

**THE PLEASANTON RIDGELINES
PROTECTION AND GROWTH CONTROL
INITIATIVE MEASURE QQ**

QQ

MEASURE QQ: Shall the Pleasanton Ridgelines Protection and Growth Control Initiative be adopted, that would preserve scenic hillsides and ridges surrounding Pleasanton, and affirm and implement policies that protect hillsides and define housing units that respects the voter-approved housing cap?

YES

NO

**CITY ATTORNEY IMPARTIAL ANALYSIS OF
MEASURE QQ**

Pleasanton Ridgelines Protection and
Growth Control 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 involves reaffirming policies and a program in the current General Plan that: (a) preserve scenic hillside and ridge views in part by studying the feasibility of preserving large open space area in Pleasanton’s Southeast Hills; (b) protect continuous areas of Open Space from intrusion by urban development; and (c) confirm the 29,000 unit Housing Cap and clarifying how different housing types are counted towards the Housing Cap.

Because the City Council adopted these policies and program into the 1996 General Plan, the Measure is described as a reaffirmation and readoption of these policies and program. If this Measure passes, these policies and program can only be changed by Pleasanton voters.

State law requires that residential development projects and many other land use decisions be consistent with General Plan policies. Accordingly, if this Measure is approved, future land use decisions, in context of properties that have scenic hillsides and ridge views and/or areas of open space, would need to demonstrate how such hillsides and ridge views were “preserved” or how such open space was “protected” from urban development. While that type of analysis is already required for land use decisions because these policies are part of the current General Plan, voter adoption of these policies will require such analysis to continue in the future.

The Measure also discusses another program in the General Plan, Conservation and Open Space Element Program 5.1, which calls for development of a ridgeline protection ordinance and scenic hillside guidelines. The Measure does not provide for voter adoption of this current program, but rather describes how such an ordinance and guidelines might be developed, including who could be involved, elements that might be considered, the requirement for environmental review, and a deadline for completion. This explanation of a process for the development of such an ordinance and guidelines, where detailed, is not

specific as to any required outcome. Therefore, there is no provision requiring the City to enact what might be developed.

This Measure would more specifically define which housing units count toward the Housing Cap (of 29,000 units), as follows:

- ✓ Count towards Housing Cap: Each single family home, condominium, townhouse, each half of a duplex/duet, each mobile home and apartment unit.
- ✓ Do Not Count towards Housing Cap: Second units, rooms in extended stay hotels, and units in assisted living facilities.

Regarding assisted living facilities, this Measure provides the option, at the discretion of the City, to count some units of those facilities towards the Housing Cap, based on “impacts on community services and infrastructure”, which could include projected use of the Pleasanton Paratransit Service, City facilities such as the Senior Center, or calls for Fire Department paramedic response.

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

Dated: August 8, 2008

s/MICHAEL ROUSH, City Attorney
City of Pleasanton