part of interpreting Measure PP. While the Municipal Code provides a broad definition, that definition is subject to different interpretations and does not distinguish between other landforms such as hills, knolls, bluffs, etc. that we find in Pleasanton landscape. The definition also does not distinguish between major or minor ridges or small ridge-like landforms that are inconsequential relative to the stated purposes of Measure PP. Staff has identified the ridges on and surrounding the Lund Ranch property, as shown on the Slope Map prepared by RJA Engineers Planners Surveyors, dated September 15, 2011, in Exhibit B, using our best judgment applying the definition in the Municipal Code while considering the purposes of Measure PP. Also important to the application of Measure PP is determining where a ridgeline ends. This is important if you have identified a ridgeline that runs perpendicular to a proposed development area as opposed to parallel to the area. If the end of the ridgelines are not determined, then the ridge continues all the way to the flat land, and because of the 100-foot vertical setback requirement, nothing could be developed on any property containing or near a ridge. Staff has settled on a definition of the end of the ridgeline at “the point where the ridgeline no longer rises in elevation” as a reasonable definition for the Lund Ranch project.

The only other definition for the end of a ridgeline that has been suggested throughout the City’s long discussion of Measure PP, is the point at which the ridge elevation drops to within 100 vertical feet of adjacent flat land. Use of this definition would not dramatically affect project compliance with Measure PP, but it would require some lowering of pads along the south elevation edge of the project.

Measuring the 100-Foot Ridgeline Setback

Measure PP states that: “Housing units and structures shall not be placed within 100 vertical feet of a ridgeline.” Staff interpreted and applied the ridgeline setback to the height of the building pads, thereby allowing the tops of buildings to project above and into the vertical setback area. Figure 5, on the following page, shows how the 100-foot ridgeline setback line would be applied to the hillside areas of the Lund Ranch II property.

Figure 5: Cross Section with the Ridgeline Setback and Building Pads.



The Planning and City Council may want to consider the following options:

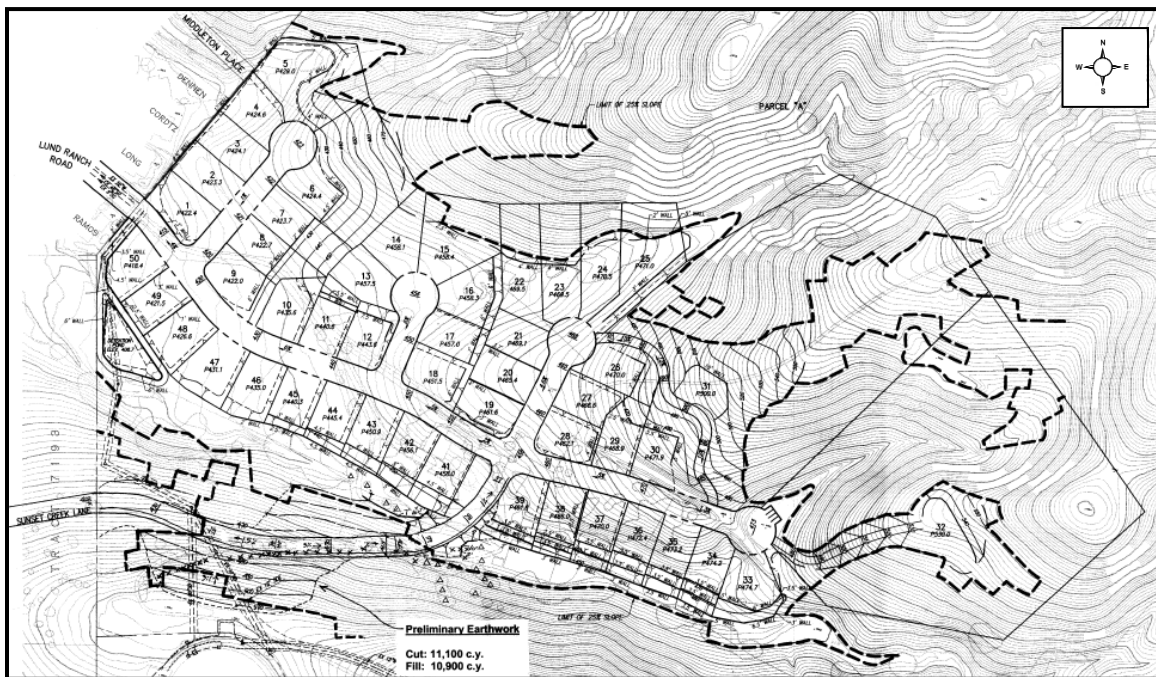
- **Option One:**
If the Planning Commission and City Council decide that the Measure PP Ridgeline Setback is measured from the ridgeline to the building pad, Lots 30 and 32 through 35, a total of five lots, would need to be lowered to a building pad height of less than 470 feet, and Lot 31 lowered to a building pad height of less than 500 feet. Staff considers this change to be minor as it would merely result in lowering the pad grades on these lots, and that it can be implemented without having to eliminate these lots.
- **Option Two:**
If the Planning Commission and the City Council decide that the Measure PP Ridgeline Setback should be measured from the ridgeline to the top of the building, such as the ridge of a sloped roof, then Lots 19, 20, and Lots 27 through 43, a total of 19 lots, would have to be eliminated and/or revised with a combination of lowered building pads, lowered building heights, and single-story only buildings. This change is significant and would require the proposed project to be re-designed.

