

Planning Commission Staff Report

June 13, 2007

Item 6.b.

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 the 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 496-acres for permanent open space; and,
- Approve 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 Vintage Hills and Grey Eagle Estates, and to the east of Kottinger Ranch.

ATTACHMENTS:

1. Location Map
2. Exhibit A, Oak Grove PUD Development Plan dated "Received March 22, 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
 - h. Exhibit F, Oak Grove Design Guidelines, including:
 - i) 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.
 - ii) 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.
 - i. 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*).
 - j. 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*).
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, Final 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 June 13, 2007.
 - e. Exhibit B-5, Mitigation Monitoring and Implementation (MMIP), dated June 13, 2007
4. PUD Development Plan Conditions and Findings
- a. Exhibit C-1, PUD Development Plan Findings, dated June 13, 2007.
 - b. Exhibit C-2, Draft Conditions of Approval, dated June 13, 2007.
5. Exhibit D, Oak Grove Development Agreement.
6. Exhibit E, Public Communications
- a. Exhibit E-1, List of Responses
 - b. Exhibit E-2, Map of the Public Hearing Notice Area and Public Comments – Letters and Emails
 - c. Exhibit E-3, City's Responses to Comments on the North EVA Route
7. Exhibit I, Public Meeting Minutes, including:
- a. Exhibit I-1, Public comments on Oak Grove at the Meeting Open To The Public section of the Planning Commission meeting held on March 14, 2007
 - b. Exhibit I-2, Housing Commission held on January 18, 2007.
 - c. Exhibit I-3, Parks and Recreation Commission/Trails Ad-Hoc Committee Work Session held on January 11, 2007.

- d. Exhibit I-4, Joint City Council/Planning Commission Work Session on the Oak Grove Environmental Impact Report held on February 8, 2005.
 - e. Exhibit I-5, Planning Commission Work Sessions on the Oak Grove Environmental Impact Report held on July 12, 2006.
 - f. Exhibit I-5, Planning Commission Work Sessions on the Oak Grove Environmental Impact Report held on August 23, 2006.
8. DVD views of the proposed project prepared by the applicant.
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I. BACKGROUND

Site History

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, which included the site of the adjoining Kottinger Ranch development. The property is currently used as range 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 via an access and maintenance easement granted to the City.

In October 16, 1984, The City Council approved GP-84-7 and PUD 84-5, which included the Kottinger Ranch development consisting of 156 single-family homes and permanent open space area. The open space area corresponded to areas of creeks, swales, and hillsides. To achieve the open space preservation, the Kottinger Ranch streets and homes were located on the flat and ridge portions of the site. Kottinger Ranch was anticipated and planned as the first phase of development of the entire Line property in that the Lin property was rezoned to position the property for development.

In 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.

Proposal

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 as referenced in the Draft Environmental Impact Report (DEIR) as AH-1. 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. Staff determined that there would be several environmental concerns and, therefore, required an Environmental Impact Report (EIR) be prepared to identify which impacts would be significant enough requiring either mitigations or possible statements of overriding consideration.

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. This plan is identified in the DEIR as Alternative 4.

Environmentally Preferred Plan/DEIR Alternative Number 4

The collaborative process developed a preferred alternative plan, which reduced the previously proposed from 98 units to 51 units. The 51-unit development plan will be referred to as the Oak Grove development plan, development, or project, and is proposed to develop ±66 acres for custom homes and offer the remaining 496 acres as open space to the City or other public entity.

Review Process

The proposed project is before the Planning Commission for review and consideration to make a recommendation to the City Council. The DEIR has been reviewed and considered by the Planning Commission. The Planning Commission is responsible to review the FEIR and then recommend to the City Council whether or not the FEIR should be certified as complete in accordance with CEQA guidelines and processes. The Planning Commission will also be considering the merits of the environmentally preferred alternative noted above as the 51-unit development plan, Alternative 4, and making a recommendation to the City Council whether that development plan should be approved. 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.

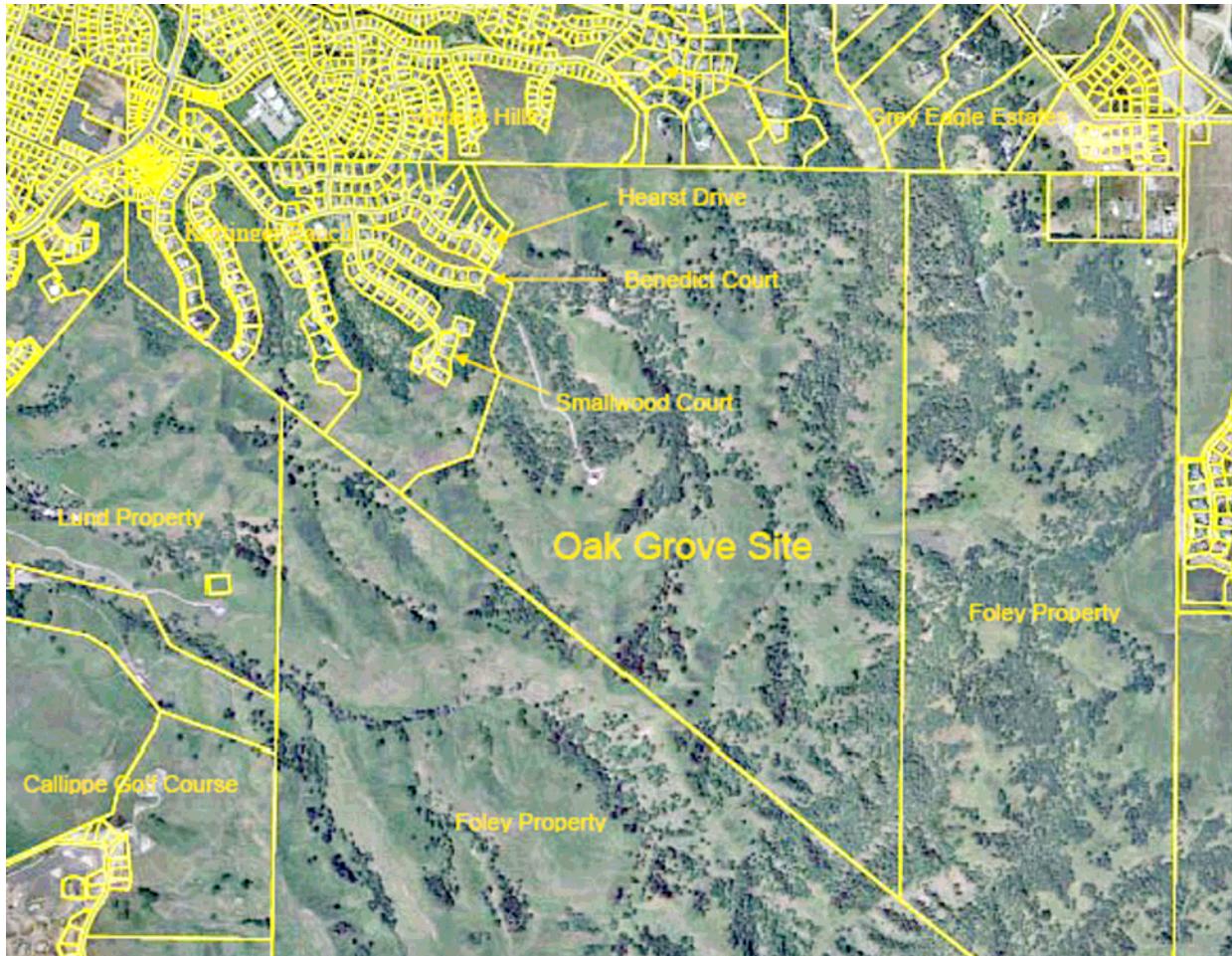


Figure 1: Aerial Photograph/Location Map of the Oak Grove Property and Surrounding Land Uses

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 2 and Figure 3 on the following page 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.

