



## Planning Commission Staff Report

June 28, 2006  
Item 5.b.

**SUBJECT:** PUD-44

**APPLICANT/OWNER:** Barbara Young

**PURPOSE:** Application for PUD rezoning and development plan approval for a three-lot single-family residential project on an existing 2.93-acre site

**GENERAL PLAN:** Low Density Residential (<2.du/acre)

**ZONING:** A (Agricultural) District to PUD-LDR (Planned Unit Development – Low Density Residential) District/West Foothill Road Corridor Overlay District

**LOCATION:** 11249 Dublin Canyon Road

**ATTACHMENTS:**

- Exhibit A:
  - Site Plan, Elevations, Floor Plans, Grading Plan, Landscaping Plan and Photo Simulations, dated, “Received May 12, 2006”
  - Green Building Checklist dated “Received May 12, 2006”
  - Tree report by HortScience
  - Biological Assessment Study prepared by WRA
  - Geotechnical Review prepared by Nicholas Engineering Corporation, peer reviewed by Alan Kropp & Associates, Inc.
  - Noise study by Thorburn Associates
- Exhibit B: Draft Conditions of Approval
- Exhibit C: Initial Study
- Exhibit D: Letter from State Clearinghouse
- Location Map

## **I. SITE DESCRIPTION**

The subject site is located on the east side of Dublin Canyon Road, next to the entrance to “the Preserves” development. The site is a 2.93-acre site developed with one single-family residence and a detached caretaker unit. The front portion of the site is relatively flat with little vegetation. The rear portion of the site slopes up to the south covered with groves of trees.

The site is surrounded by single-family residential uses.

## **II. PROJECT DESCRIPTION**

The proposed development plan would allow for a three-lot subdivision. Lot 1 would be located between Dublin Canyon Road and the existing house and is approximately 20,287 square feet in size. Lot 2, approximately 64,134 square feet in size, is currently occupied by an existing residence with a care taker unit. Lot 3 would be located to the west of Lot 1 at the end of the cul-de-sac. It would be approximately 43,209 square feet in size. A hammerhead shaped private driveway off of Dublin Canyon Road would provide access to all three lots. This private driveway would be maintained by a maintenance association and is consistent with the requirements of the Fire Department.

## **III. ANALYSIS**

### **General Plan Land Use Designation and the Proposed Density**

The subject property is designated by the Land Use Element of the Pleasanton General Plan for Low Density Residential (<2.0 du/ac) land uses with a mid-point density of 1.0 du/ac, equaling a maximum density of five units and a midpoint density of three units<sup>1</sup>. The proposed development conform to the General Plan Land Use designation and density requirements.

### **Inclusionary Zoning Ordinance**

The City’s Inclusionary housing ordinance exempts projects of 15 units or less, therefore the proposed project is exempt. However, the applicant would still be required to pay the City’s low-income housing fees. Second units could still be provided on these lots the conformance with the California State law.

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<sup>1</sup> Section 18.84.040 of the Pleasanton Municipal Code states, if, after dividing the area of a site by the site area required per dwelling unit, a remainder equal to or greater than ninety percent of the area required for an additional dwelling unit is obtained, one additional dwelling unit may be located on the site, provided that all other applicable yard, open space, bulk and parking regulations are met.

## Growth Management

The two additional units covered by this development would fall under the “First Come, First Served” category of the city’s Growth Management programs.

## Design and Site Development Standards

Site Development: The proposed three-lot development would adhere to the R-1-20,000 development standard with some changes listed below:

|   | R-1-20,000                               | Lot 1  | <i>Lot 2(Existing Residence)</i>                     | Lot 3                                       |
|---|--|--|--|---|
| Lot Size  | 20,000 sq.ft.                            | 20,055 sq.ft.  | <i>64,134 sq.ft.</i>                                 | 43,209 sq.ft.                               |
| Floor Area:<br>House:<br>Second Unit:                             |  | 4,120 sq.ft.<br>--                                     | <i>4,351 sq.ft.<br/>1,047 sq.ft.</i>                 | 4,165 sq.ft.<br>--                          |
| Primary Residence:<br>Front Yard:<br>Side Yard:<br><br>Rear Yard: | 25 feet<br>5 feet/30 feet<br><br>25 feet | 35 feet<br>34 feet (east)<br>30 feet (west)<br>31 feet | <i>27 feet<br/>64 feet (east)<br/>41 feet (west)</i> | 29 feet<br>28 feet (east)<br>15 feet (west) |
| Height  | 30 feet (max)                            | 30 feet  | <i>24 ft. 6 inches</i>                               | 27 ft. –6 inches                            |
| FAR   | 30% (max)                                | 20.5% (max)  | <i>8.4%</i>  | 9.6% (max)                                  |