Roads are Structures/Roads are not Structures

Measure PP is not clear as to whether a street is considered a structure and, therefore, if the grading and construction for a street or road is subject to the slope and ridgeline standards of Measure PP. This decision by the Planning Commission and the City

Council would affect the ability to approve the street/road connection from the Lund Ranch II property to Sunset Creek Lane that would be required to cross areas of 25-percent slopes. Figure 6, below, is a preliminary design of the street connection to Sunset Creek Lane³ achieved by widening the existing ranch road from the Lund Ranch II property to the City water tank located on the Lund Ranch II property to the southeast.

Figure 6: Street Connection from Lund Ranch II to Sunset Creek Lane



Streets or roads on hillsides involve visible cut and fill slopes that may not match natural terrain, and may require the installation of surface “V”-ditches and the construction of retaining walls; etc., which could be determined to be a structure.

The Planning and City Council may want to consider the following options:

- **Option One:**
If the Planning Commission and City Council decide that roads are not structures, then the road connection from the project to Sunset Creek Lane (Alternative Access Scenarios 3 through 8) can be constructed in compliance with Measure PP’s language. The Planning Commission and the City Council, however, would still have to address such issues as tree preservation, grading and re-contouring of graded slopes, drainage, traffic noise, and comments from the community, and could withhold approval of this connection based on one or more of these considerations. Additional discussion of these issues is provided later in this report.

³ Revised Draft EIR, Figure 5.1 and 5.4.

- Option Two:
If the Planning Commission and City Council decide that roads are structures, then any road connection from the project to Sunset Creek Lane cannot be constructed without grading areas of 25-percent slope, which would arguably not comply with Measure PP. All project traffic from the 50 lots of the Lund Ranch II development would then have to use Lund Ranch Road.

Regarding the Letter of Understanding and successive City approvals on PUD Development Plans and a Specific Plan, the City Attorney has opined that these approvals and the Letter of Understanding are not legally enforceable against the property owner and applicant of the Lund Ranch II property. The Planning Commission and the City Council can factor this public comment into its deliberation on the road connection as with any public comment, along with the land use/design issues of extending this street connection to Sunset Creek Lane.

Including/Excluding Artificial Slopes Over 25 Percent

Measure PP is clear that there shall be no grading to construct residential or commercial structures on 25-percent slopes or greater. It is not clear, however, if this prohibition includes artificial or manufactured slopes created before Measure PP. The interpretation of Measure PP in this area are important due to the proposed location of Lots 28 through 30 and 33 through 39, a total of 10 lots, and a portion of the project's public street and cul-de-sac, all proposed on land that appears to have been previously graded to exceed a 25-percent slope.