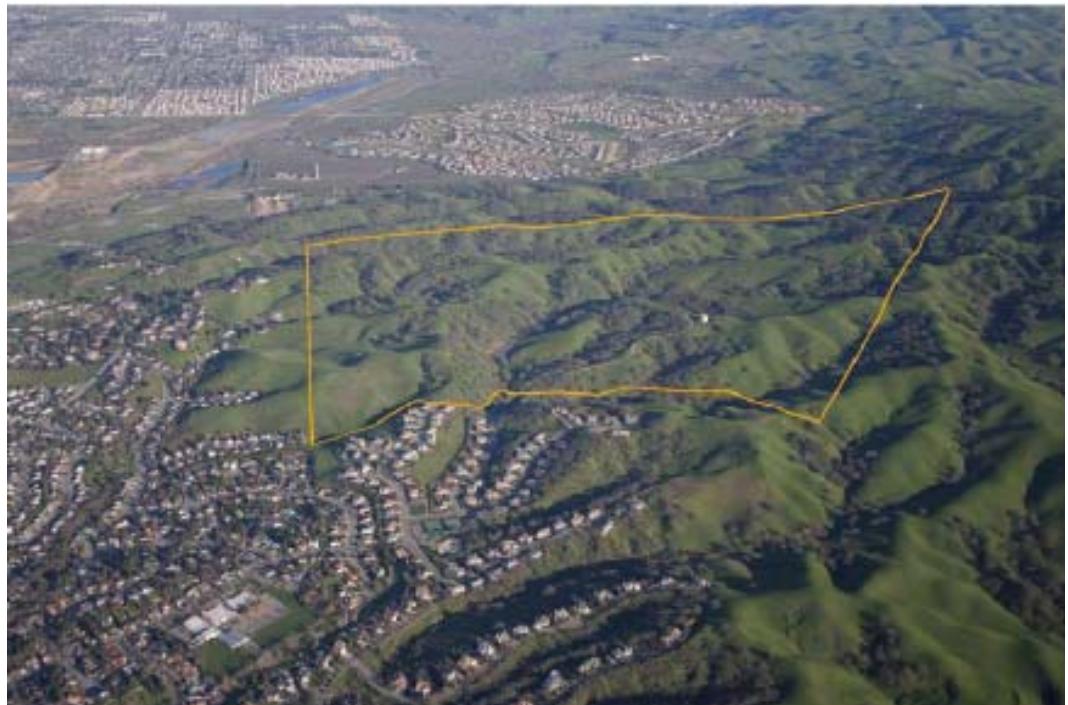


Figure 3: Aerial Photograph Looking to the East

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

Primary access to the site is from Hearst Drive, a residential collector street that connects to Bernal Avenue and serves the Kottinger Ranch subdivision. There is also access to the site from the Grey Eagle Estates subdivision to the north via easements to the City.

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. 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 have slope grades averaging approximately 20 percent or greater.

Wetlands

The Oak Grove site 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 are found in small portions of the project site.

Biology

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. 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.

III. PROJECT DESCRIPTION

Proposed Site Design

The development plan, Figure 4 on the following page, 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:

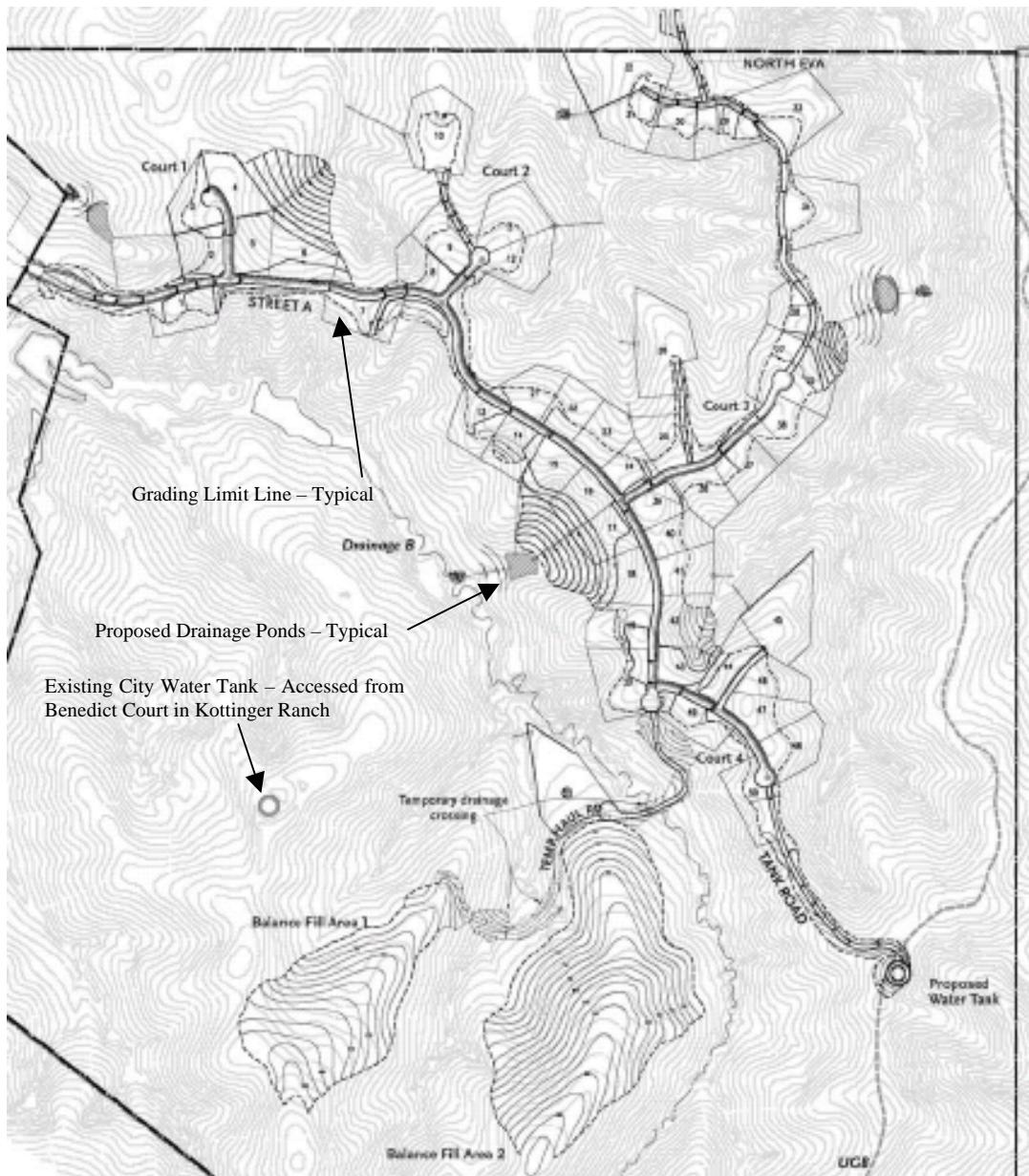


Figure 4: Focused View of the Proposed Development Plan.

- The applicant proposes to develop an approximately 77-acre portion – streets, building sites, graded areas, etc. – 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 30,290 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. There would be an emergency vehicle access connection at the north property line connecting to the public access/public service easement on the adjacent Grey Eagle Estates subdivision property.

