

FULL TEXT OF MEASURE PP**Save Pleasanton's Hills & Housing Cap****Purpose**

The purpose of this Initiative is to protect our city from uncontrolled growth and the impact it has on ridgelines and hillsides, traffic, schools, water supply, and our overall quality of life.

I. Pleasanton General Plan Amendments

Policy 12 Program 12.3 on Page 11-17 of the City of Pleasanton August 6, 1996 General Plan is added as shown:

Policy 12.3: Ridgelines and hillsides shall be protected. Housing units and structures shall not be placed on slopes of 25 percent or greater, or within 100 vertical feet of a ridgeline. No grading to construct residential or commercial structures shall occur on hillside slopes 25% or greater, or within 100 vertical feet of a ridge-line. Exempt from this policy are housing developments of 10 or fewer housing units on a single property that was, as of January 1, 2007, "legal parcel" pursuant to the California Subdivision Map law. Splitting, dividing, or sub-dividing a "legal parcel" of January 1, 2007 to approve more than 10 housing units is not allowed.

Policy 15 on Page 11-19 of the City of Pleasanton August 6, 1996 General Plan is added as shown:

Policy 15.3: A housing unit is defined to include any residence that includes a kitchen (sink, cooking device, and refrigerator) and a bathroom (toilet, tub or shower). The City Council shall uphold the housing cap and shall not grant waivers that exclude housing units consistent with this definition.

II. If any portions of this initiative are declared invalid by a court, the remaining portions are to be considered valid.

III. The provisions of this initiative may be amended or repealed only by the voters of the City of Pleasanton at a City general election and overrides any existing General Plan.

ARGUMENT IN FAVOR OF MEASURE PP

Yes on PP (Protect Pleasanton):

- Immediately protects our scenic ridgelines, vital wildlife habitats and oak forests.
- Closes loopholes in our existing voter-approved housing cap.
- Placed on the ballot by over 5,000 citizens.

No on QQ:

- Is a "plan to create a plan" that may NEVER protect ridgelines.
- Continues the loophole that gives our City Council the flexibility to count or not count units toward the voter-approved Housing Cap.
- Placed on the ballot at the request of ridgeline developers and written with a provision to kill Measure PP even if it passes with a majority of votes.

This is black and white:

- **Measure PP** Protects Pleasanton ridgelines NOW.
- **Measure QQ** does not!

Over 5000 concerned Pleasanton residents signed a petition to put this initiative on the ballot because they are concerned with future development that would destroy Pleasanton's scenic ridges forever.

Our City Council majority recently approved two hilltop developments. They approved massive grading of hill-sides, a mile long road spanning the top of many of our Southeast Hills, and removal of extensive wildlife and plant habitat including hundreds and hundreds of oak trees. More than 40 feet will be cut from the tops of our beautiful hills to make pads for mega-mansions. **THIS MUST BE STOPPED!**

Developers are preparing to submit plans for even more environmental destruction of our ridgelines. **This is our last chance to Protect Pleasanton's ridgelines.**

Vote **Yes on PP** (Protect Pleasanton) and continue to enjoy our quaint city while preserving the majestic nature of our surrounding landscape and ridgelines.

This is black and white: Vote Yes on PP (Protect Pleasanton) and No on QQ.

For more information:

www.SavePleasantonsHills.com

s/Kay Ayala

City Council Member (1996-2004)

s/Steve Brozosky

City Council Member (2002-2006),
Pleasanton School Board Trustee

s/Karla Brown-Belcher

Co-author Measure PP

s/Anne Fox

Planning Commissioner

s/Cindy McGovern

Pleasanton City Council Member

*Rebuttal Arguments in Support or Opposition
of the proposed laws are the opinions of the authors.*

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE PP

Vote NO on Measure PP

Measure PP promises ridgeline protection but cannot deliver.

- It encourages development of large ultra private estates due to the exemption for ten homes or less.
- It prevents private property owners from dedicating land for parks and trails.
- It does not immediately protect the ridgelines because they are private property.
- It has no provision for environmental review.

The signatures collected reflect the desire of residents of Pleasanton for hillside protection. The current Council shares this vision and included hillside protection as a priority for this term. The Council is committed to acquiring publicly accessible open space to continue our regional trail network.