Figure 7: Proposed Lots and Streets over a 25-Percent Slope

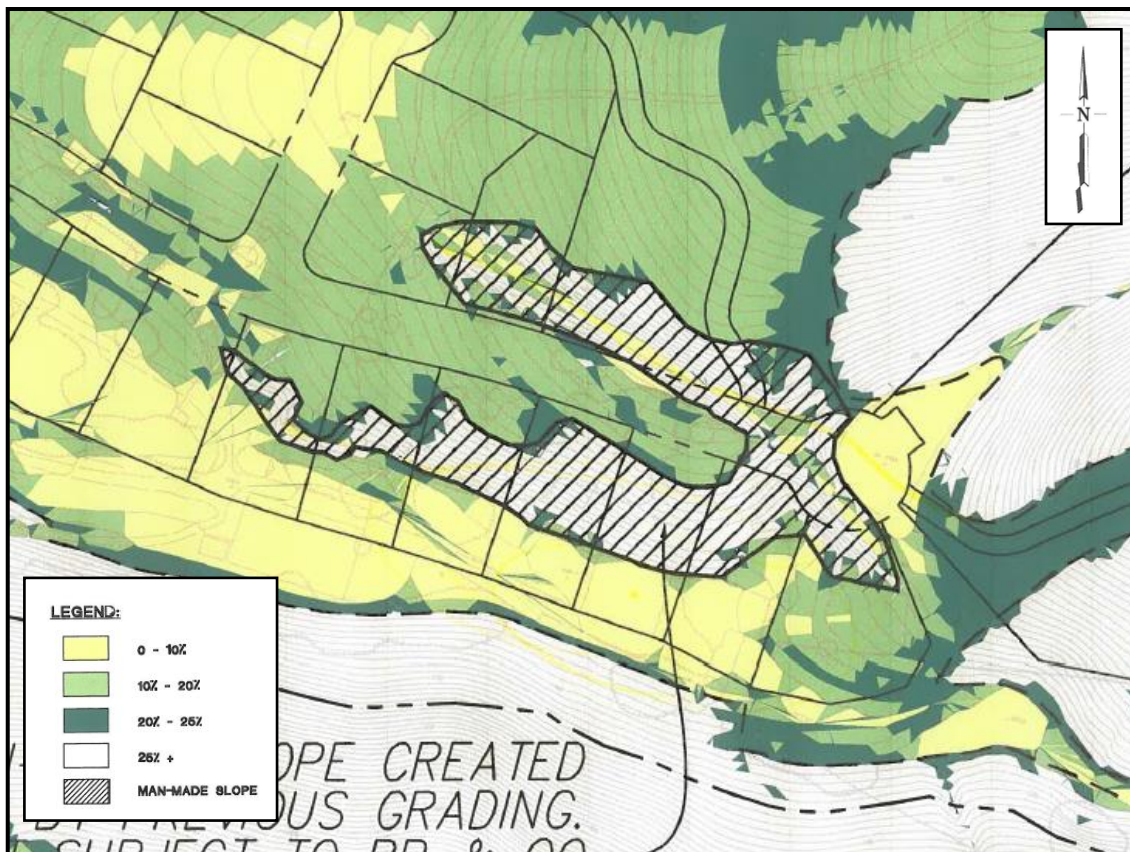


Figure 8 and Figure 9, below, are photographs of the access road and road “cut” through the existing slope with the approximate profile of the slope indicated by the red line.

Figure 8: Existing Cut



Figure 9: Existing Cut and Slope



Figure 10 and Figure 11, below, are photographs of the barn and the “cut” into the existing slope with the approximate profile of the slope indicated by the red line.