- The applicant will dedicate the remaining 496 acres of land to the City of Pleasanton or to other public entity as permanent open space in perpetuity. The open space area will provide wildlife habitat preservation areas; 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 and operated by the City and will include various parking, restrooms, a horse trough, and a drinking fountain. 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. The trail system as recommended by the Parks and Recreation Commission included both regional and local trails.

- Approximately 400 trees would be planted in selected portions of the open space area to mitigate the loss of trees due to development. 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. These trees would be limited to native species – oaks, bays, etc. – and would be maintained by the Homeowners Association or by the Geologic Hazard Abatement District.
- A new water tank serving the proposed development and surrounding neighborhoods would be constructed on the open space area in the southeast quadrant of the site.

Proposed Building, Site, and Landscape Design Guidelines

The lot-specific house, site, and landscape designs will be controlled by design guidelines, attached as part of Exhibit A. 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. The guidelines also include examples of the house designs for the different types of lots of this development.

The guidelines also provide the procedures for lot development. The review of the home designs for these lots would be administered by a two-step process.

1. First, there would be an “in-house” review administered by the Oak Grove Review Board (ORGB), which would include Berger Detmer Ennis Architects and M. D. Fotheringham Landscape Architects. The review procedures are described in the guidelines. The design plans would be approved by the OGRB before being submitted to City staff for review.
2. Second, after completion of the “in-house” review, there would then be the formal design review administered by the Planning Department following the review procedures set forth in Section 18.20 of the Pleasanton Municipal Code.

Having the Oak Grove Review Board administer the first stage of design review ensures compliance with the design guidelines as well as a continuity of review among the various house designs, e.g., ensuring that the individual design works well within the design ensemble of the surrounding homes. Similar procedures have been successfully implemented in the Mariposa Ranch development and the Ruby Hill development.

Grading/Urban Stormwater Runoff

The proposed grading plan includes the following features:

- Lots and streets would be located 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 accommodate the public streets and the front-yard portion of the lots. The front-yard portion of the lot will then be contour-graded and “feathered” to existing terrain.
- All grading will be primarily 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 cut and fill material being moved on the site. Of this amount, approximately 390,000 cubic yards of excess material will be stockpiled in two areas of the open space area. The remaining 290,000 cubic yards will be used as fill material for the roads. 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.
- Private lots will be graded to balance cut and fill. Any minor excess graded material from the private lot grading would have to be off-hauled either to another building site in the Oak Grove development or down Hearst Drive. Each custom home lot builder will be required to certify the amount of off-haul.

- A Geologic Hazard Abatement District (GHAD) will be established to inspect 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 take appropriate action.

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 (TIF). These funds would construct a traffic signal at the Bernal Avenue/Kottinger Drive intersection; would retime the existing signal at the Bernal Avenue/Independence Drive intersection; would construct traffic calming measures on Hearst Drive on a to-be-identified-basis; and would 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 separately pay the Tri-Valley Transportation Development (regional traffic) fees.

Construction Phasing

The proposed project will be conditioned to allow multiple final maps that may be filed after the PUD approval is granted. If final maps are phased, the construction of the backbone infrastructure will also likely be phased. If the applicant chooses to phase the project, only Lots 1 through 7 would be allowed to move forward without construction of the new water tank and emergency access routes.

Affordable Housing Agreement

To meet the City's Inclusionary Zoning Ordinance requirements, the applicant would be required to provide 20 affordable units at an off-site location which has yet to be determined. This represents 20 percent of the original 98 units as identified in the housing element. The 20 units would be affordable in perpetuity and would consist of five units at the very low income level, ten units at the low income level, and five units at the moderate income level. 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 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.

IV. ENVIRONMENTAL IMPACT REPORT

CEQA Process

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

- 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 for 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 Environmental Impact Report for this proposal (EIR). 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-4. After the work session, the scope-of-work for the DEIR was finalized and work then began on its preparation.

The Oak Grove Draft Environmental Impact Report analyzed 20 subject areas identified as specific areas of concern where mitigations to environmental impacts were needed to be considered. It also identified areas which require a statement of overriding consideration which are cumulative impacts to the Bernal Avenue/I-680 South Bound on-ramp, the Santa Rita Road/Valley Avenue intersection, and to blue oak woodland. 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.

- DEIR public review period.
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.
- Preparation of the Mitigation Monitoring Implementation Plan (MMIP).
The MMIP was completed and is attached to the Planning Commission's packet as Exhibit E-5. The MMIP includes the mitigation measures defined in the DEIR and the FEIR and the implementation of the mitigation measures with the development with the site plan, design guidelines, and/or draft conditions.

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 Final 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.
- Exhibit B-5, Mitigation Monitoring Implementation Plan, dated June 13, 2007.

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).

The proposed project along with the accompanying EIR is before the Planning Commission for consideration of a recommendation to the City Council for certification of the EIR and the project.

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 General Plan land use designations and their boundary lines of the site and adjoining properties are shown on Figure 5, below.

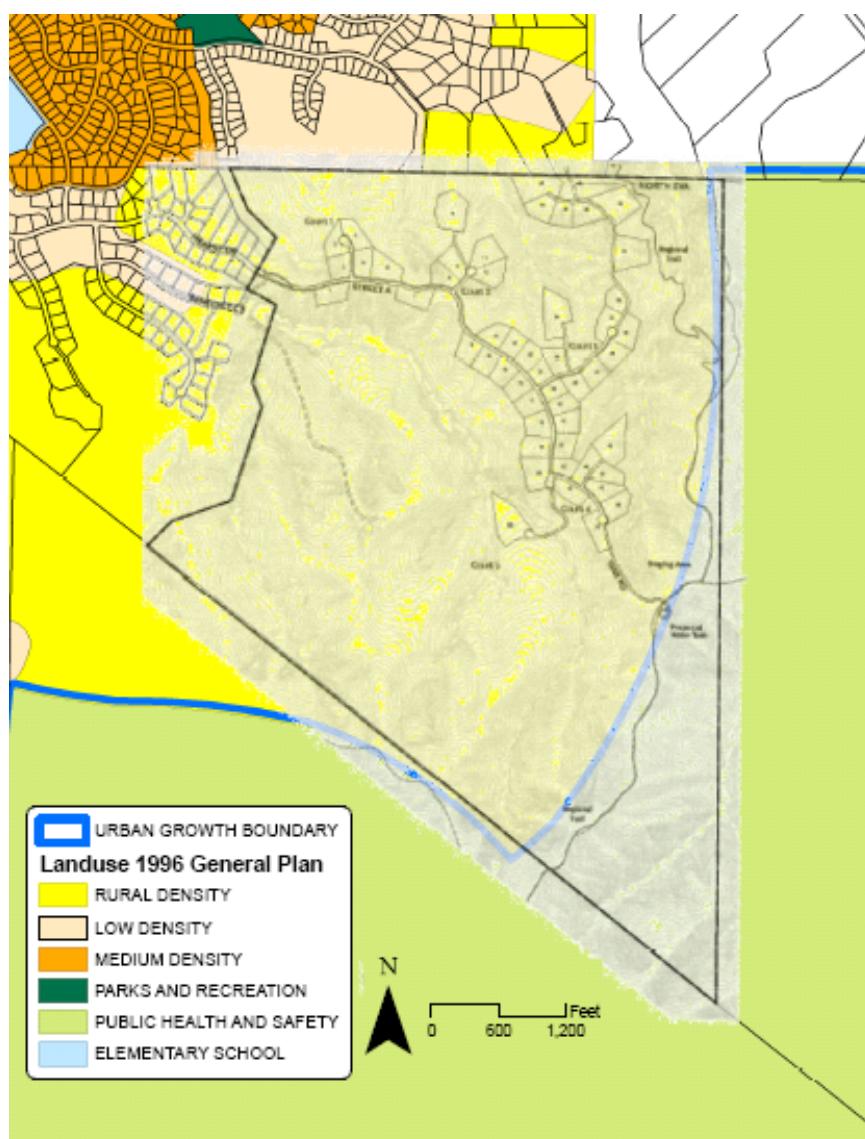


Figure 5: 51-Unit Site Plan Superimposed on the General Plan Land Use Map

Table 2, below, 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 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. The open space area will be covered by a conservation easement granted to a third party that would provide oversight of the open space area.