Measure PP claims to protect Pleasanton ridgelines but actually **jeopardizes** the protection by allowing the exemption for ten homes or less. It forces us into long, complex and costly legal battles.

The accusations made by the authors of Measure PP are untrue. This is a matter of public record.

Every Pleasanton resident values the beauty of our city.

The Council is obligated to protect the taxpayers of this community from costly litigation. The Council is committed to an open public process that includes the **entire** community, even the authors of Measure PP. We want to ensure that the few remaining opportunities to acquire **publicly accessible open space and ridgeline protection** is achieved.

Measure QQ was placed on the ballot to protect the city from costly litigation and to help clarify the issues. We trust the voters will agree.

There is better way. Vote No on Measure PP

s/Cheryl Cook-Kallio

Pleasanton City Council Member

s/Mary Jane Casper

Vice Chair Human Services Commission

s/James A. Dibiase

Vice-Chair, Park & Recreation Commission

s/Bonnie Shamblin

Downtown Business Owner

4th Generation Pleasanton Native

s/Jocelyn S. Combs

Former East Bay Regional Park District Director

ARGUMENT AGAINST MEASURE PP

There is a **better way** to protect our hills and beautiful views.

In a law written to protect our hills, the language must be clear, leaving no room for exceptions or interpretation. That did not happen with the poorly drafted Measure PP and it deserves a **NO** vote.

Measure PP has unintended consequences that will cost Pleasanton taxpayers both time and money. Measure PP will

- Allow Mansions on our ridgelines under its exemption for parcels of ten units or less
- Stop the promised Happy Valley by-pass road
- Eliminate publicly accessible open space
- Prevent additional senior housing

This poorly written Measure also:

- Violates state law by prohibiting second units for in-laws or aging parents
- Violates the rights of property owners within the urban growth boundary
- Lacks any environmental review or public hearings
- Counts extended stay hotels rooms toward the housing cap

This poorly written measure fails to define key words and phrases. The absence of clarification of these terms requires courts to interpret the vague language. If passed Measure PP can only be corrected by another initiative or years of litigation at the City's expense.

When protecting the hills, language must be clear leaving no room for exception or interpretation.

The Council vision for the southeast hills is consistent with our General Plan, which includes open space and a system of publicly accessible trails.

Under the Council's alternative the City will undertake a process of staff research, public hearings and comment, review by the planning commission, and only then, action by the Council. The **entire community** will participate.

There is a better choice, an ordinance supported by local environmental groups, trail advocates and your City Council, Measure QQ.

Protecting the hills is important. Lets do it RIGHT. **VOTE NO on Measure PP.**

s/Cheryl Cook-Kallio

City Council Member

s/Arne Olson

Planning Commissioner

s/Becky Dennis

Chair, Kottinger Place Redevelopment Task Force

s/Dolores Bengston

Open Space and Trails Advocate

s/Patricia Belding

Chairperson, Citizens for A Caring Community

Rebuttal Arguments in Support or Opposition of the proposed laws are the opinions of the authors.

REBUTTAL TO ARGUMENT AGAINST MEASURE PP

The arguments against Measure PP are untrue. Don't be misled. **Please read Measure PP.** You'll find Measure PP clearly is the measure that protects our precious ridgelines NOW.

Measure PP (Protect Pleasanton):

- Protects all ridges. Parcels of ten units or less are already protected by city policy.
- Protects property rights under existing General Plan.
- Does NOT eliminate public open space.
- Does NOT prevent additional senior housing.
- Does NOT count second units, per state law, toward Housing Cap.

Pro-development advocates and individuals against the voter approved Housing Cap want Measure PP to fail. They simply want more housing in Pleasanton.

This council majority approved mega-mansion housing developments on ridgelines that move more than **70,000 truckloads of dirt** to create roads and housing pads. Now they are saying they want to protect ridges. Their actions are in direct conflict with their words. **Actions speak louder than words.**

This is black and white:

- **Measure PP Protects Pleasanton Ridgelines NOW.**
- **Measure QQ does not!**

Measure PP, signed by over 5,000 Pleasanton residents, was written by experienced city planners, slow-growth proponents, open space advocates, trail advocates, and residents who want to preserve our ridgeines and voter-approved Housing Cap.

