



**CITY COUNCIL
CLOSED SESSION SPECIAL MEETING
NOTICE AND AGENDA**

Tuesday, September 17, 2024

4:45 p.m.

Revised

**City Council Conference Room
200 Old Bernal
Pleasanton, CA 94566**

**Councilmember Nibert teleconference
location:
2160 McKinleyville Ave.
McKinleyville, CA 95519**

NOTICE IS HEREBY GIVEN, pursuant to section 54956 of the California Government Code, that a special meeting of the City Council of the City of Pleasanton is hereby called.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT – *Comments are limited to three minutes and to only those items listed on the agenda.*

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION

pursuant to paragraph (1) of subdivision (d) of Section 54956.9:

Case: Vedula v. City of Pleasanton; Alameda County Superior Court No. 23CV043189

2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2)(d) of Government Code Section 54956.9: One potential case: See November 27, 2023 letter from Thomas B. Mayhew and Charles J. Higley (attached)

ADJOURNMENT

Dated: 9/12/24

Notice

Under Government Code §54957.5, any writings/documents regarding an open session item on this agenda and items received by the City Clerk's Office by 12:00 p.m. on the day of the meeting provided to a majority of the City Council after distribution of the agenda packet will be available for public inspection on the City's website <https://www.cityofpleasantonca.gov/> and also at the Pleasanton Library located at 400 Old Bernal Ave., Pleasanton, CA 94566.

Accessible Public Meetings

The City of Pleasanton can provide special assistance for persons with disabilities to participate in public meetings. To make a request for a disability-related modification or accommodation, please contact the City Clerk's Office at 123 Main Street, Pleasanton, CA 94566 or (925) 931-5027 at the earliest possible time. If you need sign language assistance, please provide at least two working days' notice prior to the meeting date.

November 27, 2023

Via Hand Delivery to City Clerk

City of Pleasanton
123 Main Street
P.O. Box 520
Pleasanton CA 94566

Re: Sixty-Day Notice Regarding Housing Element Adopted September 19, 2023

To the City of Pleasanton:

On behalf of the Housing Action Coalition (“HAC”), notice is hereby given and filed, pursuant to Government Code section 65009, concerning the September 19, 2023 adoption of the Housing Element for 2023-2031.

HAC plans to bring an action to attack, review, set aside, void or annul the adoption of the Housing Element for 2023-2031 and the findings and other determinations made in support of the adoption of the Housing Element, and to seek a writ of mandate requiring the City to adopt a new Housing Element that complies with state law. The action will also seek declaratory relief that the Housing Element does not substantially comply with the law, and that the City is not entitled to use certain sites to count towards its Regional Housing Needs Allocation (“RHNA”) for purposes of the No Net Loss statute. The action will also request an award of costs and attorney’s fees.

This action will be based on the grounds that the Housing Element for 2023-2031, as adopted and revised on September 19, 2023, violates Government Code sections 65583 and 65583.2. This includes, without limitation, that the site inventory lists sites with existing uses that create an obstacle to residential development. The City’s methodology did not take these impediments into account and did not engage in a proper consideration of other required statutory factors. With respect to sites claimed to accommodate the lower income categories of the RHNA, the City Council’s findings were not supported by substantial evidence that the existing use was likely to discontinue during the planning period.¹ In addition, the City failed to

¹ To be clear, HAC is in favor of residential development at the challenged sites generally, including the BART parking lot parcels on Owens Drive in particular. The problem is that,

estimate or adjust the capacity of sites based on an evaluation of typical densities at similar levels of affordability, or to analyze existing leases or other contracts that impede construction of housing. Without limiting the foregoing, the prior letters sent on behalf of HAC to the City, dated November 30, 2022, December 11, 2022, January 17, 2023, February 6, 2023, March 13, 2023, and June 1, 2023 are also hereby incorporated by reference as further describing the grounds.

Please contact us if the City is willing to voluntarily correct these issues and adopt a compliant Housing Element.

Sincerely,



Thomas B. Mayhew



Charles J. Higley

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Cc: Dan Sodergren, City Attorney, dsodergren@cityofpleasantonca.gov
Larissa Seto, Assistant City Attorney, lseto@cityofpleasantonca.gov
Ellen Clark, Community Development Director; eclark@cityofpleasantonca.gov
Megan Campbell, Associate Planner; mcampbell@cityofpleasantonca.gov
Corey Smith; corey@housingactioncoalition.org

without substantial evidence that the BART parking lot is likely to be redeveloped before January 31, 2031, it should not have been included as satisfying the RHNA for the lower income categories; Pleasanton was instead required to rezone additional sites to accommodate its RHNA for the lower income categories.