Nearby and surrounding neighbors have requested City assurance that the 51-unit density for this development plan would be 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 present land use designations for the Lin property will be updated to reflect the PUD development plan approval.
- The open space area shall be dedicated lands for that purpose only and have an instrument provided for oversight.

Urban Growth Boundary Line

The proposed water tank and the trail staging area would be located near the Urban Growth Boundary (UGB) line's approximate location shown on the General Plan Land Use Map for the Oak Grove site, Figure 5. The approximate location of the Urban Growth Boundary (UGB) line is the location of the ridge which separates the east/west watersheds.

The Pleasanton General Plan considers the UGB permanent and, therefore, discourages "future adjustments" of the UGB, but allows "minor adjustments", if needed, 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 proposed locations of the water tank and the staging area to meet the criteria, if needed:

- The water tank would serve as a looped system providing potable water to the proposed development and surrounding developments. It will also provide a back-up 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. Its capacity – approximately 250,000 gallons – is based upon the needs of the proposed project and surrounding development, but would not be used to satisfy the potable water needs of any additional development in the area. Therefore, it would not be considered to be growth-inducing.
- The staging area would serve the users of the future local and regional trails installed with this development, consistent with the concept of the City of Pleasanton's Master Trails Plan, are part of the larger trail system planned for southeast Pleasanton. The only structures planned for the staging area would be a public restroom building. As anticipated, the location and design of the staging area would respect existing trees and site topography.

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 from the site. Construction traffic will be minimized.

- 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 or other public entity 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.

- 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."

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. 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 a 20-percent maximum floor area ratio for these lots.

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.

- 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."

This policy would apply to existing lots of record and new lots created entirely on slopes exceeding a 25 percent slope grade. For Oak Grove, the streets and lots are located on the areas of the site having slope grades less than and greater than 25 percent. Therefore, the Oak Grove development plan conforms to this policy.

Growth Management Allocations

The Development Agreement exempts the Oak Grove development from the City's Growth Management Program (Chapter 17.36 of the Pleasanton Municipal Code). As permitted by the Development Agreement, the number of building permits that could be issued for Oak Grove would only be subject to the annual limitation established by the Pleasanton General Plan of 650 units.

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 a proposed development. In lieu of providing on-site units, the Inclusionary Ordinance provides several alternatives to meet the inclusionary requirement: Off-Site Projects, Land Dedication, Credit Transfers, Alternate Methods of Compliance, and Lower Income Housing Fees. The City's lower income housing fee for single-family development is approximately \$9,393 per unit. If an off-site option is used, the provisions in the Inclusionary Ordinance require that the affordable units be produced within five years, unless modified by the City Council.

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. 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 concepts of the plan, which will become part of the development agreement pending City Council approval, would include the following:

- The developer would propose to build 20 affordable units at an off-site location which has yet to be determined. This represents 20 percent of the original 98 units as identified in the housing element. The 20 units would be affordable in perpetuity and would consist of five units at the very low income level, ten units at the low income level, and five units at the moderate income level. 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 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.

California Government Code §65863, et seq.

California Government Code §65863 provides 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.

As proposed with the attached development agreement, the 47 units that will not be built on the Oak Grove site would be constructed on a different site in the City.

Assuming the City Council finds this concept acceptable, there are presently five potential sites available in the City where this density could be applied:

- The BART property by Stoneridge Mall.
- The Staples Ranch property.
- 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 above-identified sites would provide the opportunity to locate an additional 47 units.

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
Trail Staging Area						5	0	0	5
Total New Trips						37	48	54	49
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
Trail Staging Area						5	0	0	5
Total New Trips						22	25	28	28

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 average 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. Hence, the analysis and mitigation measures for the 51-unit plan are those originally identified for the 98-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 total 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.

Public comment questioned the traffic impacts from the second units that are allowed on these lots reflecting §65852.2 of the California Government Code. As a use considered by the City to be incidental to the function of the primary structure/residence allowed for these lots, staff considers the potential traffic from second units to be covered by the traffic analysis completed for the 98-unit development plan, which is approximately double the size of the 51-unit plan. Therefore, staff considers the traffic generated by the second units, even if every lot of the 51-unit plan were to have a second unit, to be covered by the FEIR.

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 proposed with the neighborhood park of the 98-unit plan. 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 levels-of-service analyses or the traffic levels on Hearst Drive.

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 on the following page 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
1	Bernal Avenue @ Angela Street	AM	12.7	B	14.4	+ 1.7
		PM	31.3	D	35.2	+ 3.9
5	Bernal Avenue @ Hearst Drive	AM	4.0	A	5.8	+ 1.8
		PM	27.4	D	55.7	+ 28.3
6	Bernal Avenue @ I-680 Southbound On-Ramp	AM	>9999	F	>9999	N/C
		PM	5,158.3	F	5,170.2	+ 11.9
9	Bernal Avenue @ Valley Avenue (Bernal Properties)	AM	44.2	D	45.0	+ 0.8
		PM	87.9	F	89.4	+ 1.5
18	Santa Rita Road @ Stoneridge Drive	AM	58.1	E	58.2	+ 1.1
		PM	67.8	E	68.0	+ 2.2
19	Santa Rita Road @ Valley Avenue	AM	39.4	D	39.4	n/c
		PM	58.6	E	59.0	+ 0.4
20	Stanley Boulevard @ Valley Avenue/Bernal Avenue	AM	106.8	F	107.1	+ 0.3
		PM	68.6	E	69.7	+ 1.1
21	Stoneridge Drive @ I-680 Northbound On-and Off-Ramps	AM	11.4	B	11.4	n/c
		PM	75.0	E	75.2	+ 0.2
22	Sunol Boulevard @ I-680 Northbound On-and Off-Ramps	AM	84.0	F	84.3	+ 0.3
		PM	128.6	F	130.2	+ 1.6
24	Valley Avenue @ Blackbird	AM	22.4	C	22.4	n/c
		PM	39.9	E	40.2	+0.3

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/Hearst Drive, the Oak Grove project would increase the delay by 103.5 percent, from 27.4 to 55.7 seconds.

- 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.

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 development fees for the 51 units at the rates in effect when the first 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 Transportation Development fees (regional traffic fees) for the 51 units at the rates in effect when the first 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 will need 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 preferred alternative 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 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. The DEIR analyzed several concerns related to:

- 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

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.

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. During a survey conducted in July 2005, two adults thought, by the biologist conducting the survey, to be *Speyeria callippe callippe* were observed but definitive sub-species identified could not be made. Additional field work will be required to make a conclusive determination.
- 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

Based on the surveys conducted on the site to date, it has been determined that the project site contains *Viola pedunculata*, the larval host plant 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.

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/Heritage Trees**
Blue oak woodland is the dominant plant community within canyons and swales on the project site and is considered to be sensitive habitat. The Lin property includes approximately 237 acres of blue oak woodland. A total of 58 Heritage-and non-Heritage and blue oak woodland size trees would be removed with the development of this site. Of these trees, 29 are classified as Heritage-size trees by the City's Heritage Tree Preservation Ordinance.
- **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) survey shall be conducted in consultation with the USFWS to render a decision regarding the presence/absence of Speyeria callippe callippe and, if present, an appropriate mitigation monitoring and implementation plan will be prepared. 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 and/or creation 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.