By voting **Yes on PP** (Protect Pleasanton) and **No on QQ**, your ACTION will ensure the quality of life we now enjoy.

Vote **Yes on PP** (Protect Pleasanton) and **No on QQ**,

www.SavePleasantonsHills.com

s/Matt Sullivan

Pleasanton City Council

s/Brian Arkin

Planning Commission (1999-2006) & Trails Advocate

s/Ben Tarver

Former Mayor of Pleasanton/Friends of Pleasanton Steering Committee

s/Karen Ellgas

Park & Rec Commissioner

s/Meribeth Detweiler

Human Services Commissioner

**SAVE PLEASANTON'S HILLS & HOUSING
CAP INITIATIVE MEASURE PP**

PP

MEASURE PP: Shall the Save Pleasanton's Hills and Housing Cap Citizens' Initiative be adopted?

YES

NO

**CITY ATTORNEY IMPARTIAL ANALYSIS OF
MEASURE PP**

Save Pleasanton's Hills & Housing Cap Initiative

A general plan is a set of long-range goals, policies and programs guiding land use decisions. City decisions regarding development of property within Pleasanton are currently governed by the 1996 General Plan.

This Measure would add a new policy to the General Plan to prohibit placing housing units and structures, and prohibit grading to construct residential or commercial structures, on properties with slopes greater than 25% or within 100 vertical feet of a ridgeline. Housing developments of 10 or fewer units on a legal parcel are exempt from this policy.

The General Plan currently provides that the City is to maintain a "Housing Cap" of 29,000 housing units. The General Plan does not provide a definition of "housing unit" but the City's past practice has been to count towards the Housing Cap each single family residence, condominium, mobile home, and apartment unit, but not to count second units or units in assisted living facilities. This Measure would add a new policy to define a housing unit to include any residence having a kitchen and a bathroom and that no waivers be granted to exclude housing units coming within the definition. (Second units, however, are excluded by State law.)

Hillside Regulations

Some clarification of terms in the Measure (e.g., "structure", "ridgeline", how to measure "slope") may be necessary in order that General Plan policies remain internally consistent and to resolve potential conflicts between other City policies and the Measure. Some sentences (e.g., "[S]ub-dividing a 'legal parcel'...to approve more than 10 housing units is not allowed.") are subject to various interpretations.

The Measure's restrictions as to hillside development may result in fewer residences being built in hillside areas. It is expected, however, these units would be built in other areas of the City, although such units would likely be smaller in size. Due to the units' smaller size, some development impact fees the City and other public agencies receive are projected to be less than if larger hillside residences were built. The City's annual net revenues would also likely be reduced.

If hillside housing is not built, but residents built elsewhere in the City, such development would likely be higher density, multiple family dwellings or smaller single family homes, which would help Pleasanton attain its share of regional housing needs for all segments of the

City's population.

Definition of Housing Unit

The Measure would reduce the City's discretion to determine what is a housing unit and the Measure's definition could result in units within assisted living and similar facilities counting towards the Housing Cap, thereby reducing the opportunity for other types of housing units—single family residences, apartment units, etc.—to be built. That would also likely reduce some development impact fees the City and other public agencies receive and reduce the City's annual net revenues.

If voters approve this Measure PP and Measure QQ, but Measure QQ receives more votes, no portion of this Measure goes into effect.

If this Measure goes into effect, the policies may only be amended by Pleasanton voters.

August 8, 2008

s/MICHAEL H. ROUSH, City Attorney
City of Pleasanton

FULL TEXT OF MEASURE QQ
THE PLEASANTON RIDGELINES PROTECTION
AND GROWTH CONTROL INITIATIVE

The people of the City of Pleasanton do ordain as follows:

Section 1. Declaration of Purpose.

The purpose of this Initiative is to:

- A. Preserve and protect scenic hillsides and preserve views of the ridges that surround Pleasanton.
- B. Achieve that preservation/protection through a collaborative and public process.
- C. Reaffirm and readopt General Plan policies and programs that currently provide, with no exemptions, preservation and protection of hillsides and views of ridges.
- D. Clarify how all types of housing units are counted towards the voter-approved maximum buildout of 29,000 housing units.

