

**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