Note:

1. Maximum house height shall be measured from lowest pad grade to the highest roof peak.
2. Accessory structures shall following standards for the R-1-20,000 district.
3. The rear yards of Lot 2 and Lot 3 refer to the areas between the houses and the retaining walls as shown on the development plan. The areas on Lots 2 and 3 beyond retaining walls are preserved for open space.
4. Parcel A of Lot 3 (approximately 2,530 square feet in size) is designated for landscaping only.
5. FAR calculation does not include 600 sq.ft. of garage area. Any square footage within the garage greater than 600 sq.ft. would be included in the FAR calculation.

The proposal does not include development standards for Class I and/or Class II accessory structures. Staff recommends that the development standards for an accessory structure shall follow those that are required for R-1-20,000 zoning district.

In lieu of proposing custom home guidelines for the new homes on Lot 1 and Lot 3, the application includes the building designs, shown in Exhibit A.

The applicant proposes to build the homes on Lot 1 and Lot 3. Staff believes that the proposed home designs are appropriate for the project. All homes, including the existing residence, have side entry garages, improving the visual appearance of the homes from Dublin Canyon Road. Design designs, such as window details, have been adequately carried out on all sides of the homes. The two new homes would have stone or brick masonry on all four sides, providing them with a more rural feel; hence, they would be compatible with the homes in the vicinity.

Architecture Design: The proposed new homes would be two-story building. They would have a 6:12 roof pitch and a maximum building height of 30 feet. Staff believes that the building height measure should be taken from the lowest grade to the highest point of the roof, a height measurement that has been used consistently in recent developments.

The proposal does not include accessory buildings on any of the three lots. Staff recommends that Class I and Class II accessory building follow the requirements of the R-1-20,000 district.

#### Green Building Measures

All new residential projects are required to meet green building measures in the design of the new homes. Currently, the City utilizes Alameda County Waste Management Authority's (ACWMA) Green Points rating as a guide for determining the specific green building measures to be designed into the home and the resultant "greenness" of the home. The Green Points rating system establishes a minimum of 50 points for a home to be determined to be a "green home" with a minimum of 10 points in each category (Resources, Energy, and IAQ/Health). The applicant has submitted a green building checklist showing that the proposed homes would achieve 91 green points. A copy of the checklist is attached for Commission to review.

#### Retaining Walls/Fencing

The property line fence would be a six-foot high solid wood fence along the side yard property line of all lots and along the rear yard property of Lot 1. As conditioned, no fence is allowed in the front yard setback area except for low, decorative open fences not exceeding 30 inches in height.

Retaining walls not to exceed three-feet in height would be constructed on Lot 1 and Lot 3. As conditioned, all retaining walls visible from Dublin Canyon Road should be finished with natural materials such as stone.

The grading plan shows a seven-foot elevation difference on Lot 3 between the driveway and the house entrance. To overcome this grade difference and to provide practical access to the

house both internally (from the garage) and externally (from the front yard), a retaining wall between Lot 2 and Lot 3 and/or steps may be utilized. Staff recommends that the final grading plan for Lot 3 include the retaining wall and/or steps. The final grading plan is required to be review and approved by the Planning Director prior to the issuance of a building permit on Lot 3. Staff has included a condition address this issue.

### Landscaping

The applicants are proposing front yard landscaping for Lot 1 and Lot 3, leaving the rear yard landscaping to the future homeowners. Staff believes that the proposed landscape plan is attractive and will provide a variety of trees, shrubs, and groundcover on the project site. Staff also feels that the density and species of trees and shrubs indicated on the plan are generally appropriate. A condition of approval requires that Parcel A of Lot 3 be maintained as a landscaped area.