Section 2. Findings.

- A. The hillsides and ridges that surround Pleasanton provide spectacular views and the community wants to ensure that these scenic hillsides and ridges are preserved for the protection of public health and safety, to provide for trails in such open space, for the continuation of agriculture and grazing, to protect natural resources and sensitive habitats, and to preserve wildlands.
- B. The General Plan has a policy that Pleasanton residents will participate in land use planning and decision making, and in recognition of such collaborative and public process, an ordinance/design guidelines should be developed to:
 - a. Identify specific ridges, based on engineering considerations related to view lines, geotechnical conditions, elevations (in the Southeast Hills in particular) and other relevant data, where development should not occur.
 - b. Such ordinance/design guidelines must be drafted as expeditiously as possible and by no later than the end of November 2009.
 - c. In drafting such ordinance/design guidelines, the collaborative and public process should include Pleasanton residents, property owners potentially affected by such ordinance/design guidelines, representatives of environmental organizations, open space and trail advocates and other interested persons.
 - d. Such ordinance/design guidelines would be subject to public environmental review under the California Environmental Quality Act (CEQA).
- C. To accomplish such preservation, the Conservation and Open Space Element of the General Plan provides in Goal 1, the following, Program 5.1: Develop a ridgeline protection ordinance and scenic hillside guidelines to improve safety and reduce the potential negative visual impacts of development in hilly areas.
- D. In addition, the Land Use Element of the General

Plan provides in Goal 1, the following: Policy 12: Preserve scenic hillside and ridge views of the Pleasanton, Main, and Southeast Hills ridges; and Program 12.2: Study the feasibility of preserving large open space areas in the Southeast Hills by a combination of private open space and a public park system. And the Conservation and Open Space Element states in Goal 1, the following: Policy 4: Protect all large continuous areas of Open Space, as designated on the General Plan Map, from intrusion by urban development.

- E. Since the voters' adoption of the housing unit cap in 1996, the City Council has consistently determined that all single family homes, multi-family projects (including apartments and mobilehomes) have counted toward the housing cap. Similarly, the City Council has consistently not counted toward the housing cap either second units (as provided by State law) or rooms within extended stay hotels, as these uses are commercial in nature. These actions of the City Council have been consistent with the Land Use Element of the General Plan, Goal 2, Policies 14 and 15.
- F. This Initiative reaffirms, readopts and clarifies existing City policies and programs and therefore no separate environmental review is required.

Section 3. General Plan Policies Regarding Preserving Pleasanton Ridges and Growth Management.

Reaffirmation and Readoption of Policies Concerning Preserving Scenic Hillsides and Ridge Views: The Pleasanton Ridgelines Protection and Growth Control Initiative hereby reaffirms and readopts Land Use Element Policy 12 and Program 12.2, Conservation and Open Space Element Policy 4, as set forth in Section 2.D of this Initiative.

Reaffirmation and adoption of Growth Management Policy Concerning Housing Units: The Pleasanton Ridgelines Protection and Growth Control Initiative hereby reaffirms the General Plan Land Use Element Policy 15 and clarifies how all types of housing units are counted against the housing cap, such that Policy 15 reads as follows: "Maintain a maximum housing buildout of 29,000 units within the Planning area. Each single family residential unit and each multi family residential unit (for example, a condominium, townhouse, each half of a duplex, a mobilehome, or an apartment unit), whether market rate or affordable, shall count towards the maximum housing buildout. Units within assisted living facilities are generally not counted toward the maximum housing buildout due to their commercial nature, but a proportion of such developments may be counted toward the maximum housing buildout based on impacts on community services and infrastructure. Second units and extended stay hotel rooms shall not count against the maximum housing buildout."

Section 4. Implementation.

The collaborative public process identified in Section 2B of this Initiative shall be completed by November

30, 2009.

Section 5. Effectiveness.

- A. Effective Date. This Initiative shall take effect if a majority of the votes cast on the Initiative are in favor of its adoption.
- B. Conflict. The initiative entitled Save Pleasanton's Hills & Housing Cap initiative, which appears on the same general municipal election ballot as this Initiative, shall be deemed to be in conflict with this Initiative. In the event that this Initiative receives a greater number of affirmative votes, the provisions of this Initiative shall prevail in their entirety, and each and every provision of the other initiative shall be null and void.

