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### PARC OPPOSES PLEASANTON MEASURE D OAK GROVE SUBDIVISION

**51 mansions on top of Kottinger Ridge and adjacent ridgelines do not preserve the ridgelines.**

In 2006, the Board of Directors of the Preserve Area Ridgelines Committee, after studying the Oak Grove proposal in depth, voted to oppose it. The current Oak Grove proposal with a ridgetop housing subdivision of 51 large luxury mansion estates is an equally bad development plan to the 86 unit Kottinger Hills proposal that the Pleasanton voters overturned in the November 1993 election.

PARC has prepared an educational video on the history of both the Kottinger Hills and Oak Grove project. Please view it here: <http://www.youtube.com/watch?v=fze-HwYbPUQ> (Click on link)

#### **Background:**

After the Courts upheld County Measure D in 2003 that the Lins had sued to invalidate<sup>i</sup>, the Lins resubmitted a proposal to develop Oak Grove in Pleasanton and requested a special review process to deviate from the city's standard development review process. The City then announced that long time Planning Director Brian Swift was resigning.

In many circumstances, when a project is rejected by the voters, the developers' normal course of action to come up with a new plan is to meet with the public via workshops to come up with alternatives. Instead, the developer submitted a proposal for 98 units, 12 more than the 86 units the voters rejected in November 1993.

The proposal flattens with extensive grading the main Kottinger Ridge to build the houses, in spite of the fact that in County Measure D, voters had agreed that houses should not be built on ridgetops or hilltops, and that rooftops cannot protrude over ridgetops, or be built on slopes exceeding 20%. The previous Kottinger Hills proposal had the houses in a valley, but Oak Grove proposed an approach of ridgetop mansions, indeed an unusual strategy since Pleasanton in its history has already had five separate ballot measure efforts to protect ridges.

Furthermore, the approach of destroying a ridgetop for housing construction is almost unheard of these days in the San Francisco Bay Area.

The Kottinger Hills EIR identified a 20 unit project as an environmentally superior alternative. To develop a revised plan, up front work is normally undertaken to engage the community and environmental organizations in a cooperative effort for there to be a "win win" proposal of a truly environmentally superior proposal. That didn't happen. Instead, the housing units were moved directly to the ridgetops, "Hills" was removed from the proposal name, plans were filed with the city, and the developer hired the ex-mayor to expedite the approval process.

#### **PARC's Reasons for Opposing the Project:**

The three primary reasons for PARC opposing the proposal are:

1. Grading Ridgetops with Unstable Soils to Make Flat Pads for Housing.

The 1996 Pleasanton General Plan has preservation of the scenic views of the Southeast Hills as a policy, and the Municipal Code has Hillside Planned Development provisions. In spite of these policies being incompatible with the Oak Grove ridgetop housing approach, the City approved the Oak Grove development plan, an environmentally

destructive project which involves invasive roadcuts and scarring ridgeline development, along the main ridge called Kottinger Ridge.

Voters established protections for the County's ridgelines and viewsheds with November 2000 County Measure D, which prohibits rooftops from protruding over ridgetops or hilltops and prohibits houses from being built on slopes greater than 20%. The Oak Grove project would not be allowed anywhere in the East County Area of Alameda County.

The plan does not preserve the ridgelines and does not preserve the scenic views. Instead, the plan scrapes off up to 43 feet off the top of ridgetops to make flat pads for housing, then places .7 million cubic yards of excavated dirt in a 26 acre dumping area. Most of the property area is steeply sloped with slopes greater than 25%. Pleasanton's General Plan identifies most areas of slopes greater than 25% as unbuildable terrain and has specified these as "Public Health and Safety," a land use designation that restricts development.

Not only is the approved project incompatible with the General Plan policy of preserving the scenic views of the Southeast Hills, but the landslide map within the EIR shows that over 40 landslides are under or directly adjacent the planned lots or planned roadways. The combination of rain, the proximity of several earthquake faults, and the existing landslides, create a geologic setting that makes the housing subdivision susceptible to a number of geologic hazards.

## 2. Portion of Project Outside of County Voter-Approved Urban Growth Boundary

The Oak Grove proposal includes a water tank outside the Urban Growth Boundary. The Urban Growth Boundary for the East County Area Plan was approved by county voters in 2000. We are surprised that Pleasanton would place infrastructure to support a Pleasanton subdivision outside of the East County voter-approved Urban Growth Boundary without voter approval to adjust the Urban Growth Boundary outward. The entire project must be resubmitted to be within the Urban Growth Boundary.

## 3. Not Properly Vetted

A 20 unit development plan discussed in the Kottinger Hills EIR as the environmentally superior alternative should have served as a starting point for discussions to explore what would be put on the drawing board for the revised plan. Instead, a predetermined development approach of houses on the ridgetops was submitted to the City.

Prior to that, there were no community workshops to determine what would be a more acceptable approach. Instead there were post-hoc "closed door" meetings where the purpose was to "sell" the already submitted ridgetop plan to three members of the immediate neighborhood. Though the number of house sites decreased from 98 to 51, it did not meaningfully reduce the footprint of the development, because the sizes of the houses in the 51 mansion plan were doubled or tripled in size. However, the photo-simulation visuals within the EIR were not adjusted to show the visual impact of the much larger mansions.