### **Grading Plan and Utilities**

Grading: Minor grading would be performed on Lot 1 to separate it from Lot 2. Cut would be performed to the existing 3:1 slope and would provide positive drainage for the home site, create a pad for the house, and garage, along with a small flat outdoor living area. A three-foot high retaining wall would be constructed at the northern edge of the building pad at the back edge of the yard area, at the top of the northern slope bank. As shown on the grading plan, no grading is being proposed near the existing trees, thus none of the existing trees would be impacted by the proposed development.

Utilities: City utilities are available on Dublin Canyon Road. Utilities serving the proposed development would be located beneath the private street (Young Court). Staff has added a condition requirement all utilities to serve the existing and the proposed development on site be installed underground, unless necessary to the above ground as determined by the City Engineer.

### **Geotechnical Investigation Report and Peer Review**

A geotechnical investigation report was prepared by Nicholas Engineering Consultants in 1999 for the originally proposed four-lot PUD in the similar location. The proposed development has reduced the original proposal from four lots to three lots. Less grading would be required for the proposed project, therefore, the City Engineer has accepted the use of this report as a reference document for the review of the PUD. A supplemental report will be required for review and approval prior to the issuance of any building permit. Staff has included a condition address this issue.

Test borings were performed in four locations within the proposed lotting area, and were drilled to 21 feet below the existing ground surface. The surface soil consists of dark brown silty clay that is very dry and stiff. Below the surface layer and at the depth of 13 feet and below, dark yellowish brown silty clay was encountered and that it is very moist to saturated and medium stiff to stiff. The field investigation did not observe any evidence of landslides. The report stated that the site is suitable for the proposed development. Although no active faults have been mapped to cross the site, the site is located in the seismically active San Francisco Bay Area. As such, the investigation report included a list of recommendations in the area of grading (cut and fill), soil compaction, foundation, retaining walls, pavement sections, etc.

Since the NEC report was prepared in 1999, it was peer reviewed by Alan Kropp & Associates, Inc. to ensure that the report conforms to generally accepted standards of practice. The peer review report finds that the geotechnical investigation report by NEC for the subject site generally conforms to those standards. However, the peer reviewer recommends that, as the project progresses, the drainage issues should be thoroughly evaluated at the time of building permit for Lot 3. Proposed grading should consider high water content valves recorded on the boring lots, and that NEC should confirm that the 1999 recommendations are still applicable to the project now being proposed. Conditions of approval have been included to address these items.

### **Tree Report and Biological Assessment**

Tree Report: A tree report was prepared by HortScience, evaluating the potential development impacts to trees that are located within the proposed development area. The report includes an evaluation of the tree health and structural conditions, and an appraisal of the trees that are to be preserved. If a tree were damaged or destroyed due to construction activities, its value could be ascertained and fines levied.

The tree report surveyed a total of eight (8) trees that are within the proposed development area. Among them, three are coast redwood trees, two are coast live oak trees, and three are California bay laurel trees. All of them are heritage-sized trees per City Tree Ordinance, and are in a fair to good condition. The report further assessed the trees' suitability for preservation. Two Coast redwoods (Tree Nos. 93 and 94) and two Coast live oaks (Tree Nos. 96 and 97) were assessed to have good health and structural stability; therefore, they would have the potential for longevity at the site. One Coast redwood (Tree No. 95) and two California bay laurel trees (Tree Nos. 99 and 100) were assessed to have moderate health and structural stability, and one California bay laurel (Tree No. 98) was assessed to have poor health and low structural stability for preservation.

The report recommends the removal of the following four trees:

| Trees       | Tree Species          | Reasons for Removal                              |
|-------------|-----------------------|--|
| No. 97      | Coast live oak        | Impacted by the proposed private court           |
| No. 98 -100 | California bay laurel | Impacted by the proposed retaining wall on Lot 3 |

To mitigate the removal of four heritage trees in good to moderate condition, a condition of approval has been added that all new trees planted by the applicant be a minimum of 24-inch box in size and pay a fee in the amount of the appraised value less the value of the 24-inch box. Applicant may choose to replant at a ratio to exhaust the appraised valued. A condition of approval has been included to address this issue.