Section 6. Exemption for Vested Projects.

This Initiative shall not apply to any development project that has obtained as of the effective date of the Initiative a vested right pursuant to State law.

Section 7. Severability.

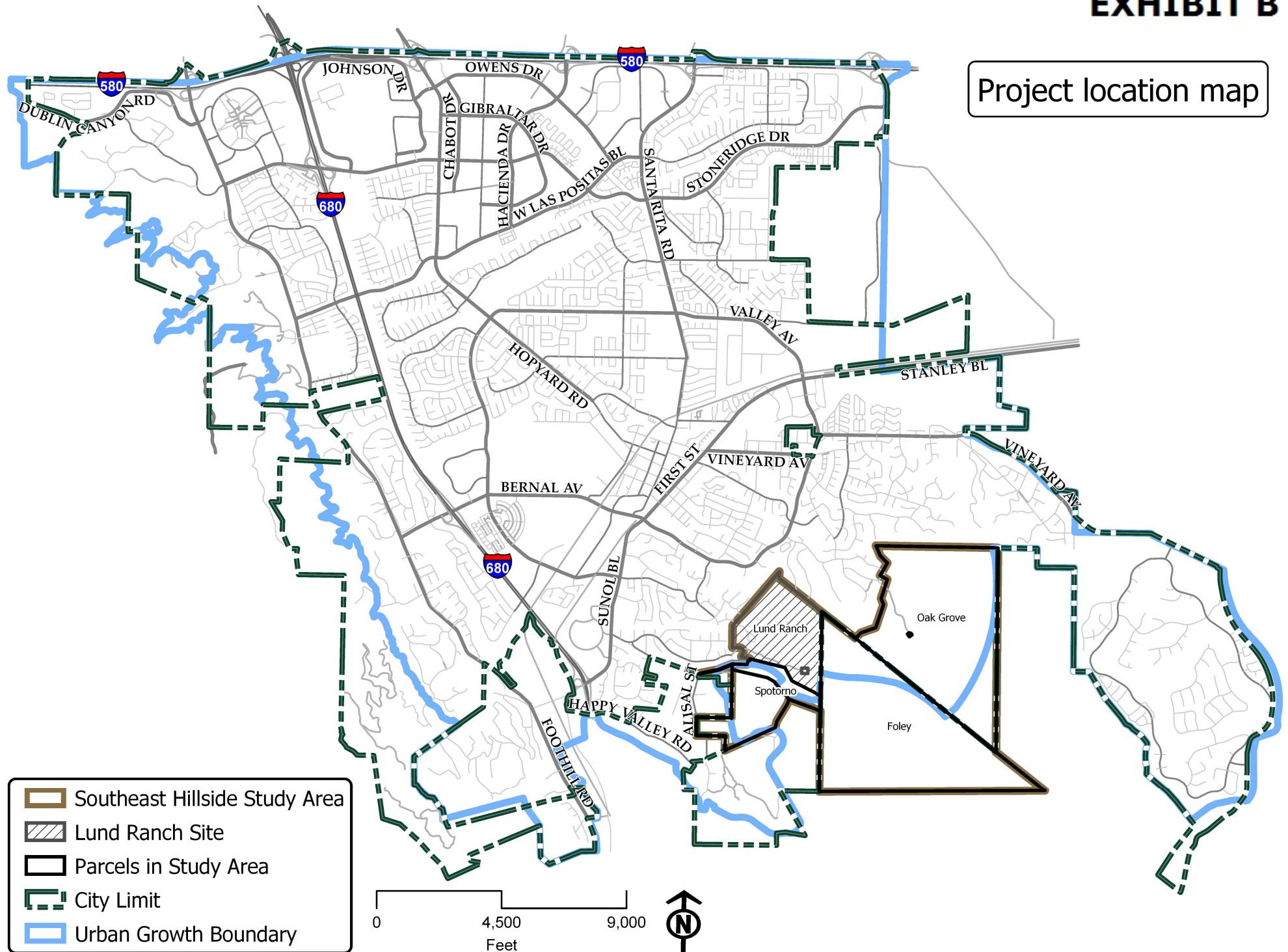
If any portion of this Initiative is hereafter declared invalid by a court of competent jurisdiction, all remaining portions are to be considered valid and shall remain in full force and effect.