Figure 10: Existing Barn

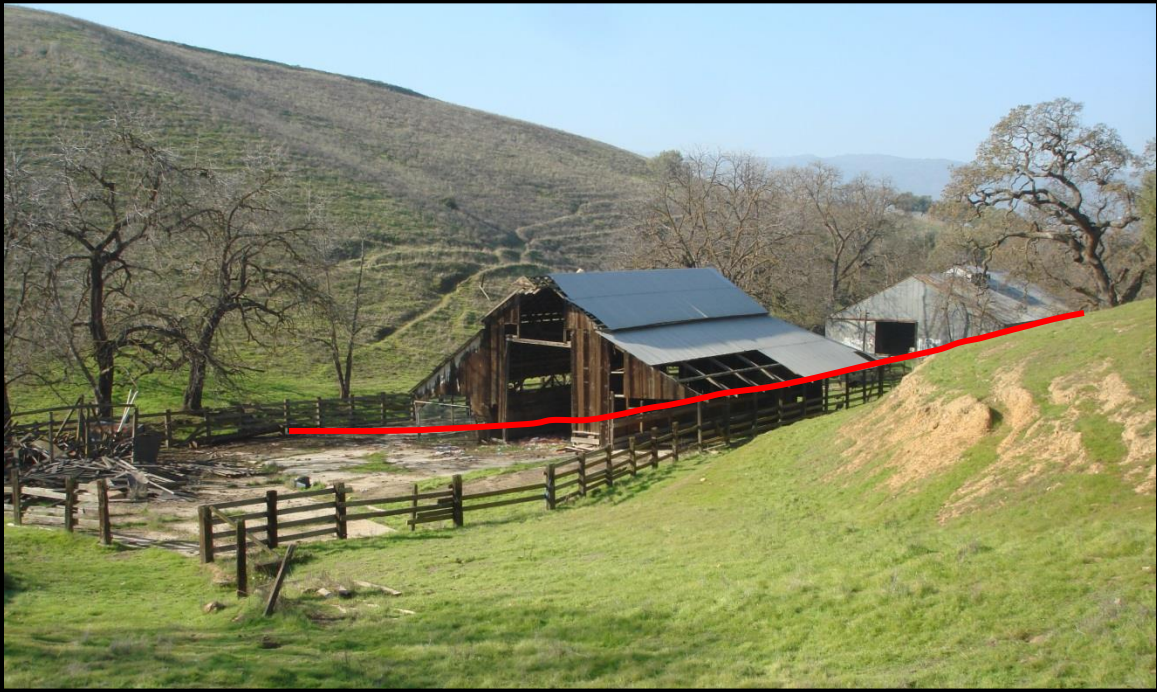


Figure 11: Existing Barn



Staff has concluded from review of the slope map (Figure 6) that these areas of the Lund Ranch II property were originally natural slopes at a grade less than 25 percent, and that the slopes over a 25-percent slope grade were likely the result of the grading done by the Lund family long before the approval of Measure PP on slopes with existing grades less than 25 percent. Staff considers these graded slopes to be artificial and not covered by Measure PP even though they exceed the 25-percent slope grade.⁴

The Planning and City Council may want to consider the following options:

- Option One:
If the Planning Commission and City Council decide that artificial slopes over a 25-percent grade are excluded from Measure PP provided that they were graded before Measure PP and on slopes having a natural grade less than 25 percent, Lots 28 through 30 and 33 through 39 would then be retained in the development.
- Option Two:
If the Planning Commission and City Council decide that artificial slopes over a 25-percent grade are covered by Measure PP regardless of the natural grade of the property before it was graded, Lots 28 through 30 and 33 through 39 would then have to be deleted from the development.

Ventana Hills Agreements

Letter of Understanding

A copy of the Letter of Understanding between the Ventana Hills Steering Committee and Shapell Industries of Northern California, dated April 19, 1991 (Exhibit E), stated that: "Permanent routing for access to and from 'G' Court (Livingston Way in the Bonde development) is intended to connect through proposed development on Lund Ranch (PUD-25), to the East-West Collector Road (Sunset Creek Lane) shown in the North Sycamore Specific Plan without any direct connection to Ventana Hills." The North Sycamore Specific Plan states: "The proposed Plan includes construction of a new east-west collector street connecting the North Sycamore area and the adjacent proposed Lund II development to the east with Sunol Boulevard to the west." Condition 2.c.13 and Condition 30 of Ordinance 1509 for PUD-90-18 required Shapell Industries to abide by this Letter of Understanding.