Biological Assessment: At staff’s request, a Biological Assessment Report was prepared by WRA Environmental Consultants. The report identified the following wildlife Special Status Species:

- White-tailed kite (*Elanus leucurus*), a USFWS Species of Concerns, has a moderate potential to occur on the subject site. The white-tailed kite builds nests in oak, willow, eucalyptus, cottonwood, and other deciduous trees. Oak trees throughout the subject site provides suitable nesting habitat, and open grasslands provide suitable foraging habitat.
- Cooper’s hawk (*Accipiter cooperii*), a California Department of Fish & Game (CDFG) Species of Special Concern, has a moderate potential to occur on the subject. Cooper’s hawk is an agile bird of prey, feeding primarily on songbirds caught in flight. Oak woodland habitat within the subject site provides suitable breeding a foraging habitat for this species.
- The loggerhead shrike (*Lanius ludovicianus*) is a USFWS Species of Concern and a CDFG Species of Special Concern with a moderate potential to occur on the subject site. It prefers open habitats that have scattered shrubs, posts, or other perches from which to rest and hunt. The oak trees provide suitable nesting habitat and lizards and insects located on the subject site provide a suitable source of food.

Although all of the bird species have a moderate potential to occur at the site, breeding birds are protected under the migratory Bird Treaty Act that prohibits the disturbance or harm of breeding birds and their eggs. The report recommends that the initial ground disturbance and

construction be conducted outside the bird-breeding season (February through August). In an event that the construction cannot be scheduled outside the breeding season, a wildlife biologist should conduct a breeding bird survey within 30 days of the onset of construction to determine if nesting birds are present. In the event that nesting birds are identified to be present, further mitigation may include establishing buffers no less than 50 feet from active nests until young birds have fledged the nest. Staff has added condition to address these issues.

During the site assessment period, Congdon's tarplant (*Hermizonia parryi* ssp. *Congdonii*) was found at a few scattered locations within and adjacent to the proposed construction area. Although not a state or federal listed species, Congdon tarplant is afforded a special status listing by CNPS. To minimize the impact to this plant, the report recommends that seed collection and seed storage until it is time to reseed. Staff has included a condition to address this issue.

### **Access/Circulation and Traffic**

Access to the proposed development would be from a private drive off of Dublin Canyon Road. The private court has a hammerhead design to accommodate fire truck maneuvering. The applicant is required to pay for the pro rata share of improvement on Dublin Canyon Road.

The City's Traffic Engineer has reviewed the proposed three-lot development. Based on the amount of traffic that may be generated from the proposed development, the City Traffic Engineer requires the applicant pay for the required traffic mitigation fee. No traffic report is required.

### **Noise Study**

At the request of staff, a noise study was performed by Thorburn Associates over a 24-hour period. The report found the sources of noise impacting the subject site are from Interstate 580, BART, and daily traffic on Dublin Canyon Road and Laurel Creek Drive. The report finds that the outdoor noise at the proposed residential house sites would be conditionally acceptable (per General Plan) at 63-67 dBA  $L_{dn}$ , and that the indoor noise at the site would be at 45  $L_{dn}$ , a normally acceptable category.

The report further finds that the exterior noise would be reduced due to the proposed construction measures. Stucco finish over plywood sheathing, and insulation in the wall cavity would improve the noise impact. Additionally, window glazing and weather-stripping at doors would also help reduce the noise level. The report concluded that the proposed construction at the proposed lots would conform to the General Plan.



## **Other Services**

Parks: There is a neighborhood park in the Preserves development. The park is within ½ of a mile of the project site. The proposed two additional homes should not create a burden on existing parks.

Fire Service: The site is located in the Fire Hazard area. As a result, the proposed new homes must be equipped with fire sprinklers and must have a Class “A” roof.

The rear up-sloped portion of Lots 2 and 3 are covered by groves of mature trees. As part of the proposed project, this area will be designated for open space purpose, and the applicant will place an open space easement on this area. As such, a site-specific open space management plan should be prepared for these open space areas. The purpose of the management plan is to address the long-term maintenance requirements of these areas, including fire prevention measures. Staff has added a condition requiring the applicant provide such plan, subject to the review and approval by the Planning Director and the Fire Marshal, prior to issuance of a building permit.