Section 8. Amendment or Repeal.

This Initiative may be amended or repealed only by the voters of the City of Pleasanton at a City election.

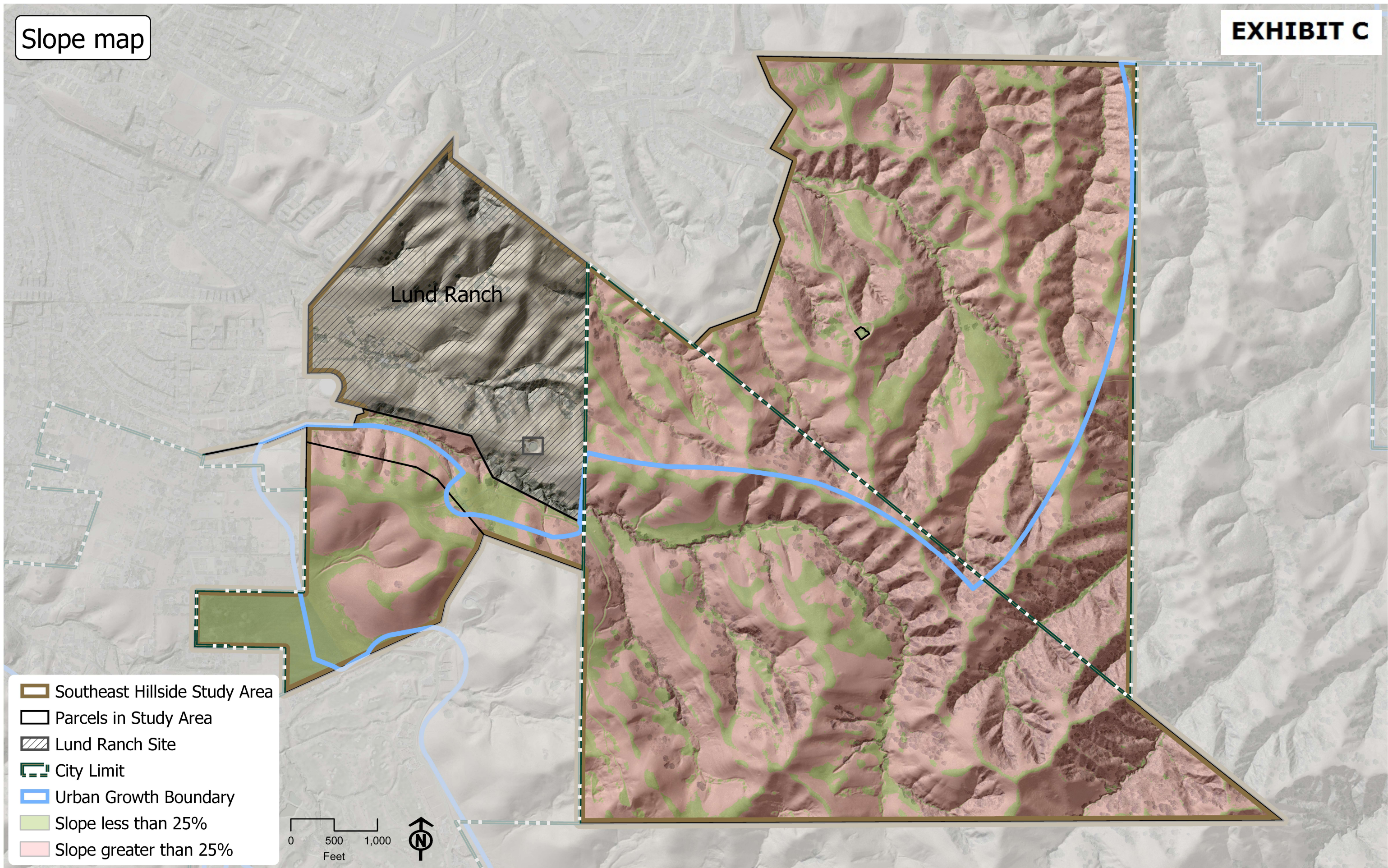
EXHIBIT B