Regarding the Letter of Understanding and successive City approvals on PUD Development Plans and a Specific Plan, the City Attorney has opined that these approvals and the Letter of Understanding are not legally enforceable against the property owner and applicant of the Lund Ranch II property. The Planning Commission and the City Council can factor this public comment into its deliberation on the road

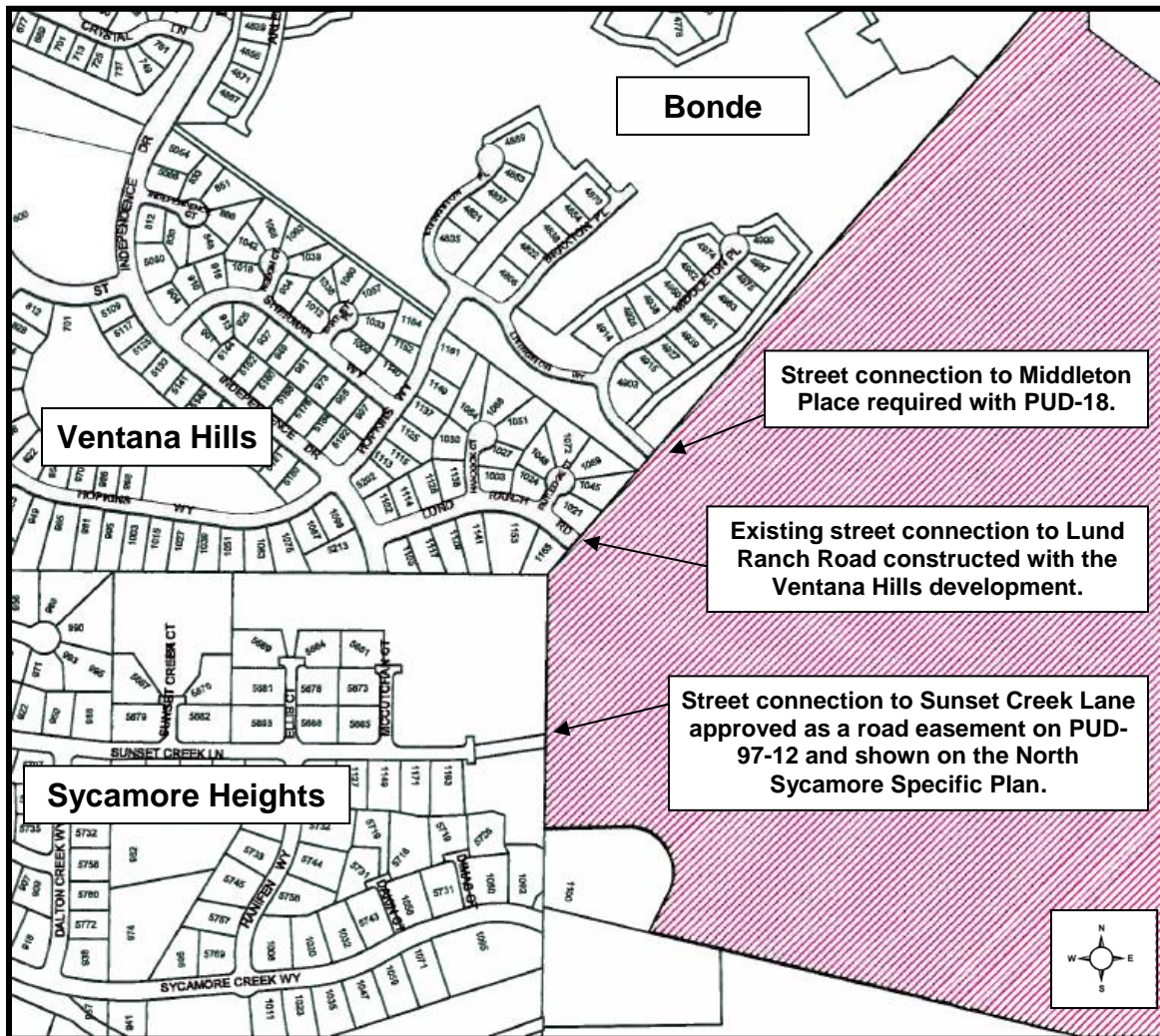
⁴ With the development application of the Hana Japan site (southwest corner of Dublin Canyon Road and Foothill Road), the City determined that the slope bank along the Dublin Canyon Road and Foothill Road sides of the project site was a manufactured slope done with the road widening and, therefore, was not subject to the requirements of Measure PP.

connection as with any public comment, along with the traffic and environmental issues of extending this street connection to Sunset Creek Lane.