Of the 400 trees proposed to be planted in the open space areas, 220 trees would be replacement trees for the blue oak woodland trees and 180 trees would be replacement trees for other species. The replacement trees would be required to be planted in the development's open space areas with the first phase of subdivision construction, and

would be maintained by the applicant for five years after installation and/or until the planting is accepted by the Director of Parks and Community Services.

Much discussion has occurred with the applicant regarding the species and 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 removal 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 revegetation plan which will determine the replacement species and the ratio of sizes to the review of the first Final Subdivision Map also subject to the review and approval by the Planning Director.

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/Heritage Tree Mitigation Plan to the Planning Director for review and approval before the City Council's action on the first Final 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, and 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 seismicity 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 mass grading of the subdivision, 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 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.
- 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 would otherwise be 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 prior to the approval of the first final subdivision map.

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, barbecue 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.

Wildland/Urban Interface Plan

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.

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 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.

Livestock Grazing

As conditioned, cattle, sheep, and goats 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 review of a grazing management plan with the final subdivision map in conjunction with determining the extent of the habitat areas to be preserved and their specific locations. Staff notes that by allowing livestock 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 greater than that in limited circumstances including the public safety 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 or pay for the purchase of a new Type 3, four-wheel drive, four-door fire truck 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.

Residential Fire Sprinklers

All structures, including primary and accessory structures which may/may not be enclosed, 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

The City is sensitive to the importance of requiring adequate access to developments that may be adjacent to large tracts of open space areas that could be difficult to access in the event there may be an emergency, whether that emergency is a fire, a landslide, an earthquake, or other. The City has had a policy in the more recent past requiring two locations of ingress and egress from a site that poses concerns related to emergency services, albeit there are many examples in the City that do not currently have this level of protection. The subject site was reviewed by staff and determined that this site has pre-existing access points which would need to be improved from the collector streets in the adjacent subdivisions.

One point of access is located as an extension from Benedict Court lying midway along the westerly boundary of the site which terminates at the Kottinger Ranch water tank, and the other access point is located on a public access easement that begins at the existing Grey Eagle Court cul-de-sac (within the Grey Eagle Estates subdivision), continues beyond the existing Grey Eagle water tank, and continues to the northern property line of the project site. Although portions of these easements are improved, these points of access are currently unimproved to the optimal standard of a 20 foot wide paved roadway sustaining up to a 50,000 pound load. Both of these easements have been recorded with the respective tract maps for Kottinger Ranch and for Grey Eagle Estates, thus ensuring the ability of City police and fire to reach residents in a timely fashion in the event of an untoward incident.

During the process of evaluating the project and particularly the environmentally preferred alternative, which significantly reduced the number of homes from 98 to 51, staff from all departments discussed the optimal location(s) for emergency access and found that the largest concern is actual response time. This response time is quicker from the Grey Eagle Estates point of access than the Benedict Court access, however, there is value in having both available for City use.

The Kottinger Ranch and Grey Eagle Estates residents have engaged in considerable discussions with City staff in defining what respective concerns exist independent of each other. Those discussions have identified various issues which include:

- a desire to not have only one neighborhood bear the “burden” of emergency access to the proposed subject site;

- that there does not seem to be enough detail related to how the access will be constructed in terms of actual width, need for retaining walls, or other potential constraints;
- that not enough alternatives to the existing points of access have been researched that may be more preferable;
- that the existing topography is not compatible with the proposed points of connection;
- that there is an issue of liability should there be an exodus from the Oak Grove site during an emergency which may expose residents owning property to the middle of Grey Eagle Court;
- that the location is inappropriate when looking at potential fire patterns and prevailing wind shifts that make the Grey Eagle access inadvisable;
- that there is no way to restrict access from the Oak Grove site to the Grey Eagle development from individuals enjoying the open space area;
- that fencing and gates have not been clearly defined;
- that there is no definition that allows egress from the site, and that at the very least, emergency vehicles should only be allowed to enter Oak Grove from Grey Eagle, but that in the event of an emergency, no one should be able to exit the site at that location; and,
- that the location of the easement is in conflict with the location of the proposed Allen Roberts residence in the Grey Eagle Estates development.

Staff has met with both neighborhoods independently to research these concerns and come back with potential solutions. In an effort to allay fears that numerous vehicles would be accessing either point, staff recommends the following:

- The public access extending from Benedict Court would be connected to the cul-de-sac by Lot 51 to the south of the project. This access will require the construction of a permanent bridge. This access would be considered a fire road and considered to be a secondary point of ingress and egress for the purposes of providing access out of the site for people who might be enjoying the south half of the open space area. Figure 7 on the following page shows this proposal.