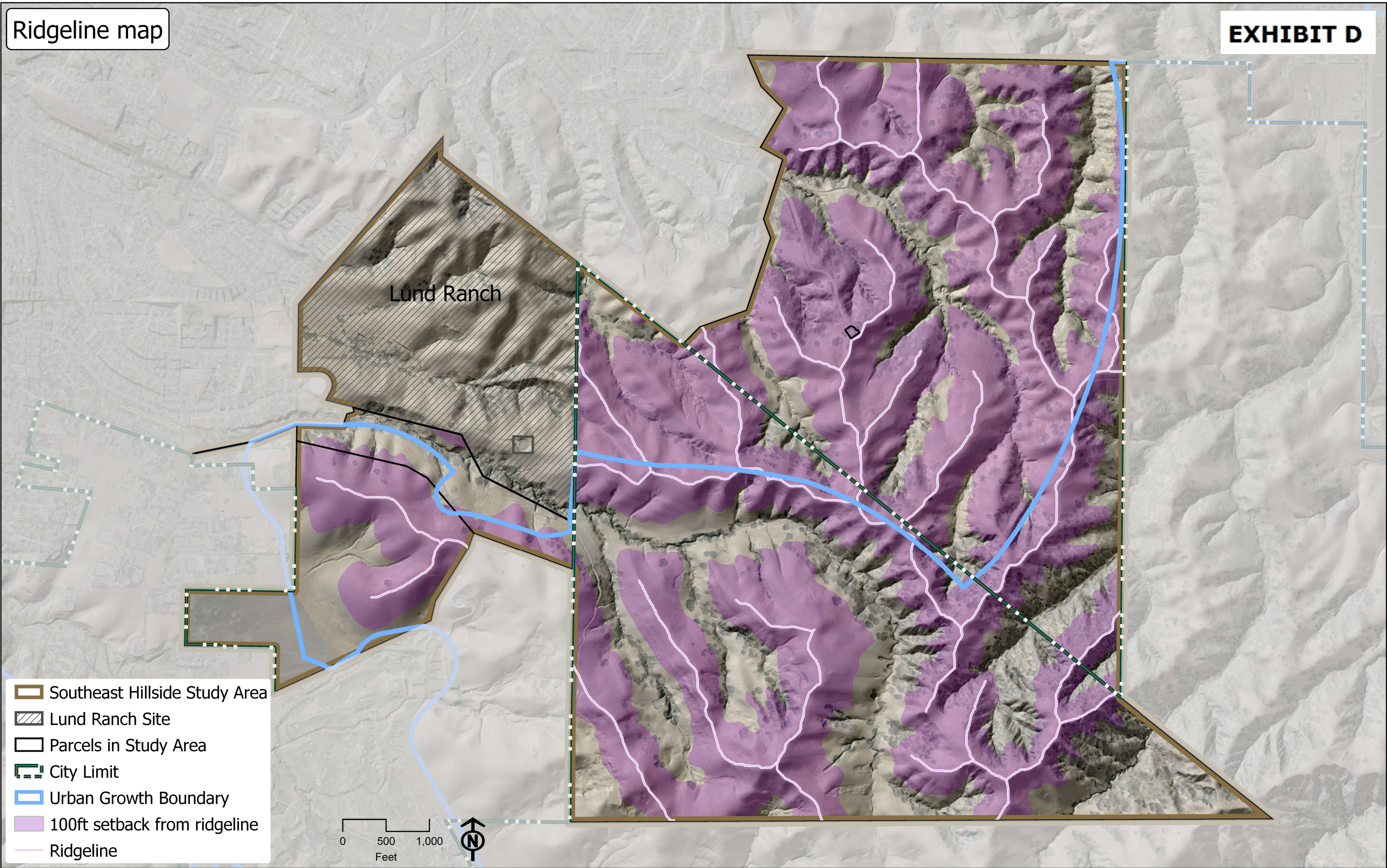
Project location map



Slope map

EXHIBIT C





Development potential map

Development of 10 or fewer housing units on a single legal parcel is exempt from Measure PP

EXHIBIT E