## **West Foothill Road Corridor Overlay District Requirements**

The subject site is within the West Foothill Road Corridor Overlay District (WFRCOD). Since the site does not adjoin Foothill Road, it is not subject to the regulations pertaining to lot size, building setback, and building height that apply to the sites otherwise adjoining Foothill Road. The proposed development, however, is subject the design criteria specified in WFRCOD in terms of foreridge development, access/frontage improvements, landscaping, retaining walls, and fencing.

WFRCOD prohibits building sites within lots to be located on or near ridge which does not have a background of Pleasanton or Main Ridges when viewed from Foothill Road. The proposed development would occur at the lower portion the site, at the similar elevation as Dublin Canyon Road. Therefore, the proposed buildings would not protrude above the ridgelines.

WFRCOD prohibit use of individual driveways intersecting directly onto Foothill Road. It encourages combined, common-access driveways servicing more than one lot. It encourages the use of frontage roads. The subject site fronts Dublin Canyon Road, a frontage road parallel to Interstate 580. The applicant proposes a private street off of Dublin Canyon Road. The private street serves as a combined, common-access road servicing all three lots.

WFRCOD requires that mature, native trees be retained to the maximum extent feasible and that

landscaping for new development be predominately native plant species in areas visible from Foothill Road. Lawn or turf areas in landscape schemes adjacent to Foothill Road should be either eliminated or hidden by native landscaping. The majority of the trees on the subject site are located in the up-sloped area outside of the proposed development, except for four trees (one coast live oak and three California bay laurel) would be impacted. Among the four affected trees, three are located behind the proposed house on Lot 3, not visible from Dublin Canyon Road. The area on Lot 3 abutting Dublin Canyon Road is to be designated as open space. A condition is added requiring native landscaping be used.

WFRCOD requires that retaining walls visible from Foothill Road be faced with materials compatible with the natural setting, such as natural stone or wood. Where feasible, retaining walls should be stepped. Landscaping shall be incorporated to minimize adverse visual impacts, with planting in front of walls, within stepped recesses and/or overhanging the wall. Two three-foot high retaining walls are proposed: one is located on Lot 3 behind the proposed house, and the other retaining wall would be located on the side on Lot 1. Given the location, the retaining wall on Lot 1 may be visible from Dublin Canyon Road. The retaining wall on Lot 3 would be hidden by the proposed house. A condition is added requiring the retaining walls on both lots be faced with a natural materials.

WFRCOD requires open fencing shall on the subject site, except that solid, privacy fencing may be allowed in areas of a lot not within required yard areas if it is screened with landscaping. As proposed, property line fences would be solid wood fence.

#### **IV. 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 following findings that the proposed PUD development plan conforms to the purposes of the PUD District, before making its recommendation.

**1. Whether the proposed development is in the best interest of the public health, safety, and general welfare.**

As conditioned, the proposed development would meet City standards for street improvements and utility design. Adequate storm drain, sanitary sewer, and water service utilities are present in the area surrounding the development and are sufficient to serve the proposed development. All on-site infrastructures shall be installed by the project developer with connections to municipal systems in order to serve the site. The project will generate traffic loads that can be accommodated by the existing City streets

and intersections in the area. Adequate access would be provided to all structures and units for police, fire, and other emergency response vehicles. The building would be designed to meet the requirements of the UBC and other applicable City codes. Staff believes that the proposed plan is in the best interests of the public health, safety, and general welfare.

Therefore, staff believes that this finding can be made.

**2. Whether the proposed development is consistent with the Pleasanton General Plan.**

The proposed density conforms to the Land Use density of <2.0 du/ac) and but the midpoint density of one dwelling units per acre. The proposed development is consistent with Housing Element Policy 42 which strongly encourages residential infill in area areas where public facilities are available to adequately to support such development. Staff believes that the use and development intensity of the site would be consistent with the policies and programs of the General Plan Land Use and Housing Elements.

Therefore, staff believes that this finding can be made.

**3. Whether the proposed development is compatible with previously developed properties in the vicinity and the natural, topographic features of the site.**

The site is an infill property surrounded by residential uses.

The front portion of the land is relatively flat but the rear portion of land slopes up toward the rear. Grading will be limited to creating the building pads and providing proper drainage of the site, but such grading would be minor. The proposed units have been sited to minimize impacts on surrounding neighbors.