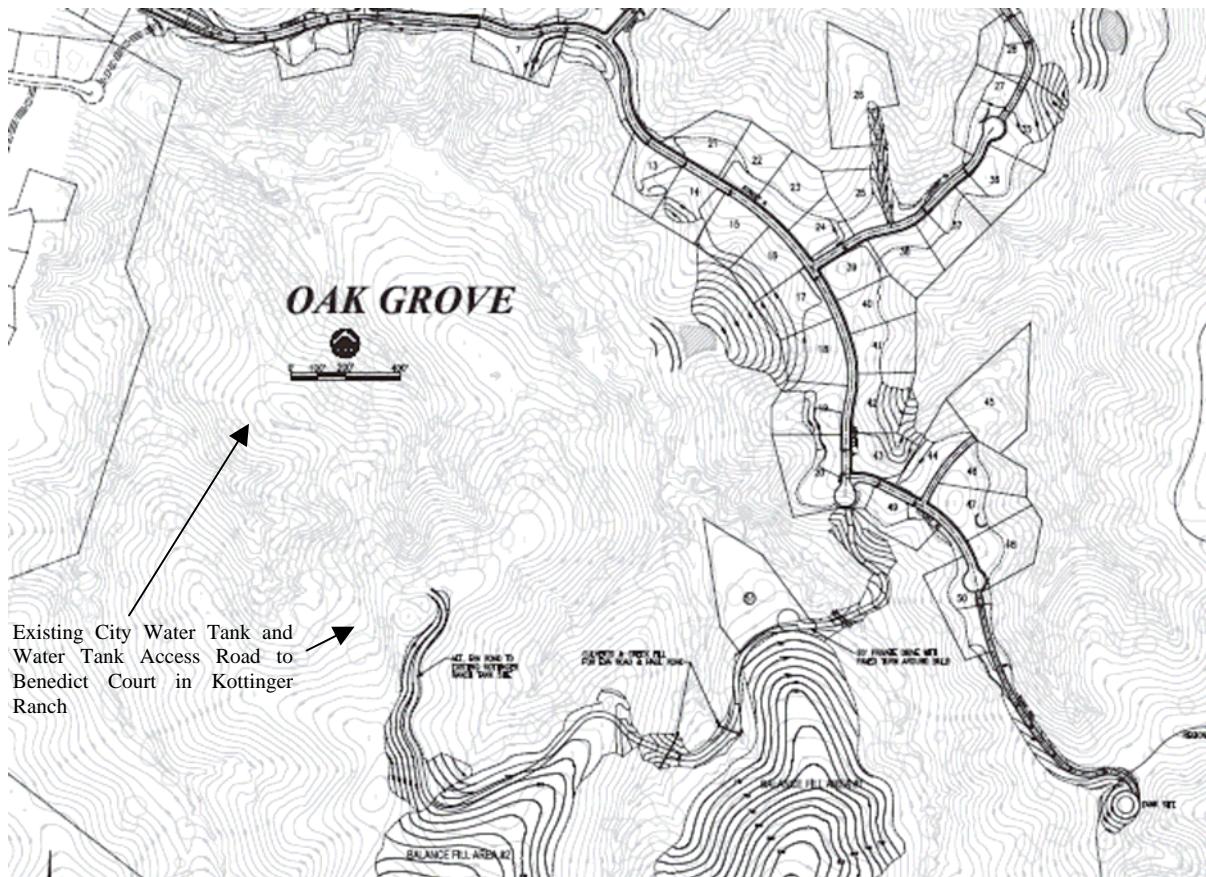


Figure 7: Fire Access Road from the City Water Tank/Benedict Court to A Street

- That the unimproved portion of the public access easement that exists between the Grey Eagle Court cul de sac and the northern property boundary of the Project site be improved. Depending on the final location of the easement, retaining walls may need to be constructed. Currently, the easement is improved south of the cul de sac for about 130 feet. Although the improvements do not occupy the full 20 feet of the City's easement, staff recommends those improvements remain without further enhancements. South of the 130 feet, the easement would be improved with an all weather surface to the 20 foot width needed to provide public safety vehicles to pass each other. The developer will install a gate at (or near) the Oak Grove property line to prevent persons using the Oak Grove site (including the open space area) from using the easement. Signage would also be provided.
- Other alternatives were looked at. However, the City currently has these pre-existing access easements that can be improved for the benefit of providing emergency services to the site. Although other points could be considered, they have not appeared to be as suitable related to emergency response time, distance to the primary Hearst Drive entry in two alternative cases, or the considerable financial cost to the applicant in light of the fact that these points of access already exist.

- The points connecting the developments are beneficial for existing residents as well in that emergencies can happen anywhere, not necessarily just on the Oak Grove site, and that the proposed development provides additional opportunities for “flight” from existing neighborhoods.
- City staff could recommend to limit the use to only access into the site, however, in the time of crisis, this proposal is very limiting to City emergency service personnel who will be responding to any of the developments.
- The City could provide indemnification in the event that accidents happen during an emergency.
- That the City will accommodate the actual location of the access related to the Robert's homesite proposal, provided that the fire department's concerns are met.

Although staff met with representatives of the Grey Eagle Estates community and outlined these proposals, there has been no acknowledgement from the residents within the Grey Eagle Estates development that they agree; staff believes they continue to object to the use and improvement of the existing easement location at the north for the benefit of the project.

Access from the Grey Eagle Estates subdivision to the project site exists because:

- 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.
- 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, there exists an easement within the Grey Eagle Estates subdivision for public safety purposes, including access by emergency vehicles, that connects to the project site. A portion of that easement south and west of Grey Eagle Court cul-de-sac has already been improved. If the City wished, it could improve the remainder of the easement should the need exist, even without the project.

Figure 8, below, is a copy of the amended final subdivision map for Tract 5189, which shows the access easement from Grey Eagle Court to the Lin property. Figure 9, below, is an aerial photograph showing Grey Eagle Court, the City water tank, and the properties belonging to Alan Roberts and Robert Grove.

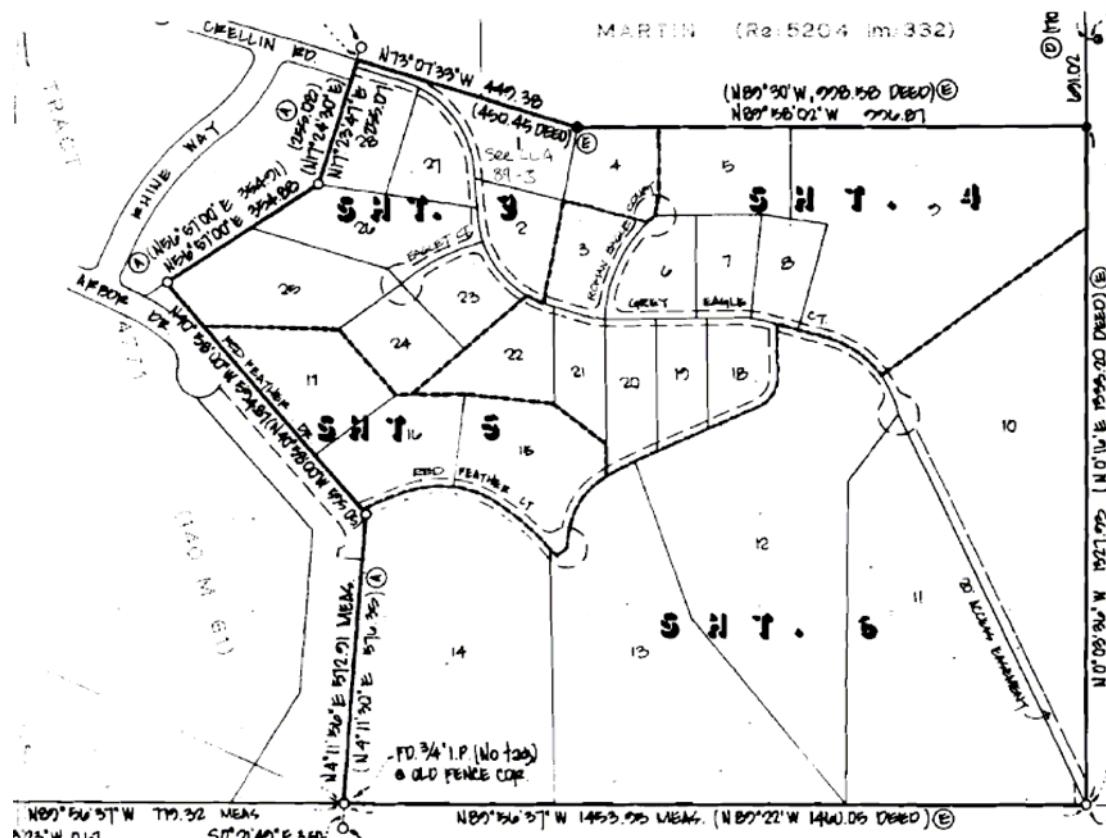


Figure 8: Amended Final Subdivision Map for Tract 5189



Figure 9: Grey Eagle Court and the Grove/Roberts Properties

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.

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. This same development strategy was employed with the Kottinger Ranch development to the west.

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.
- 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 to the 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 entire open space area will be owned by the City of Pleasanton or other public entity. 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, livestock grazing, etc. The livestock grazing would include cattle, goats, and sheep only, and would be managed via a grazing management plan reviewed with the final subdivision map. 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. No additional structures or density would be allowed.
- With recordation of the first subdivision map, an open space/conservation easement will be granted to the Tri-Valley Conservancy or other similar organization authorized to hold open space/conservation easements, thereby providing outside 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 additional review and approval of any changes to the easement area.
- As previously stated, the land use designations for the open space area would be changed to the applicable General Plan open space land use designation with the City's update of the General Plan.

Trails and Staging Area

The City's Park and Recreation Commission and the Trails Ad-Hoc Committee reviewed the proposed open space project area and determined that local and regional trails and a trail staging area should be provided. The trails would generally follow the conceptual locations shown in the Community Trails Master Plan. Figure 10 on the following page shows the conceptual trail locations and staging area location.

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. Security measures for the staging area will be reviewed by the Parks and Recreation Commission with the staging area's design. 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 11 on the following page is a conceptual plan of the staging area prepared by the applicant.