Street Connections

The section of the agreement with the Ventana Hills Steering Committee addressed two street connections from the Lund Ranch II property to Sunset Creek Lane in the Sycamore Heights and Bridle Creek developments that would reduce the amount of Lund Ranch II traffic going through the Ventana Hills neighborhoods, and from Middleton Place in Bonde Ranch to Lund Ranch II to reduce the amount of Bonde Ranch traffic using Livingston Way to Hopkins Way to Independence Drive. Residents of Ventana Hills, including members of the Ventana Hills Steering Committee, believe that these previous requirements for street connections must be provided by the proposed Lund Ranch II development. Figure 12, below, shows the Lund Ranch II property with notes pertaining to streets/access points that have been approved/conditioned on adjacent properties.

Figure 12: Lund Ranch II Property with Adjacent Streets and Access Points.



1. **Connection to Lund Ranch Road**
With its approval of PUD-84-15 (Ventana Hills, 127 units), the City Council approved Lund Ranch Road ending at the northwest side of the Lund Ranch II property to provide access to the Lund Ranch II property. Reflecting its standard practice at the time, the City Council did not state with its approval whether Lund Ranch Road was to provide access or the only access to a future development on the Lund Ranch II property, nor did the City Council require any signage at the end of Lund Ranch Road stating that Lund Ranch Road would be extended into the Lund Ranch II site. The Ventana Hills Steering Committee opposes this connection to Lund Ranch Road. The applicant and the Sycamore Heights/ Bridal Creek neighborhoods prefer this connection.

2. **Connection to Middleton Place**
PUD-90-18⁵ (Bonde) required the section of Livingston Way between Braxton Place and Middleton Place to be converted from an existing 28-foot wide public street to a gated emergency vehicle access (EVA), with Middleton Place⁶ then connected to the Lund Ranch II development. Implementing this requirement would mean that Middleton Place owners would no longer be able to use Livingston Way to access Hopkins Way and Independence Drive as they have been doing for over the past 15 to 20 years, but would have to use the public streets on the Lund Ranch II, Sycamore Heights, and Bridal Creek developments.

The proposed project does not now show the street connection to Middleton Place. The Middleton Place connection would be located on project area below the 25-percent limit line and ridgeline setback lines of Measure PP. Several Middleton Place owners, however, want to maintain Livingston Way as a through street to Hopkins Way and Independence Drive and have submitted PUD-90-18-07M, the PUD Minor Modification that, if approved, would retain Livingston Way as a public through street. No City action has been taken on the proposed modification, and the City's position is pending the City Council's action on PUD-25.

3. **Connection to Sunset Creek Lane**
The street connection from Lund Ranch II to the Sycamore Heights development is opposed by the residents of the Sycamore Heights/Bridle Creek developments. PUD-97-12 (Sycamore Heights) dedicated the entire public right-of-way for Sunset Creek Lane to the west boundary of the Lund Ranch II property; a portion of Sunset Creek Lane was constructed in the right-of-way, and the remaining right-of-way is covered by a public road easement.

⁵ Exhibit D: Ordinance 1509, PUD-90-18, Condition 2.b.13), p. 5.

⁶ Middleton Place ends opposite the Lund Ranch II property's northwest property line in the approximate area between the proposed development's Lot 4 and Lot 5.