Therefore, staff believes that this finding can be made.

**4. Whether grading takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding to have as minimal an effect upon the environment as possible.**

Grading will be limited to the building pads, driveways, and modestly sized rear yards. City Building Code requirements would ensure that building foundations, on-site driveways, and parking areas are constructed on properly prepared surfaces. As conditioned, the design of the proposed development would provide adequate drainage to prevent flooding. Vegetated swales would be constructed to filter pollutants in the

stormwater before it enters the storm drain system. Erosion control and dust suppression measures will be documented in the building permit plan sets and will be administered by the City's Building and Public Works Departments. The property is not located in the Alquist-Priolo Study Zone. According to the United States Department of Housing and Urban Development Flood Hazard maps, no portion of the site will be affected by a 100-year flood. Staff feels that the grading is designed in keeping with the best engineering practices, would have a minimal effect on the environment.

Therefore, staff believes that this finding can be made.

**5. Whether streets and buildings have been designed and located to complement the natural terrain and landscape.**

The access to the proposed lots would be from a private cul-de-sac and the building pads have been designed to generally follow the site's natural contours, which will help minimize the visibility and reduce the amount of grading necessary to construct the building. Additionally, the proposed design compliments the existing streetscape on Dublin Canyon Road.

Therefore, staff feels that this finding can be made.

**6. Whether adequate public safety measures haven incorporated into the design of the plan.**

The public improvements associated with this project would be consistent with City design standards. Access to and from the proposed lots would be via a private cul-de-sac, limiting access directly onto Dublin Canyon Road. Additionally, the private cul-de-sac is designed to meet City standards for emergency vehicle access and turn-around. The building will be constructed to meet the requirements of the Uniform Building Code and will require approval by the State. The building would also be equipped with automatic fire suppression systems (sprinklers). Adequate access is provided to all structures for police, fire, and other emergency vehicles.

Therefore, staff believes that this finding can be made.

**7. Whether the plan conforms to the purposes of the PUD District.**

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to insure that the desires of the developer and the community are understood and approved prior to commencement of construction. Staff believes that the

proposed project implements the purposes of the PUD ordinance in this case by providing design that compliments the existing streetscape, and that meets the City's General Plan goals and policies. The PUD process allows for ample input from the public and for an ultimate decision by the City Council regarding appropriateness of the proposed use.

Therefore, staff believes that this finding can be made.

## **V. ENVIRONMENTAL ASSESSMENT**

A negative declaration was prepared in conjunction with the proposed planned unit development plan. Based on the Initial Study and Negative Declaration, the project would not have significant effect on the environment. The proposed project plans have been revised to avoid significant effects or mitigated by design to a point where the effects are insignificant and there is no substantial evidence that the project as revised may have a significant effect.

Staff has filed a Negative Declaration with the State Clearinghouse.

## **VI. CONCLUSION**

The subject site is located close to the City limits which makes it unique and sensitive. Staff believes that the proposed Planned Unit Development – Low Density Residential (PUD-LDR)

zoning and development plan are in conformance with the policies of the General Plan. Staff finds the site plan to be functional, yet sensitive to the adjacent residential properties. Adequate private yard areas have been provided for the proposed units. The private cul-de-sac minimizes the number of driveway openings on Dublin Canyon Road. Green Building and stormwater protection measures have been incorporated into the project. Staff believes that the architectural style of the homes is appropriate for neighborhood.

## **VII. STAFF RECOMMENDATION**

Staff recommends that the Commission take the following actions:

1. Find that the proposed rezoning and Planned Unit Development plan are consistent with the General Plan and PUD Ordinance;
2. Make the PUD findings as listed in this staff report;
3. Adopt a resolution recommending approval of PUD-44 to the City Council for a rezoning of 2.93-acres site from A (Agricultural) District to PUD-LDR (Planned Unit

Development – Low Density Residential) District and for a Development Plan approval of a three-lot residential project as shown in Exhibit A, subject to the conditions of approval listed on Exhibit B; and,

4. Find that the project would not have a significant effect on the environment and adopt a resolution approving the attached draft Negative Declaration.

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