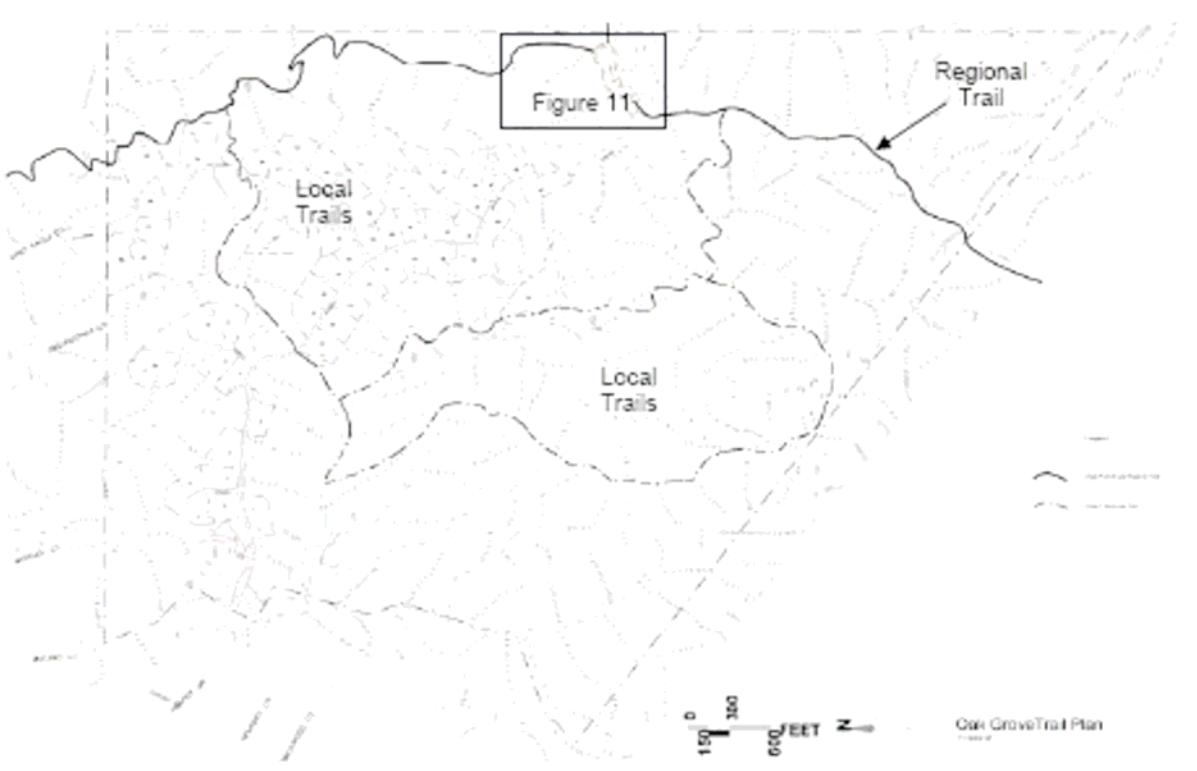


Figure 10: Conceptual Trail/Trail Staging Area Locations

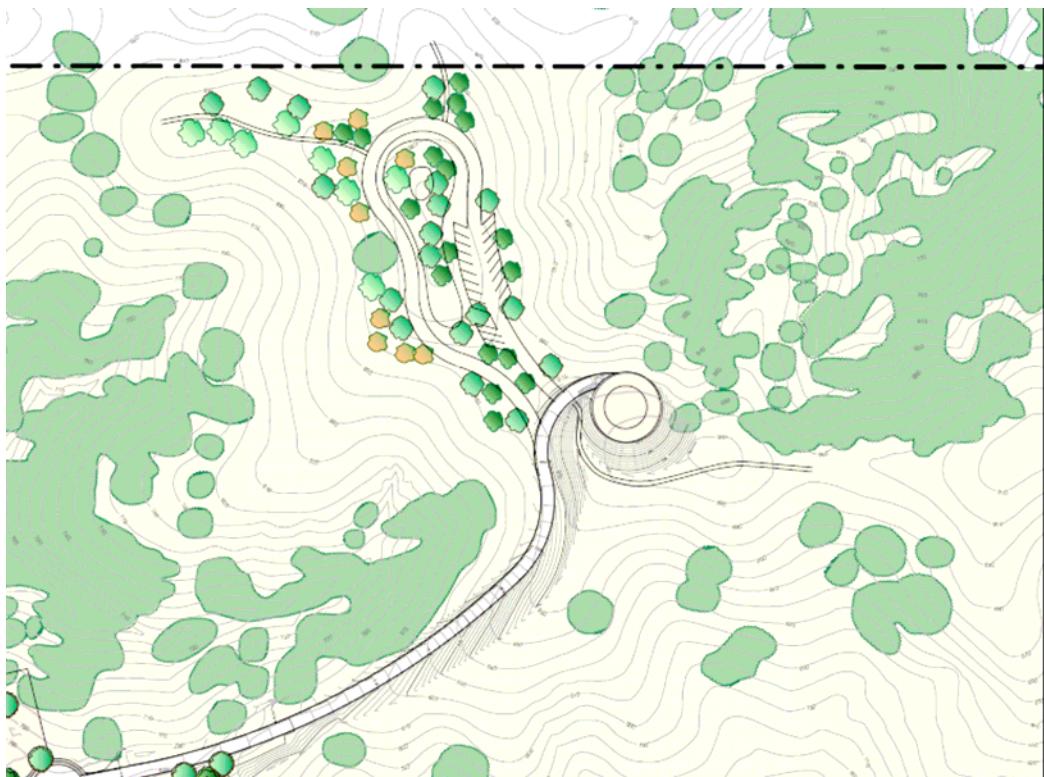


Figure 11: Conceptual Design of the Trail Staging Area

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 proposed grading will result in a total of approximately 620,000 yards of cut and fill material. Of this amount, approximately 390,000 cubic yards will be moved to the stockpile areas. 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 Homeowners Association or by the GHAD.

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

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.

While comprehensive in scope, staff has recommended changes to the design guidelines – floor area ratio, accessory structure building height, second units, etc. – which are detailed in the draft conditions of approval. The discussion of several of these changes follows.

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.

The neighborhoods immediately adjoining the north and west sides of the Oak Grove development would receive notice of the proposed design application. To inform the Planning Commission of the Zoning Administrator's actions, staff would use 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. Also provided is an expanded 20-day appeal period.

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 enclosed accessory structures – second units, cabana buildings, etc., but would exclude open accessory structures – pools, spas, patio covers, arbors, gazebos, etc. – including second units. The required setback for an open accessory structure would be 15 feet or 50 percent of the required primary structure setback whichever is greater.

Building Height

The proposed design guidelines would allow a 30-foot maximum building height, measured parallel to the lot's existing topography. The method for defining building height for the Oak Grove development 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 Oak Grove design guidelines limits the homes to two stories, with a building story defined as an average internal height of 14 feet. The design guidelines (p. 5) would allow a three-story tall house provided that no two-story tall sections overlap each other. For lots designated as “steep-sloped lots” by the Design Guidelines, a 36-foot maximum building height would be allowed to account for the “pony” walls supporting the structure’s lowest floor level. Where a 36-foot building height is allowed, the building elevation facing the street must still maintain a 30-foot building height.

The Design Guidelines, however, do not specify building heights for accessory structures. Hence, staff recommends the primary structure height for an accessory structure located in the building envelope area and 15 feet for an accessory structure located in the building setback area. Only an open accessory structure would be allowed to encroach into a setback area. If the structure straddles the setback line, the lower height standard would apply.

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.