As required by PUD-97-12, Sunset Creek Lane may only be extended to provide the connection to the Lund Ranch II property. Signs have been installed at the end of Sunset Creek Lane stating: "Future Extension of Sunset Creek Way." Construction of the street connection from the Lund Ranch II development to Sunset Creek Lane is not required to reduce traffic congestion or to provide a second street access for emergency vehicles. The street connection to Sunset Creek Lane would cross a jurisdictional stream and would cross the 25-percent slopes covered by Measure PP. The residents of the Ventana Hills neighborhood and those living on Junipero Street support this connection as they feel the City should honor its previous commitments and reduce traffic on Junipero Street, particularly as it relates to pedestrian safety issue near Mission Hills Park.

VII PLANNING COMMISSION OPTIONS

The Planning Commission may want to consider the following options (or variations of these options) with respect to its future recommendation on the proposed project:

1. **Option One – The proposed project is connected only to Lund Ranch Road with no connections to Sunset Creek Lane or from Middleton Place.**

The previous analysis demonstrates that the proposed project with 50 units with one street connection to Lund Ranch Road, discussed in the Final EIR⁷ as Scenario 1, is approvable by the City and, as shown by the Final EIR, is environmentally compatible with the site and the surrounding area.

The Option One Development Plan is designed in compliance with Measure PP except for the proposed building pad heights of five lots⁸. Option One would require findings by the City that the manufactured slopes on the Lund Ranch II property are not covered by Measure PP, and that the 100-foot ridgeline setback of Measure PP is measured to the building pad and not to the highest point on the building. If those findings are made, the Option One Development Plan complies with Measure PP with the condition to lower the proposed building pad heights of five lots.

As shown in the Final EIR, Option One is consistent with the City's traffic Levels-Of-Service for local streets and intersections and that increases in traffic volumes on local streets and intersections are within the standards of the Pleasanton General Plan. The project developer will pay local and regional Traffic Impact Fees (TIF) as mitigation for the project's impacts to the I-680/Sunol Boulevard interchange. However, by not connecting to Sunset Creek Lane, the

⁷ Revised DEIR, Figure 5-1 and Figure 5-3.

⁸ Lots 30 and 32 through 35, a total of five lots, would need to be conditioned to have their building pad heights reduced to less than 470 feet (NGVD) and Lot 31 would need to be conditioned to have its building pad height reduced to less than 500 feet (NGVD) to comply with Measure PP, if the Planning Commission decides that the ridgeline setback is to the building pad and not to the top of the buildings' roofs.

project will take all its traffic directly to Lund Ranch Road, and by not providing a street connection from Middleton Place to the Lund Ranch II development to receive Middleton Place traffic, the proposed project does not implement the Letter of Understanding between the Ventana Hills Steering Committee and Shapell Industries of Northern California and, for this reason, is opposed by the Ventana Hills Steering Committee. The applicant supports this option as it is the project as proposed.

2. Option Two – The proposed project is connected entirely to Sunset Creek Lane, with no connection to Lund Ranch Road, and providing a connection from Middleton Place.

Option Two would fulfill the Letter of Understanding by providing a public street connection from the Lund Ranch II property to Sunset Creek Lane in the Sycamore Heights and Bridle Creek developments, and a street connection from Middleton Place in the Bonde Ranch development to the Lund Ranch development. Constructing the Sunset Creek Lane connection requires widening an existing ranch road, situated on slopes at or exceeding a 25-percent grade, to a sufficient width and minimal grade to accommodate two-way traffic and emergency vehicles.

If approved, all project traffic from the Lund Ranch II development with the added traffic from Middleton Place homes would then be directed in a southwest direction to Sunset Creek Lane and ultimately to Sycamore Creek Way and to Sunol Boulevard. The net effect of this option would be to decrease traffic through the Ventana Hills development from its present levels by increasing traffic through the Sycamore Heights and Bridle Creek developments. By implementing the Letter of Understanding, Option Two is supported by the Ventana Hills Steering Committee, but is opposed by the applicant and by the residents of the Sycamore Heights and Bridle Creek developments due to increased traffic levels.

Option Two is designed in compliance with Measure PP with the minor differences between the proposed building pad heights of five lots conditioned to be lowered thereby brought into compliance with Measure PP. Option Two would also require findings by the City that the manufactured slopes on the Lund Ranch II property are not covered by Measure PP thereby enabling the lots to remain and that the 100-foot ridgeline setback of Measure PP is measured to the building pad and not to the highest point on the building.