Three city council members who voted in favor of the project have publicly stated recently that the housing is not on ridgelines. This is odd because from the Initial Scoping meeting in February 2005 to the project approval in November 2007, this was discussed numerous times within the minutes of city meetings. Furthermore, there are several hundred references to this in the text of the project materials, the Draft and Final EIR and in the exhibits. This would lead us to question whether the DEIR and Final EIR were even distributed to the elected officials, and if some of the elected officials even read the materials. CEQA documents that are not read by elected officials cannot be properly vetted.

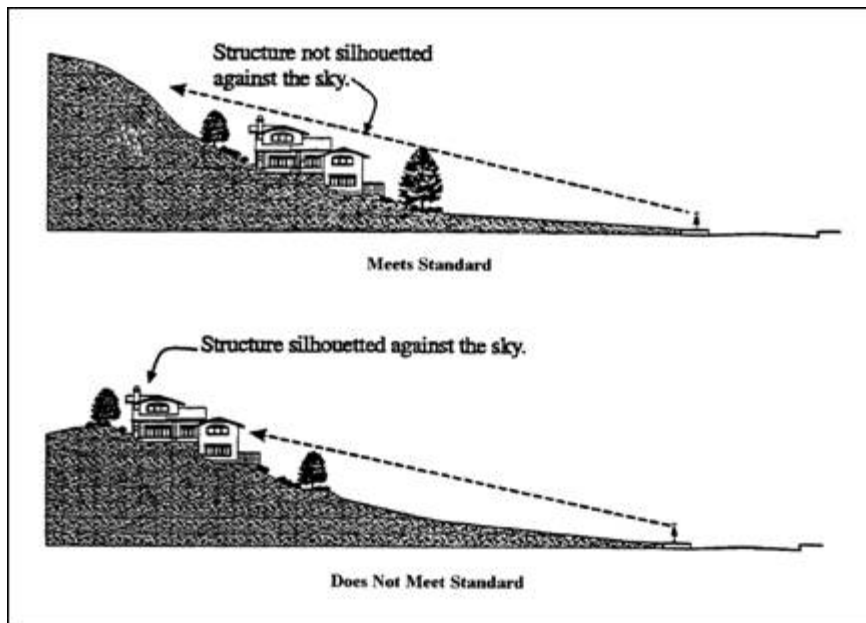
The end result is the development plan was not properly vetted, the Planning Commission found the EIR defective and was removed from the review process, and the City Council approved a development plan with numerous errors, as indicated to the approval ordinance referring to lots that are not supposed to even exist (Lot 54) and considerable inconsistencies regarding whether trails are for public use or are for Oak Grove and Kottinger Ranch homeowners only.

## Next Steps:

The 1996 General Plan contained a policy to develop a ridgeline development ordinance. When the Planning Commission authored one as part of the 2003 General Plan Update process, the City Council majority refused to adopt

it. Faced with this stalling tactic from the City Council majority, citizens collected signatures to protect the ridgelines themselves, and Pleasanton voters adopted Measure PP, which is based largely on the Town of Danville's Scenic Hillside Ordinance. PP is similar to Danville's ordinance to protect the hills and ridges of the Town, which comprise a large part of the natural open space and scenic resources of the community, like Pleasanton. To enforce this policy objective, Danville's ordinance reads, "No development is permitted within one hundred feet (100') (measured vertically) of the centerline of a ridgeline." Similar ordinances exist in multiple cities within the Bay Area.

The developer should resubmit a proposal that protects the scenic views of the Southeast Hills as outlined by Measure PP. In this way, houses can be constructed on more stable soil, and as shown in the diagram from the City of Novato's municipal code, the natural terrain of the ridgeline will be retained.



On the other hand, since the property falls under the original Multijurisdictional Ridgelines Study Area, which has been used by the East Bay Regional Parks District as a roadmap to purchasing open space, the EBRPD may be more than delighted to enter into negotiations to purchase the property. Pleasanton has funds that can be used to contribute to its purchase. The Altamont Settlement Agreement fund which allocates \$.75 per ton of trash dumped in the Altamont Landfill to an Open Space Account specifically for the purchase of open space, currently has several million dollars within this fund. Pleasanton is allowed to use 20% of the fund for purchase of Pleasanton open space, which is conditional upon a three way vote of Pleasanton, Alameda County, and the Sierra Club.

#### **For Additional Information:**

We have posted several city-prepared diagrams of the subject property including site constraints, features, and slope analysis on PARC's Facebook page at:

<http://www.facebook.com/pages/Preserve-Area-Ridgelines-Committee/112623888780268>

**The Preserve Area Ridgelines Committee is a non-profit organization formed in 1972 by citizens of Alameda and Contra Costa Counties. PARC has vigorously advocated local, state, and federal measures to preserve the Ridgelines and has worked to inform the public on these issues.**

<sup>i</sup> Shea Homes Limited Partnership, Hong Yao Lin, Jennifer Lin and Trafalgar, Inc v. County of Alameda, Sierra Club, Preserve Area Ridgelines Committee, Golden Gate Audubon Society, Greenbelt Alliance, Earthjustice lawsuits - A097072, A097387, A097454