Public concern and comment has been expressed regarding the total building height for structures on sloped lots. The design guidelines do not establish a maximum, total building height for these lots. Staff believes that the visual impact of the houses on these lots would be reduced by the “stepped back” design specified in the design

guidelines. A stepped design would place the upper building stories behind the wall plane(s) of the lower building floors thereby reducing the visual impact and massing of the building's upper floors when viewed from the downslope areas offsite. The design treatment would be augmented by the screen trees required for these lots by the design guidelines in conjunction with the reforestation trees to be planted in the open space areas.

Floor Area Ratio

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 on these lots 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 following discussion covers the evolution of the staff recommendation reflected in the draft conditions.

Applicant's Proposal

The applicant's initial proposal was to limit the majority of the lots on this development to a 25-percent floor area ratio with the provision that Lots 6, 10, 11, 12, 20, 26, 31 through 34, 45, 50, and 51 would be classified as Estate Lots and limited to a maximum house size of 12,500 square feet, unless a larger home is 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 for all 51 lots.

Table 5 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.	20,039 sq. ft.	16,031 sq. ft.
6*	56,216 sq. ft.	12,500 sq. ft.	11,243 sq. ft.	32*	80,154 sq. ft.	20,039 sq. ft.	16,031 sq. ft.
7	47,937 sq. ft.	11,984 sq. ft.	9,587 sq. ft.	33*	84,607 sq. ft.	21,152 sq. ft.	16,921 sq. ft.
8	37,612 sq. ft.	9,403 sq. ft.	7,522 sq. ft.	34*	80,544 sq. ft.	20,136 sq. ft.	16,109 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.	20,317 sq. ft.	16,253 sq. ft.	36	46,682 sq. ft.	11,671 sq. ft.	9,336 sq. ft.
11*	57,483 sq. ft.	14,371 sq. ft.	11,497 sq. ft.	37	42,242 sq. ft.	10,561 sq. ft.	8,448 sq. ft.
12*	49,485 sq. ft.	12,371 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.

Lot	Land Area	25% FAR	20% FAR	Lot	Land Area	25% FAR	20% FAR
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.	20,517 sq. ft.	16,413 sq. ft.
20*	61,808 sq. ft.	15,452 sq. ft.	12,362 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.	11,275 sq. ft.	9,020 sq. ft.
25	39,759 sq. ft.	9,940 sq. ft.	7,952 sq. ft.	51*	90,834 sq. ft.	22,709 sq. ft.	18,167 sq. ft.
26*	84,813 sq. ft.	12,000 sq. ft.	16,963 sq. ft.				

*Otherwise limited to a maximum floor area of 12,500 square feet unless a larger home up to a 25-percent floor area ratio is approved based upon the design.

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 on these lots.

Staff Alternative

Staff, however, believes that the maximum floor area for these lots should be reduced in size and recommends a 20-percent floor area ratio for the 51 lots of this development including the lots designated by the applicant as estate lots. This floor area ratio would include the primary structure and enclosed attached/detached accessory structures. It would yield an average building floor area of 13,720 square feet with the following range of building areas:

- 3 lots with a home ranging from 6,058 square feet to 6,742 square feet,
- 3 lots with a home ranging from 7,408 square feet to 7,952 square feet,
- 23 lots with a home ranging from 8,003 square feet to 8,840 square feet,
- 11 lots with a home ranging from 9,020 square feet to 9,897 square feet,
- 3 lots with a home ranging from 11,243 square feet to 12,362 square feet,
- 7 lots with a home ranging from 16,031 square feet to 16,963 square feet, and
- 1 lot with a home at 18,167 square feet.

Table 7, on the following page, ranks the 51 lots in ascending order by lot area and maximum building area allowed for each lot with the 20-percent floor area ratio. The listed floor areas do not include the exemption for garage floor area.

Table 7: Ranking of Lots By Building Floor Area Ratios

Lot	Area	20% FAR	Lot	Area	20% FAR
39	30,290	6,058	17	43,008	8,602
24	30,814	6,163	13	43,025	8,605
43	33,711	6,742	4	44,200	8,840
40	37,038	7,408	50	45,098	9,020
8	37,612	7,522	18	45,486	9,097
25	39,759	7,952	28	45,804	9,161
29	40,016	8,003	1	46,367	9,273
2	40,041	8,008	36	46,682	9,336
22	40,038	8,008	30	46,950	9,390
46	40,142	8,028	48	47,390	9,478
9	40,189	8,038	7	47,937	9,587
16	40,303	8,061	19	48,038	9,608
3	40,361	8,072	35	48,363	9,673
15	40,454	8,091	12	49,485	9,897
44	40,768	8,154	6	56,216	11,243
38	40,935	8,187	11	57,483	11,497
21	41,037	8,207	20	61,808	12,362
14	41,084	8,217	31	80,154	16,031
49	41,445	8,289	32	80,154	16,031
41	41,796	8,359	34	80,544	16,109
5	41,819	8,364	10	81,267	16,253
42	42,017	8,403	45	82,067	16,413
37	42,242	8,448	33	84,607	16,921
23	42,374	8,475	26	84,813	16,963
27	42,815	8,563	51	90,834	18,167
47	42,851	8,570			

An analysis of these lots follows.

- Lots 6, 10, 11, 26, 31, 32, 33, and 34 face the Grey Eagle Estates development and are located closest to the Grove and Roberts properties. In the opinion staff, the factors of topography, guidelines, and the private lot/public open space reforestation would work together to reduce the visual impacts to the Grey Eagle development. Visual analyses of the lot-specific designs lots will be submitted with the formal lot designs. As conditioned, homeowners on the north side of the Oak Grove development would receive notice of the design applications and would be able to review the plans and register their comments.
- Lot 20 is located at the end of Street "A" and faces the interior of the Oak Grove property.
- Lot 45 faces the west side of the Oak Grove site and, because of its topographic elevation, would not be visible off-site.

- Lot 51 is located near the cul-de-sac ending Street “A”, and would be reached by a private driveway and bridge-crossing over the swale. Its central location on the Oak Grove site surrounded by Oak Grove lots and its topographic elevation separate it from the Oak Grove lots as well as from surrounding properties.

Green Building Measures

The homes covered by this approval will 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 for the lot design 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 or 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 reflecting the applicant's dedication of open space land to the City.

Note that the Development Agreement for Oak Grove reflects the entitlement set forth by the PUD development plan and conditions of approval. However, the Development Agreement does not copy these conditions word-for-word. The Development Agreement 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, City staff will conduct a periodic review and audit of the development 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

Staff understands that the Kottinger Ranch Homeowners Association has reviewed this plan and has indicated its 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.

Attachment 6, Exhibit E-2, Public Communications – 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 – was provided to the Planning Commission with its previous packet. Responses to these comments are contained within the FEIR as noted above. Attached to this staff report are the public comments received by staff since the publication of the previous staff report.

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 project and 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, the single public street connection to Hearst Drive, the emergency vehicle access to Grey Eagle Court, proposed density, traffic and circulation, etc. Early in the processing of this proposal, several neighbors stated that the proposed project was premature given the 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.

Exhibit E-3 is attached which are the City's responses to previous public comments on the north EVA route.

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 designed to match the building designs on these lots with the lots' topography and other natural features, 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 recommend certification of the FEIR;
2. Find that the proposed project conforms to the goals and policies of the Pleasanton General Plan and conforms to the purposes of the PUD Ordinance;
3. Make the PUD Development Plan Findings 1 through 6 as stated in Exhibit C-1;

4. Recommend a condition to require 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. Recommend 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. Recommend that the Development Agreement conforms to the Pleasanton General Plan.

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