Option Two also requires the Planning Commission's finding that streets are not structures in order for the street widening and attendant grading to be located on slopes that exceed a 25-percent grade. If those findings are made, Option Two can be found to comply with Measure PP.

A road connection to Sunset Creek Lane would require constructing a roadway across Drainage B and up the north-facing slope of the ridge on the southern edge of the site to the stubbed end of Sunset Creek Lane. This alignment would increase impacts to riparian habitat and tiger salamander habitat, and would increase the number of heritage-size trees that would need to be removed. It would also require grading across the south-facing slope to provide for a widening of the road to accommodate a two-lane roadway and a sidewalk. While all of these impacts are considered to be significant, mitigations are identified within the Final EIR that would reduce these impacts to less-than-significant levels. Approvals would be required from the California Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the United States Army Corps of Engineers for construction of the creek crossing.

3. Option Three – The proposed project is split between Lund Ranch Road and Sunset Creek Lane with some lots connected to Lund Ranch Road and some lots connected to Sunset Creek Lane, and with no connection from Middleton Place.

The Option Three development is discussed in the Final EIR as Scenario 3. This Option would partially fulfill the Letter of Understanding by providing a public street connection to Lund Ranch Road for some number of lots, a public street connection to Sunset Creek Lane for some number of lots. No public street connection would be made from Middleton Place to the Lund Ranch development, thereby maintaining the present street pattern of Middleton Place to Livingston Way to Hopkins Avenue.

Option Three divides and distributes the project's traffic through two neighborhoods⁹ and maintains the circulation pattern of a third neighborhood. Traffic through the Ventana Hills, Sycamore Heights, and Bridle Creek developments would increase from present levels with no change to the present travel patterns of Middleton Place homeowners.

As with Option One and Option Two, staff believes Option Three can be found to be in compliance with Measure PP with conditions addressing the minor differences between the proposed building pad heights of five lots. Option Three would also require findings by the Planning Commission that the manufactured slopes on the Lund Ranch II property are not covered by Measure PP, that the 100-foot ridgeline setback of Measure PP is measured to the building pad and not to the highest point on the building, and that streets are not structures in order for the street widening and attendant grading to be located on slopes that exceed a 25-percent grade.

⁹ Although two separate developments covered by separate PUD Development Plans, staff considers the Sycamore Heights and Bridle Creek developments as a single neighborhood.

If those findings are made, Option Three complies with Measure PP with the condition to lower the proposed building pad heights of five lots in compliance with Measure PP. Similar impacts related to the stream crossing and traversing the slope on the southern ridge would occur as with Option Two. Approvals would be required from the California Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the United States Army Corps of Engineers for construction of the stream crossing.

The Planning Commission can modify any one of the above described options, e.g., determine the number of lots accessing each neighborhood, reduce the number of units, eliminate and/or shorten streets, change building designs, etc., with its recommendation. The Planning Commission can also recommend approval of any of the eight project scenarios listed in the Final EIR.

VIII. PUBLIC NOTICE AND COMMENT

Exhibit I is the map of the location and public notification area for the Planning Commission Work Session. Based on the communications received by staff, the proposed project is controversial to surrounding neighbors and homeowners associations.

Public comments received by staff since the revised project was submitted relate to traffic and circulation, available City and regional parks to serve the residents of the proposed project, available school capacity, impacts to the quality of life of existing neighborhoods, loss of existing trees, loss of open space, impacts to the off-site views of the site, the single public street connection to Lund Ranch Road, the previous agreements and the absence of the second or alternate public street connection to Sunset Creek Lane and the absence of the public street connection to Livingston Way (Middleton Place), the proposed density, etc.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission hear the staff and applicant presentations, listen to all public comments and then ask staff any questions related to the project or pertinent issues, and provide any comments it would like to make on those major issues. Staff also requests that the Commission identify any additional information it might need to make an informed decision on the project when it comes back for a formal hearing, tentatively scheduled for March 25, 2015.

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